

No. B. 11021/7/2013 – FST
GOVERNMENT OF MIZORAM
ENVIRONMENT & FORESTS DEPARTMENT

ORDER

Dated Aizawl, the 16th Dec' 2015

In compliance with the guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980 and to facilitate speedy execution of project involving linear diversion of forest land, all territorial Divisional Forest Officers/Deputy Conservator of Forests (Wildlife) are hereby authorized to pass an order effective for a period of one year for felling of trees and for commencement of work of a linear project in forest land within their respective jurisdiction. The order shall be issued only after in-principle approval under the Forest (Conservation) Act, 1980 is issued by the Central Government and the necessary compensatory levies specified in the in-principle approval are realised from the user agency. The order shall be placed in the public domain by putting it on the department's website.

Sd/-LALRAMTHANGA
Principal Secretary to the Govt. of Mizoram,
Environment & Forests Department

Memo No. B. 11021/7/2013 – FST

Dated Aizawl, the 16th Dec' 2015

Copy to :-

1. P.S to Chief Minister, Mizoram.
2. P.S to Minister, Environment & Forests, Mizoram.
3. P.P.S to Chief Secretary, Govt. of Mizoram.
4. All Administrative Departments.
5. All Heads of Department, Govt. of Mizoram.
6. Principal Chief Conservator of Forests, Mizoram.
7. Additional Principal Chief Conservator of Forests, Mizoram.
8. All Conservators of Forests/Chief Wildlife Warden, Mizoram.
9. All Divisional Forests Officers, Mizoram.
10. All District Council Conservators of Forests, Mizoram.
11. Guard File

16/12/15
(LALREM RUATI)
Under Secretary to the Govt. of Mizoram,
Environment & Forests Department
Ph : (0389) 2300337 (O)

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F. No. 11-306/2014-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aligarj, Jorbagh Road
New Delhi - 110 001
Dated: 7th May, 2015

To

The Principal Secretary (Forests)
All State / Union Territory Governments

Sub: Guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- Simplified procedure for grant of permission for felling of trees standing on forest land to be diverted for execution of linear projects; reg.

Sir,

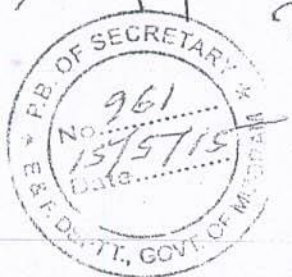
I am directed to refer to guidelines on the afore-mentioned subject issued by this Ministry vide letters of even number dated 8th August 2014 and 15th January 2015 on the above-mentioned subject wherein this Ministry communicated a simplified procedure for grant of permission for tree cutting and commencement of work of linear project in forest land, and to say that the said guidelines were examined by the Hon'ble National Green Tribunal (NGT) in the Original Application No. 52 of 2015 in the matter of Milind Pariwakam & Anr. versus Union of India.

2. The Hon'ble NGT in their order dated 13th March 2015 disposed of the said O.A. by issuing certain directions.

3. In compliance of directions issued by the Hon'ble NGT in the said O.A. and in supersession of this Ministry's said letters/guidelines of even number dated 8th August 2014 and 15th January 2015, I am directed to say as below:

- (i) With a view to facilitate speedy execution of projects involving linear diversion of forest land such as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines etc., in-principle approval under the Forest (Conservation) Act, 1980 (FC Act) issued by the Central Government may be deemed as the working permission for tree cutting and commencement of work, if the required funds for compensatory afforestation, net present value (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 where necessary, for compensatory afforestation, transfer and mutation of non-forest/revenue forest land in favour of State Forest Department is affected;

After the afore-mentioned compensatory levies specified in the in-principle approval are realised from the user agency and where necessary, for compensatory afforestation, transfer and mutation of non-forest/revenue forest land in favour of State Forest Department is affected, the State Government or a Senior Officer not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land



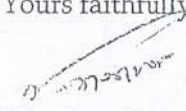
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proposed to be diverted, duly authorized in this behalf by the State Government, shall pass an order for tree cutting and commencement of work of a linear project in forest land;

- (iii) No non-forest activity in the forest area that is covered under Section 2 of the FC Act would be permitted and carried on in any manner whatsoever ~~unless~~ an order specified in para (ii) above has been passed by the competent authority of that State Government and is placed in the public domain by putting it on its website and all other requirements in accordance with law are complied with;
- (iv) For the purpose of Section 2A of the FC Act and Section 16 (e) of the National Green Tribunal Act, 2010 (NGT Act) the Order for tree cutting and commencement of work of linear project in forest land, order specified in para (ii) above, shall be an order under Section 2 of the FC Act;
- (v) An appeal as per provisions of section 2 (A) of FC Act and/or Section 16 (e) of the NGT Act can be filed against any such order specified in para (ii) above for tree cutting and commencement of work of linear project in forest land;
- (vi) In the event of filing of such appeal, it would be open for the person aggrieved, to assail the order/clearance granted by the Central Government under Section 2 of the FC Act which forms an integral part and sole basis of the order specified in para (ii) above;
- (vii) The State Government and the project proponent shall take further action as has been stipulated by the Hon'ble National Green Tribunal in their Judgment dated 7th November 2012 in Appeal No. 7/2012 to accord publicity and to ensure availability in public domain of in-principle approval under the FC Act accorded by the Central Government and the order specified in para (ii) above. State Government and the project proponent shall also ensure strict compliance of other direction(s) contained in the said judgment; and
- (viii) The State Governments, in such cases shall seek and obtain from the Central Government final/formal approval under the FC Act for diversion of such forest land at the earliest, and in any case not later than five years from the date of grant of the in-principle approval.

This issues with approval of the Minister of State (Independent Charge) for Environment, Forest and Climate Change.

Yours faithfully,


(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director), South Block, New Delhi.

2. The Secretary (Coordination), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
3. Secretary, Ministry of Power, Government of India, Shram Shakti Bhawan, New Delhi.
4. Secretary, Ministry of Petroleum and Natural Gas, Government of India, Shastri Bhawan, New Delhi.
5. Chairman, Railways Board, Rail Bhawan, New Delhi.
6. Secretary, Ministry of Road Transport and Highways, Government of India, Transport Bhawan, New Delhi.
7. Director General, Border Roads Organization, New Delhi.
8. Principal Chief Conservator of Forests, all States/UTs.
9. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
10. All Regional Offices, Ministry of Environment, Forests and Climate Change (MoEFCC), Government of India (GoI).
11. Joint Secretary in-charge, Impact Assessment Division, MoEFCC, GoI.
12. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEFCC, GoI.
13. Director, Regional Offices Headquarters Division, MoEFCC, GoI.
14. Sr. Director (Technical), NIC, MoEFCC, GoI with a request to place a copy of this letter on website of this Ministry.
15. Sr. PPS to the Secretary, Ministry of Environment, Forests and Climate Change, GoI.
16. Sr. PPS to the Director General of Forests & Special Secretary, MoEFCC, GoI.
17. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEFCC, GoI.
18. PS to the Inspector General of Forests (Forest Conservation), MoEFCC, GoI.
19. Guard File.

H.C. Chaudhary
(H.C. Chaudhary)
Director