

*No.RW/NH-11052/6/95-DO.I**Dated the 5th February, 1996*

To

Chief Engineers, Public Works Departments of all States Govts./Union Territories (dealing with National Highways)

Subject: Implementation of stipulated environmental safeguards and conditions for major Highway Projects

As you are aware all major highway projects costing more than Rs.5 crore require clearance by the Ministry of Environment & Forests (MOE&F). Such a clearance is given subject to the implementation of stipulated safeguards and conditions. The project authorities are required to report every six months on the progress of implementation of these conditions/safeguards stipulated to the concerned Regional Officer of MOE&F to monitor the same for effective implementation.

2. It has been brought to the notice of this Ministry that the conditions/safeguards stipulated are not being properly implemented by the project authorities and requisite information/progress reports are also not being sent to the Regional Offices of the MOE&F. This has resulted in issuing notices for stopping the work on the projects in certain cases by the MOE&F. It is, therefore, desirable that the State Chief Engineers/Project Directors who are handling major National Highways projects including those externally aided ones, should ensure that conditions/safeguards stipulated by MOE&F are properly implemented at site and necessary information/progress reports are sent to the concerned Regional Offices of MOE&F as well as Regional Officer of the Ministry. Any difficulties encountered in this regard should be sorted out by discussing the problems at appropriate levels.

3. Necessary instructions in this regard may please be issued to the field officers in your Department under intimation to this Ministry.

*No.RW/NH-11052/1/97-DO.I**Dated, the 24th April, 1997*

To

The Secretaries, PWD of all States/UTs, (dealing with National Highways), Director General Border Roads, Director General (Works), Central Public Works Department, Chairman, National Highways Authority of India

Subject: Exemption from environmental clearance for Road projects along the existing alignment - Reg.

I am directed to send herewith a copy of letter No. J-21012/15/96-IA-III dated 12th March 1997 from the Ministry of Environment & Forests, New Delhi on the subject mentioned above for information and necessary action.

**Enclosure to letter No.RW/NH-11052/1/97-DO.I, dated the 24th April, 1997**

**Copy of letter No. J-21012/15/96-IA-III dated 12th March, 1997 from the Ministry of Environments & Forests, New Delhi addressed to the Secretary, Ministry of Surface Transport, New Delhi regarding exemption from Environmental clearance for Roads Projects along the existing alignment.**

Reference is invited to D.O. letter of even number dated 29th November, 1996 from Shri R.H. Khwaja, Joint Secretary in this Ministry on the subject mentioned above. As mentioned in the afore-mentioned letter, a Group was constituted to consider the issues relating to exemption from environmental clearance for road projects along the existing alignments. The recommendations made by the Group are as under :

1. The projects relating to improvement works including widening and strengthening with marginal land acquisition of roads along the existing alignments irrespective of the cost component may be exempted from obtaining environmental clearance from this Ministry. The Committee also took note of the decision taken by the cabinet during its meeting

on 15.1.97 that the road projects on existing alignments which are in the nature of improvement by way of widening the existing roads are to be exempted from clearance from environmental and forestry angles. The amendments in this regard are being made in the EIA Notification.

2. In relating to the acquisition of marginal land for improvement of roads along the existing alignment, the proposal would need to be examined by the concerned Ministry on case to case basis and approved at their end keeping in view the following :
  - a) Where the Department has already got the land under its ownership, and no additional acquisition of land is involved, no problems are envisaged.
  - b) Where extra barren land is to be acquired by the side of existing right of way, no problems are envisaged.
  - c) Where acquisition of additional land involves cutting of trees on non-forest land, adequate compensatory plantation would be necessary.
  - d) Where acquisition of additional land involves displacement of population, rehabilitation for the displaced persons would be necessary.
3. For diversion of forest land, if any, required for road improvement projects, necessary clearance under the Forest (Conservation) Act, 1980 would be required under the existing procedure.
4. If the existing road passes through ecologically sensitive areas such as sanctuaries, tiger reserve, reserved forests etc. it shall be necessary to obtain environmental clearance even if the proposal is for strengthening and widening of road along the existing alignments.
5. Even in those cases where environmental clearance from this Ministry is not being obtained for road projects, the project proponents would need to carry out a detailed EIA study and provide necessary mitigative measures to ensure that the adverse environmental impacts are minimised. Ministry of Environment & Forests shall be kept apprised of any such developmental projects being implemented.

As the implementation of the above recommendations would require amendment in the EIA Notification, 1994, further necessary action in the matter is being taken and we will keep you informed of the developments in this regard.