

No. B – 415/92-FRY (Cons)  
Government of India  
Ministry of Agriculture  
(Department of Agri & Cooperation)

New Delhi, the 28th February 1983  
10 March

To

The Secretary,  
Forest Department,  
Government of Bihar,  
PATNA.

Sir,

Sub:- Transfer of 247.65 ha. Of forest land for Tenughat Thermal Power Project.

I am directed to refer to your letter Can-Shu-Ha-19/82/4216, dated 21-10-82 on the subject mentioned above and to say that the approval of the Central Government under section 2 of the Forest (Conservation) Act has already been communicated in this department 's letter of even no. dated 18-2-83.

2. While processing this case, it was observed that during the formulation of the Project, neither the central Ministry of Agriculture for the State Forest Department was consulted before taking a final decision on the locating the project in a non-forest area. The possibility of locating the project in a non-forest area could not, therefore be examined at the appropriate time. Since a reference had been made to the Ministry of Agriculture seeking its approval for release of forest land under Forest (Conservation) Act at a late stage, when substantial investments seem to have been made already, it did not appear possible to have the project shifted to a non-forest area. In the circumstances approval of the Central Government has been communicated in this case as already mentioned above.

3. It is requested that the future, the Forest department should be consulted during the formulation stage of the Project and before taking a decision on the location of the Project in a forest area so that the possibility of shifting the site to a non-forest area could be examined in the beginning itself. If it is found that location of the Project in a forest area is inevitable, a reference should be made to the Central Government immediately for obtaining clearance under the Forest (Conservation) Act. A final decision for location of the project in a forest area should be taken only after necessary approval of the Central Government under the aforesaid Act is obtained.

Sd/- R.D.Gupta  
Deputy Inspector General of Forests

Copy to

1. Secretary Forests of all States/Union Territories.
2. Chief Conservator of Forests of all States/U.Ts.
3. Planning Commission,  
Govt. of India, New Delhi
4. Central Electricity Authority,  
9<sup>th</sup> Floor, Sewa Bhavan R.K.Puram  
New Delhi.
5. Department of Environment,  
Bikaner house, New Delhi
6. Ministry of Energy,  
Dept. of Power, New Delhi
7. Ministry of Irrigation,  
New Delhi.
8. Department of Mines, New Delhi
9. Ministry of Shipping and Transport,  
New Delhi.

It is requested that before giving a clearance to any project to be located in the Forest area, the views of the Ministry of Agriculture and the Forest department of The concerned State may be ascertained. Clearance of the Ministry of Agriculture Under Section 2 of Forest (Conservation) Act should also be obtained in advance before locating the project in a forest area.

Sd/-

Deputy Inspector General of Forests

GOVERNMENT OF KERALA  
AGRICULTURE (FOREST GENERAL) DEPARTMENT

Endt. no.21729/FG2/81/AD/28-3-83.

Communicated to the Chief Conservator of Forests for information and guidance.

Sd/-

Under Secretary

Endt. No. L6.11368/83(K. Dis )

Chief Conservator's Office  
Trivandrum, 23-4-83

Copy forwarded to all Conservator of Forests and Divisional Forest Officers for information and future guidance.

Copy to Stock file.

Copy to .....Section.

For Chief Conservator of Forests