



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

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F. No. FC-III/CH-40/2019-NGP / 7474

Dated: 13th November, 2020

To ✓

The Principal Secretary (Forests),
Government of Chhattisgarh,
Forest Department,
Mantralaya, Mahanadi Bhavan,
New Raipur (CG).

Sub: Diversion of 73.426 ha of forest land in favour of PWD,NH Division No.1 Raipur for Widening and Upgradation to 2 Lane/4 lane of NH-930 Jhalmala - Balod - Kushumkasa - Manpur - Kohka Road in Rajnandgaon Forest Division in the State of Chhattisgarh-regarding.

Sir,

I am directed to refer to State Government of Chhattisgarh letter no. no F-5-17/2019/10-2 dated 21.11.2019 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and State Government letter no F-05-17/2019/10-2 dated 12.02.2020 forwarding additional information as desired by Regional Office vide letter dated 31.12.2019 and to say that the said proposal has been examined and recommended by the Regional Empowered Committee constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords '**in-principle**' approval under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 73.426 ha of forest land in favour of PWD,NH Division No.1 Raipur for Widening and Upgradation to 2 Lane/4 lane of NH-930 Jhalmala - Balod - Kushumkasa - Manpur - Kohka Road in Rajnandgaon Forest Division in the State of Chhattisgarh subject to the fulfilment of the following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. **Compensatory afforestation**
 - a. Compensatory afforestation shall be taken up by the Forest Department over 146.852 ha. Orange Forest Area in Rajnandgaon division at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided;
- iii. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- iv. **NPV:**
 - a. The State Government shall charge the Net Present Value(NPV) for the 73.426 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008,

24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard;

- b. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
- v. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- vi. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e-portal** (<https://parivesh.nic.in/>);
- vii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- viii. User Agency in consultation with forest department shall increase size of 4 box culverts proposed in forest patches preferably up to 3x2 meters to make them suitable for wildlife passage and a report in this regard shall be submitted to Regional Office;
- ix. The existing carriageway in the forest area, in the patches corresponding to re-alignments, shall be dismantled and land shall be handed over back to the State Forest Department. A reclamation plan by planting suitable species of trees shall be prepared in consultation with the Forest Department and the amount so required will be deposited with the forest department by the user agency for taking up reclamation of the area. A copy of plan so prepared shall be submitted to Regional Office, Nagpur;
- x. User Agency shall carryout plantation for filling up gaps if any available within outer strip of 4 meter in proposed RoW and central verge of the road as per the IRC norms. Further, User Agency should develop a separate Nursery at one or more places to raise at least 50,000 seedlings of forest species along with bamboo, fruit bearing, medicinal, ornamental and indigenous/local every year. The Committee further opined that 50% of seedlings shall be planted by User Agency in the vicinity of project area including forest area and for better relation with local people residing in vicinity of proposed road, PWD shall voluntary distribute remaining 50% of seedlings to them free of cost. A compliance report including species wise details of seedlings raised, location of plantation area and details of villagers whom seedlings have been distributed need to be prepared every six month and submitted to Regional Office;
- xi. Speed regulating signage will be erected along the road at regular intervals in the Forest Areas;
- xii. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xiii. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xiv. No labour camp shall be established on the forest land;
- xv. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;

- xvi. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
- xvii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xviii. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- xix. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xx. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xxi. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018;
- xxii. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;
- xxiii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);

After receipt of a report on the compliance of conditions no iii, iv (a), vi, x, xi and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

This issue with the approval of DDGF (Central), Regional Office, MoEF&CC (WCZ), Nagpur

Yours faithfully,



(N K Dimri)

Technical Officer (Gr-I)

Copy to:

- i. The PCCF, Government of Chhattisgarh, Raipur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh, Raipur.
- iii. User agency.
- iv. Guard file

- sd.

(N K Dimri)

Technical Officer (Gr-I)