

**GOVERNMENT OF INDIA  
ENVIRONMENT, FORESTS AND CLIMATE CHANGE  
LOK SABHA**

STARRED QUESTION NO:440  
ANSWERED ON:23.12.2014  
CLEARANCE FOR ROAD PROJECTS  
Rai Shri Nityanand

**Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:**

- (a) whether the Government proposes to streamline the procedural requirements for obtaining No Objection Certificate (NOC) from the forest department with respect to construction of new roads and widening of roads and if so, the details thereof;
- (b) whether any time limit has been fixed for issuing of NOC;
- (c) if so, the reasons for not issuing the NOC within the time prescribed for the road projects including Road from Dalsinghsarai to Vidyapati Nagar in Samastipur, Bihar; and
- (d) the time by which the said NOC is likely to be issued?

**Answer**

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FORESTS AND CLIMATE CHANGE (SHRI PRAKASH JAVADEKAR)

( a) to (d) A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (d) OF THE LOK SABHA STARRED QUESTION NO. 440 BY SHRI NITYANAND RAI REGARDING 'CLEARANCE FOR ROAD PROJECTS' DUE FOR REPLY ON 23.12.2014.

(a) Use of forest land for non-forest purpose, including for construction and widening of roads, requires prior approval of Central Government under the Forest (Conser- vation) Act, 1980. Ministry of Environment, Forests and Climate Change took several measures to streamline the procedure for grant of approval under the Forest (Conse- rvation) Act, 1980 for diversion of forest land for non-forest purpose. Notable among them which will facilitate expeditious and objective decision on proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land for construction of new roads and widening of existing roads are as below:

1. Launched a web portal for online submission and monitoring of the Forest Clearance proposals;
2. Accorded General approval under the Forest (Conservation) Act, 1980 for diversion of forest land required for construction and widening of two lane roads by the Border Roads Organization and other agencies whom the Ministry of Defence entrusts the job, in the area falling within 100 kilometers aerial distance from the line of actual control (LAC) and widening of link roads, between Border roads in the area within 100 kilometer aerial distance from the LAC and National Highways/State Highways/Other State Roads.
3. Extended the general approval under the Forest (Conservation) Act, 1980 for diversion of upto 5 hecatres of forest land for construction of all categories of public roads by Government Departments in 117 LWE affected districts to projects involving diversion of forest land, not located within the protected areas, for construction of two lane public roads by Government Depar- tments in these 117 LWE affected districts irrespective of the area of forest land involved in such projects.
4. Notified the Forest (Conservation) Second Amendment Rules, 2014 to provide for inter-alia constitution of Regional Empowered Committee (REC) at each of its Regional Offices and delegation of power to these RECs to finally dispose of proposals, other than those related to mining, regularization of encroachment and hydel projects, involving diversion of upto 40 hectares of forest land, and all proposals related to linear projects such as roads, railway lines etc. irrespective of the area of forest land involved.
5. Amended the guidelines to provide that in case of linear projects in-principle approval under the Forest (Conservation) Act, 1980 may be deemed as the working permission for tree cutting and commencement of work, if the required funds for compensatory afforestation, NPV, wildlife conservation plan, plantation of dwarf species of medicinal plants, and all such other compensatory levies specified in the in-principle approval are realised from the user agency, and non-forest land for creation of compensatory afforestation, wherever required to be provided by the project proponent, has been transferred and mutated in favour of the State Forest Department.
6. Advised the States/ UTs to not to impose additional conditions over and above the conditions stipulated in the Forest Clearance accorded by the Ministry of Environment, Forests and Climate Change.

7. Rationalized the guidelines for diversion of forest land for entry/ exit of petrol pumps/ fuel stations to make in compatible with the guidelines issued by the Ministry of Road Transport and Highways, keeping in view the passenger safety.

8. Advised States and Union Territories to identify in advance compact/ sizeable blocks of non-forest land or revenue forest land free from encumbrance/ encroachments which are suitable for creation of complementary afforestation and also from management point of view. It has also been stated in the said letter that land available in the land bank may be made available to user agencies seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 on realization of appropriate fee/ land cost.

9. Issued guidelines to the effect that in further modification of the Ministry of Environment, Forests and Climate Change's letter dated 3rd August 2009, proposals seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of plantations which were notified as "forest" on a day less than 75 years prior to the 13th day of December 2005 and are located in villages having no recorded population of Scheduled Tribes, as per the Census-2001 and the Census-2011, are exempted from the requirement of initiation and completion of process for recognition and vesting of forest rights of Scheduled Tribes and Other Traditional Forest Dwellers as stipulated in clause (a), read with clause (d) and clause (g) in second para of the Ministry's said letter dated 3rd August 2009. In such cases a certificate from the concerned District Collector to the effect that the forest land proposed to be diverted is plantation which was notified as "forest" less than 75 years prior to the 13th day of December 2005 and is located in villages having no recorded population of Scheduled Tribes, as per the Census-2001 and the Census-2011, will only be sufficient to meet requirement of clause (a), read with clause (d) and clause (g) in second para of Ministry's letter of even number dated 3rd August 2009.

(b) On 14th March 2014 Central Government notified the Forest (Conservation) Amendment Rules, 2014 to stipulate inter-alia time-lines for processing of proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 at each level in the Centre and State Governments.

(c) & (d) Proposal seeking approval under the Forest (Conservation) Act, 1980 for diversion of forest land required for construction of Dalsinghsarai to Vidyapati Nagar road project has not been received by the MoEFCC.

As per the information received from the Government of Bihar, the proposal seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for diversion of 11.793 hectares of forest land for widening and strengthening of Dalsinharsarai-Vidyapati Nagar road submitted by the Executive Engineer, Road Construction Department, Samastipur, Bihar does not contain requisite certificate of the concerned District Collector regarding settlement of rights in accordance with the provisions of the Scheduled Tribes and other traditional forest dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted and Differential Global Positioning System (DGPS) map of the forest land proposed to be diverted.

The Nodal Officer, the Forest (Conservation) Act, 1980, Government of Bihar vide his letter dated 19th September 2014 and reminder dated 20th October 2014 requested the Executive Engineer, Road Construction Department, Samastipur to submit the aforementioned documents. On receipt of these documents, concerned authorities in the Government of Bihar will process the said proposal for onward submission to the Regional Office (East Central Zone) of the Ministry of Environment, Forests and Climate Change located at Ranchi for consideration of the grant of approval under the Forest (Conservation) Act, 1980 for diversion of the said forest land.