

**GOVERNMENT OF INDIA  
ROAD TRANSPORT AND HIGHWAYS  
LOK SABHA**

UNSTARRED QUESTION NO:4425  
ANSWERED ON:22.04.2013  
BIDS INVITATION FOR ROAD PROJECTS  
Sugumar Shri K.

**Will the Minister of ROAD TRANSPORT AND HIGHWAYS be pleased to state:**

- (a) whether the National Highways Builders Federation has requested the Government to invite bids only after acquiring land and putting other clearances in place;
- (b) if so, the details thereof;
- (c) whether there are projects where the National Highways Authority of India (NHAI) is yet to specify dates for execution of work as there have been no environment and forest clearances; and
- (d) if so, the details thereof?

**Answer**

THE MINISTER OF STATE IN THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS (SHRI SARVEY SATHYANARAYANA)

(a) & (b) National Highways Builders Federation (NHBF) has requested that the bids pertaining to Build-Operate-transfer (BOT) (Toll/Annuity) projects should be invited only in case where 80 % of encumbrances free Right of Way (ROW) in a contiguous stretch of atleast 25-35 kms is in possession of the National Highways Authority of India (NHAI) and the balance 20% of the ROW would be in the possession of NHAI before the appointed date apart from obtaining environment and forest clearances from Ministry of Environment & Forests by NHAI before issue of bidding documents.

(c) & (d) Ministry of Environment & Forest had linked grant of environment clearance with the forest clearance vide their Circular dated 31.3.2011 in pursuance to the judgment of Hon'ble Supreme Court in the case of TN Godhavarman versus Union of India and others [LaFarge case]. Due to this linkage, formal environment clearances were held up for 24 projects. However, with the consistent endeavours made by the Government, Hon'ble Supreme Court has now de-linked the environment clearance from forest clearance in case of linear road projects after considering all the aspects of its earlier judgement. As per the abovesaid order of the Hon'ble Supreme Court, Ministry of Environment & Forest has decided and intimated all the concerned vide circular dated 19.3.2013 that both the clearances can be taken up separately in case of linear road projects subject to certain conditions that work on non-forest land may only be executed upto such point (to be selected by the user agency) on either side of forest land if it is explicitly certified by the user agency that in case approval under the Forest (Conservation) Act, 1980 for diversion of forest land is declined, it is technically feasible to execute the project along an alternate alignment without involving diversion of forest land; commencement of work on non forest land will not confer any right on the user agency with regard to grant of approval under the Forest (Conservation) Act, 1980; and the projects involving widening/ upgradation of existing roads will only be allowed to be executed on the entire stretch located in non-forest land, provided the user agency submits an undertaking that execution of work on non- forest land shall not be cited as a reason for grant of approval under the Act and in case approval under the Act for diversion of forest land is declined, width of the portion of road falling in the forest land will be maintained at its existing level. A total of 11 projects are still pending for environment clearance. Out of these, 6 projects have already been recommended by Environmental Appraisal Committee (EAC) of the Ministry of Environment & Forests and 5 projects are at different stages of seeking of environment clearance. Exact dates for execution of work cannot be specified at this stage.