

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

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi - 110003.

Dated: 15th April, 2021

To,
The Principal Secretary (Forests),
Department of Forests & Environment,
Government of Uttar Pradesh,
Lucknow.

Sub: Proposal for diversion of 115.874 ha. of Forest land in favour of M/s Jai Prakash Associates Ltd. for proposed diversion of forest land at village Kota in Tehsil Robertsganj, District Sonbhadra for JP Super Cement plant & it's township (A unit of Jai Prakash Associates Ltd. Sec. 128, Noida) in District Sonbhadra, State Uttar Pradesh (Online proposal No. FP/UP/IND/23246/2016) - regarding.


Madam/ Sir,

I am directed to refer to the Government of Uttar Pradesh letter No. 130/14-2-2019-800(162)/2018 dated 25.02.2019, letter No. 1215/14-2-2019-800(162)/2018 dated 10.06.2019, letter No. 565/81-2-2020-800 (162)/2018 dated 04.03.2020, letter No. 1128/81-2-2020-800(162)/2018 dated 18.06.2020, letter No. 142/81-2-2020-800(162)/2018 dated 10.11.2020 and letter No. 2589/81-2-2020-800(162)/2018 dated 15.12.2020 on the above mentioned subject, seeking prior approval of Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful examination of the proposal of the State Government of Uttar Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord "*Stage-I/In-principle*" approval under the Forest (Conservation) Act, 1980 for diversion of 115.874 ha. of Forest land in favour of M/s Jai Prakash Associates Ltd. for proposed diversion of forest land at village Kota in Tehsil Robertsganj, District Sonbhadra for JP Super Cement plant & it's township (A unit of Jai Prakash Associates Ltd. Sec. 128, Noida) in District Sonbhadra, State Uttar Pradesh, subject to the following conditions: -


A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval:

- i. The State Government shall carry out thorough inquiry to find out persons/officials/authority responsible for violation of forest land as per provisions of the Forest (Conservation) Act, 1980 and initiate appropriate legal as well as administrative action as per the findings. A report on the findings of the inquiry and the action taken against officials/ persons/authorities


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accountable in the instant case should be furnished with the compliance report of 'in principle'/Stage I approval.


- ii. As per extant guidelines made under the FC Act, 1980 by the Ministry and existing precedence in similar cases, the User Agency shall pay five times of NPV and five times penal CA on non-forest land in respect of 41.92 ha of forest land on which violation of the FC Act has been reported by the State Government.
- iii. The non-forest land to be provided for CA needs complete revisit and should propose as per the Rules and guidelines made under the Act. The IRO, MoEF&CC, Lucknow shall examine the suitability of non-forest land to be pledged for CA and penal CA prior to submission of the same for 'Final'/Stage II approval to the Ministry.
- iv. The KML files of diverted area and CA areas (which will be finalised as at para iii above) shall be uploaded on the e-Green watch portal with all requisite details prior to Stage II approval.
- v. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- vi. The User Agency shall transfer the cost of raising and maintaining the 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 consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- vii. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, 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 05.02. 2009. The requisite funds shall be transferred through online portal into CAMPA account of the State Concerned.
- viii. The non-forest land shall be transferred and mutated in favour of Forest Department and notified as Reserved Forest /Protected Forest prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to State-II approval.
- ix. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale.
- x. The State Government shall upload the kml files of the area under diversion and the accepted area for raising compensatory afforestation in the E-Green Watch portal of FSI.
- xi. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- xii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- xiii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of


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Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;

B: Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted and compliance is to be submitted prior to Stage-II approval:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The Forest land shall be handed over only after required non-forest land for the project is handed over by the user agency;
- iii. Compensatory Afforestation shall be raised over equal identified non-forest land (NFL) land within three years from the date of Stage -II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified non- forest land. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance;
- iv. 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. Fencing, protection and regeneration of the safety zone area [7.5 meters' strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease] shall be done at the project cost within three years and maintained thereafter as per approved working plan of the State Govt.;
- vi. Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- vii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- viii. 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;
- ix. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- x. 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;
- xi. No damage to the flora and fauna of the adjoining area shall be cause;
- xii. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
- xiii. The concerned Divisional Forest Officer, will monitor and take necessary mitigative


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measures to ensure that there is no adverse impact on the forests in the surrounding area;

- xiv. 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;
- xv. The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the concern Regional Officer may direct that the mining activities shall remain suspended till such time, reclamation activities area satisfactorily executed;
- xvi. 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; and
- xvii. 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.

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for Final/Stage-II approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

(Shrawan Kumar Verma)

Dy. Inspector General of Forests

Copy to: -

1. The PCCF (HoFF), Department of Environment and Forest, Government of Uttar Pradesh, Lucknow;
2. The Regional Officer, Integrated Regional Office, MoEF&CC, Lucknow;
3. The Nodal Officer (FCA), Department of Environment and Forest, Government of Uttar Pradesh, Lucknow;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi.