(भारत सरकार) **GOVERNMENT OF INDIA**
(रेल मंत्रालय) **MINISTRY OF RAILWAYS**
(रेलवे बोर्ड) **(RAILWAY BOARD)**

No. 2014/W-I/Genl./Group of Infra

New Delhi, 27.09.2017

The General Managers,
All Indian Railways

Sub: Clarification of MoEF&CC with respect to Gauge Conversion works.
Ref: MoEF&CC letter No. 11-55/2017-FC dated 06.09.2017

The instructions/clarifications issued by Ministry of Environment, Forest and Climate Change (MoEF&CC) vide above letter regarding applicability of Forest Conservation Act, 1980 with reference to Gauge Conversion projects is enclosed for information and necessary action please.

DA: As above.

VGarg
27/9/17
(Vijay Garg)
Director (Works)-I
Tel/Fax: 011-2338 3833

Copy to:

1. **PCEs & CAO/Cs** of all Zonal Railways.
2. **CMD/RVNL, RITES & IRCON.**

F.No.11-55/2017-FC
Government of India
Ministry of Environment Forests & Climate Change
(FC Division)
*****

Indira ParyavaranBhawan
AliganjJorBagh Road
New Delhi-110003
Dated: 6th September, 2017

To

The Additional Principal Chief Conservator of Forests (Land Management) & Nodal Officer Forest (Conservation) Act, 1980.
State Government of Madhya Pradesh,
Bhopal-462016.

Sub: Request for cutting and removing of already marked trees during Joint survey of Railway officials along with Forest officials in between section Seoni-Bhoma from Railway km 63.30 km 67.60 within existing Railways land boundary- reg.

Ref:Your office letter no. F-5/714/2013/10-11/411 dated 03.02.2017.

Sir,

Kindly refer your above referred letter. It is clarified that the instructions/ clarification with reference to gauge conversion as issued by this Ministry vide letter no. 17-30/2016-FC dated 13th October, 2016 and dated 7th November 2016 (copies attached) will be applicable to all such gauge conversion cases.

This issues with the approval of Competent Authority.

Yours faithfully,

Encl: As above.

(NisheethSaxena)
Sr. Assistant Inspector General of Forests (FC)
Tel. No. 24695415

Copy to:

1. The PCCF, Government of Madhya Pradesh, Bhopal.
2. PCCF (HoFF) ,all states./UTs
3. APCCF,all regional offices of MOEF &CC
4. Forest Conservation Monitoring Cell, MoEF&CC, New Delhi.
5. Guard File.

Copy also forwarded to :

(1) PPS to DGF&SS
(2) PPS to ADGF(FC)/WL/NTCA
(3) PPS to Member Secretary, Central Zoo Authority.

(NisheethSaxena)
Sr. Assistant Inspector General of Forests (FC)

F. No. 17-30/2016-FC
Government of India
Ministry of Environment, Forests & Climate Change
(Forest Conservation Division)
*****

Indira Paryavaran Bhawan,
Jor Bagh Raod, Aliganj,
New Delhi: 110003,
Dated: 07th November, 2016

Sub: The Gauge Conversion works from Meter Gauge (MG) to Broad Gauge (G) in progress on Sikar-Churu section between railways km. 39.84 to 45.75 - regarding applicability of Forest (Conservation) Act, 1980.

In continuation to this office letter No F. No. 17-30/2016-FC dated 13th October, 2016 it is to further clarify as below;

If conversion of Meter Gauge to Broad Gauge is effected within the forest land, in the right of way of the railway line and which is already under non-forest use before the 25th October, 1980, then Forest (Conservation) Act,1980 may not be applicable. However if additional land beyond the existing alignment of Meter Gauge Railway Track is required for any non forestry activities, then clearance under the Forest (Conservation) Act, 1980 would be required.

This issues with the approval of competent authority.

