

**File No. 5-ORC603/2023-BHU**

Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan  
Jor Bag Road, Aliganj  
New Delhi - 110003  
**Dated:08-01-2025**

To

The Addl. Chief Secretary (Forests),  
Government of Odisha,  
Bhubaneswar

**Sub: Proposal for *ex-post facto* approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 6.56 ha of forest land for construction of Bolangir Bypass Road (West) by the Executive Engineer, NH Division, Bolangir under Bolangir Forest Division, Odisha (Online Proposal No. FP/OR/ROAD/141584/2021)**

Madam/Sir,

I am directed to refer to the Government of Odisha's letter No. FE-DIV-FLD-0085-2023-19929/FE&CC dated 18.09.2023 and additional information submitted vide letter No. 25191/9F (Road)-343/2022 dated 26.12.2023 and vide letter No. 16069/ 9F(Road)-343/2022 dated 09.08.2024 on above mentioned subject seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the Government of Odisha and on the basis of the recommendations of the Advisory Committee, and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords '***in-principle***' approval for *ex-post facto* approval involving violation of the provisions of the Adhiniyam under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 6.56 ha of forest land for construction of Bolangir Bypass Road (West) by the Executive Engineer, NH Division, Bolangir under Bolangir Forest Division, Odisha subject to fulfillment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged;
2. **Compensatory Afforestation:**
  - i. Compensatory Afforestation over degraded forest land, double in extent to the forest land being diverted i.e. 13.876 ha, shall be raised by the State Forest Department at the project cost within two years from the date of grant of final approval;
  - ii. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation as per the approved CA Scheme at the

current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal;

- iii. The cost of survey, demarcation and erection of permanent pillars, if required on the identified CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;

### 3. Net Present Value:

- i. User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 06.01.2022 read with 22.03.2022 through online portal of CAMPA account of the State Concerned;
  - ii. At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India);
4. Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-payment module on PARIVESH portal (<https://parivesh.nic.in/>), into the account of CAMPA of the State concerned, managed by the National Authority (CAMPA);
  5. The KML files of diverted area, the CA areas, the proposed SMC treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to 'final' approval;
  6. *The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made;*
  7. *Action under section 3A / 3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be initiated for violation of the provisions of Adhiniyam;*
  8. *The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued;*
  9. The user agency will ensure that all the compensations, as per the norms and rules of the State Government to the affected persons shall be paid prior to handing over of forest land to the User agency;
  10. The user agency shall arrange to raise strip plantation on either side of the road and central verge at project cost, as per IRC specification, with maintenance of 7-10 years. The user agency shall also submit design of providing at least 2-3 rows of long rotation indigenous trees, as per provision of IRC-SP-21-2009 (Guidelines on landscaping & tree plantation), on either

- side of the road before final clearance;
11. The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed;
  12. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
  13. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable;
  14. The user agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of the same shall be submitted to the Regional Office along with the Stage-I compliance report;
  15. Wherever possible and technically feasible, the user agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
  16. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
  17. The User agency will ensure that forest area nearby shall not be encroached upon due to implementation of the project;
  18. The State Government shall ensure that the minimum number of trees/plants/poles in any case not more than mentioned in the applied forest area will be removed and the trees should be felled under strict supervision of the State Forest Department;
  19. The cost of felling of trees shall be deposited by the user agency with the State Forest Department;
  20. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
  21. The user agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
  22. The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence, in accordance with the Rule 11 (7) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023;
  23. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
  24. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
  25. The forest land shall not be used for any purpose other than that specified in

the proposal;

26. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
27. The User Agency shall implement the R & R Plan, if applicable, as per the R & R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R & R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
28. No damage to the flora and fauna of the adjoining area shall be caused;
29. The user agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;
30. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
31. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
32. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project
33. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;
34. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the Consolidated Guidelines and Clarifications on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter dated 29.12.2023;
35. The user agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
36. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

After receipt of a satisfactorily report on the compliance of conditions stipulated in the extant 'in-principle, as mentioned above, from the State Government, the proposal shall be considered for 'final' approval under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Transfer of forest land shall not be affected by the State Government till the 'final' approval, to the extant proposal is granted by the Central Government.

Yours faithfully,

(Dr. Dheeraj Mittal)

Assistant Inspector General of Forests

**Copy to:**

1. PCCF (HoFF), Department of Forests, Government of Odisha, Bhubaneswar.
2. Dy. DGF (Central), Regional Office of the MoEF&CC at Bhubaneswar.
3. Nodal Officer (FCA), Department of Forests, Government of Odisha, Bhubaneswar.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.