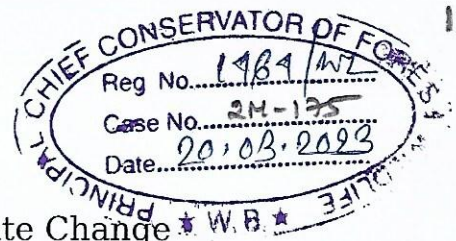


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(Amended)
19/03/23
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Government of India
Ministry of Environment, Forest & Climate Change
(Forest Conservation Division)

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.

File No.FC-11/117/2019-FC

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

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi-110003

Dated: 9th October, 2020
November

To
The Principal Secretary (Forests),
All State Governments/UT Administrations

Sub: Retaining of guidelines dated 14.09.2004 and 30.04.2005 permitting repair and maintenance of roads constructed prior to 1980 – reg.

Sir,

I am directed to refer to this Ministry's letter no.5-2/2017-FC dated 28th March, 2019 regarding Handbook of Forest (Conservation) Act, 1980 by consolidating all previous guidelines issued by the ministry. Representations have been received from the States to incorporate guidelines dated 14.09.2004 and 30.04.2005 in the revised Handbook for the sake of more clarity in the works related to repair and maintenance of roads constructed prior to 1980. In this connection, I am directed to inform that the matter has been examined in the Ministry and competent authority in the Ministry has approved that roads constructed on forest land prior to 25.10.1980 (date of enactment of FC Act, 1980), falling outside the Protected Areas, may be repaired and maintained and also black topping of the same may be done with prior permission of the State Forest Department subject to fulfillment of following conditions:

- i. No breaking up of forest land or felling of tree shall be allowed;
- ii. While black topping, adequate precautions should be undertaken by the User Agency to avoid any damage to flora and fauna. Fire for melting of coal tar and mixing shall be lit at a safe distance from the trees/vegetation and avoiding dry/hot seasons. Fuelwood, if required, shall be purchased in advance from the Depot of Forest Development Corporations;
- iii. No crushing/breaking of stones shall be allowed inside forest areas. Readymade materials shall be used for up-gradation of such roads. No labour camp shall be allowed on the forest land
- iv. No widening of the road is allowed. Both sides of the upgraded road shall be reinforced with brick/stone works, and vegetative measures to check soil erosion at the project cost in consultation with the Divisional Forest Officer;
- v. Any other condition the Divisional Forest Officer may impose from time to time in the interest of forest conservation and protection.

Yours faithfully,

(Sandeep sharma)
Assistant Inspector General of Forests

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File No.FC-11/117/2019-FC

Copy to:

1. The Principal Chief Conservator of Forests, All State Govts/UT Administrations
2. The Dy DGF (Central), All Regional Offices of the MoEF&CC
3. The APCCF & Nodal Officer (FCA), O/o the PCCF, All State/UT Governments
4. Monitoring Cell, FC Division, MoEF, New Delhi
5. Guard File

Signature Not Verified

Digitally signed by SANDEEP
SHARMA
Date: 2020.11.09 13:34:48 IST

