F. No.11-37/2016-FC (pt.)
Government of India
Ministry of Environment, Forests & Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aligang, Jor Bag Road,
New Delhi-110003.

Dated 21st May, 2019

To,

The Principal Secretary (Forests)
All State Governments/UTs

Sub: Clarification on applicability of Forest (Conservation) Act, 1980 over RoW of Railways-regarding

Sir/Madam,

It has been brought to the notice of this Ministry that from time to time Railways has been upgrading its tracks in different areas, in which the applicability of Forest (Conservation) Act, 1980 (FCA-1980) over Right of way (RoW) of Railways has come up.

Ministry of Railways has also expressed difficulty in carrying out such track upgradation works within RoW of Railways, where the State Forest Departments have raised objections seeking approval under FCA-1980.

In this context, the matter has been examined in the Ministry and it is now clarified that, "if the land is a 'railway land' (i.e. ownership of the land vests with Railways) and which is under 'non-forest use' before 25th October, 1980 then provisions of FC Act would not apply". This position would apply till any further orders/clarification are issued by the Ministry. Action may please be taken accordingly.

Yours faithfully,

(Sandeep Sharma) 21.5.19.
Assistant Inspector General of Forests (FC)

Copy for information to:

1. Principal Chief Conservator of Forests, All State Governments/UTs.