

## Agenda No. 2

F. No. 8-06/2016-FC

**Sub: Proposal for diversion of 291.17 hectares of forest land for Punasi Reservoir Project under the Deoghar Forest Division, Jharkhand State.**

1. The State Government of Jharkhand, Department of Environment, Forests & Climate Change, vide his letter No. Van Bhoomi – 25/2015/1244 dated 03.03.2016 was submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 291.17 hectares of forest land for Punasi Reservoir Project under the Deoghar Forest Division, Jharkhand State.
2. The above said proposal was discussed in Forest Advisory Committee (FAC) meeting held on 03<sup>rd</sup> May, 2016 and the minutes of the said meeting are placed in the file at (Pg. 599-608/c). After examination of the said proposal, the Forest Advisory Committee recommended the proposal with general, standard conditions and following specific conditions:
  - (i) Imposition of Penal NPV for twice the area of 30.25 hectares for the time period for which area remained under violation of Forest (Conservation) Act, 1980.
  - (ii) Penal compensatory Afforestation to be raised over an area 5 times in extent to the area under violation i.e. 30.25 Ha.
  - (iii) The FAC also noted that the 26 CA sites made available for compensatory Afforestation are great in number with many of the patches being too small to manage. The FAC recommended that the CA sites should be reselected keeping in mind that these should not be more than 10 in number. Accordingly a revised CA scheme be prepared and submitted along with an undertaking from the user agency to fund the same. The sites shall be inspected by the Regional Office and shall be finalized only on the satisfaction of the Regional Office.
  - (iv) The Forest Clearance from the MoEF & CC shall be subject to the conditions imposed by the Hon'ble Court.

**The FAC also recommended that the file would be put up for approval of the competent authority only on receipt of revised CA scheme along with suitability certificate and duly approved by the State Government and also the undertaking from the user agency to make payment of NPV of the forest land proposed to be diverted.**

3. Accordingly, the MoEF & CC vide letter dated 27.05.2016 (Pg. 609/c) requested the Government of Jharkhand to provide the information/ documents as sought by the FAC.
4. With reference to Writ Petition (PIL) No.445/2013, the Hon'ble High Court of Jharkhand vide its Order dated 30/20<sup>th</sup> July, 2016 (Pg. 610-612/c) wrapped up the case after observing the following:

*“ 3.What appears to the Court is the sole objection now raised by the Ministry of Environment, Forest & Climate Change, as contained in its letter dated 27.05.2016, is reproduced herein below:*

*“The FAC also noted that the 26 CA sites made available for compensatory Afforestation are great in number with many of the patches being too small to manage. The FAC recommended that the CA sites should be reselected keeping in mind that these should not be more than 10 in number. Accordingly a revised CA scheme be prepared and submitted along with an undertaking from the User Agency to fund the same. The sites shall be inspected by the Regional Office and shall be finalized only on the satisfaction of the Regional Office.”*

4. *Mr. Ajit Kumar, learned Additional Advocate General states that the State has already proposed 26 plots for compensatory Afforestation as required in law whereas, the objection now raised is that it should be in 10 plots. He further submits that it appears that this objection has been raised for the sake of convenience of the respondent No. 4 without there being any force of law in the said objection. He further states that in 20 plots, the exercise of compensatory Afforestation has already been done by the State and the remaining plots is under process and likely to be complete in the shortest possible period.*

5. *We are of the view that the objection raised by the respondent No. 4 has no substance in it.”*

The court further directed as under:

***“We direct the Ministry of Environment, Forests and Climate Change (Forest Conservation Division), Government of India to accord forest clearance under Section 2 of the Forest Conservation Act, 1980 so that the project of construction of Punasi Dam at Deoghar picked up in the year 1982 and has stalled for last more than 34 years and reached a particular stage, is complete without any further waste of time, which in turn would be beneficial to the entire city on account of scarcity of drinking water being faced by the residents of Deoghar and around.”***

The above direction of the Hon’ble High Court of Jharkhand may be placed before FAC for its consideration in its forthcoming meeting scheduled to be held on 24.08.2016.

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