(Rajagopal Prashant)
Sr. Assistant Inspector General of Forests (FC)

Copy:-

1. The Chief Secretary, Government of Rajasthan, Jaipur.
2. The Principal Chief Conservator of Forest, Government of Rajasthan, Jaipur.
3. The Nodal Officer, Forest (Conservation) Act, 1980 office of the PCCF, Government of Rajasthan, Jaipur.
4. The APCCF, Regional Office, (Central Zone) Lucknow.
5. Guard File.

Copy for information to:

1. Sh Sheo Nath Singh, Under Secretary, Cabinet Secretariat, Rashtrapati Bhawan with reference to no 551/2/3/2016-Cab III. dtd 13/10/2016

(Rajagopal Prashant)
Sr. Assistant Inspector General of Forests (FC)

OC issued, 07/11/16.

F. No. 17-30/2016-FC
Government of India
Ministry of Environment, Forests & Climate Change
(Forest Conservation Division)
*****

CEL/2

14/X/16

Indira Paryavaran Bhawan,
Jor Bagh Raod, Aliganj,
New Delhi: 1100 03,
Dated: 13th October, 2016

Sub: The Gauge Conversion works from Meter Gauge (MG) to Broad Gauge (G) in progress on Sikar-Churu section between railways km. 39.84 to 45.75 - regarding applicability of Forest Conservation Act 1980

In response to the DO No F.1(9) Forest/2016 dated 26th September 2016 received from Chief Secretary, Government of Rajasthan, regarding the applicability of Forest Conservation Act 1980 on the works of gauge conversion on existing MG railway track undertaken by the railways on Sikar-Churu section between railways km. 39.84 to 45.75. The issue was discussed by the officers of MoEF & CC, who visited Jaipur, with the officers of Rajasthan Forest Department, officers of Northern Railways, Revenue Department and the relevant records were examined by them to resolve the disputes on land ownership between railway & State Forest Department Rajasthan and the applicability of Forest (Conservation) Act, 1980 on land between km. 39.84 to 45.75 of railway line on Sikar-Churu Section.

As per the government record the railway line is passing through Khasra no. 41/105 and 28/101 of village Bir Fatehpur which has been notified in 1966 as Protected Forest under section 29 of the Rajasthan Forest Act 1953. The report of the committee was submitted to this ministry.

On the basis of the report the clarification of the Ministry, regarding applicability of Forest Conservation Act 1980 on the gauge conversion of existing MG railway line constructed before 25.10.1980 on notified forest land, is as under:

1. If the conversion of MG to BG railway track is effected within the existing formation width of MG railway track already under non-forestry use before 25.10.1980, then Forest Conservation Act 1980 shall not be applicable.
2. Forest Conservation Act will, however, be applicable:
   - If the land is used for any other purpose other than the railway track then FC Act will be applicable.
   - If the railway requires additional land beyond the existing formation width under non forestry use of MG railway track for any other ancillary activities then provisions of Forest Conservation Act shall be applicable.
   - Though, railway has communicated in the meeting that in general no tree felling will be required for BG Conversion. If, however, any tree cutting is required for gauge conversion even on existing formation width then due permission will be taken from the State Forest Department.

3. Ownership issue as per revenue record may, however, be decided by the State Government keeping in view various rulings of Hon'ble Supreme Court in forestry related issues especially the T. N. Godavarman Thirumulkpad vs Union of India and ors (WP No 202 of 1995) of 1996.

This issues with the approval of competent authority.

(Nisheeth Saxena)
Sr. Assistant Inspector General of Forests (FC)

Copy:-

1. The Chief Secretary, Government of Rajasthan, Jaipur.
2. The Principal Chief Conservator of Forest, Government of Rajasthan, Jaipur.
3. The Nodal Officer, forest (Conservation) Act, 1980 office of the PCCF, Government of Rajasthan, Jaipur.
4. The APCCF, Regional Office, (Central Zone) Lucknow.
5. Guard File.

(Nisheeth Saxena)
Sr. Assistant Inspector General of Forests (FC)