



सत्यमेव जयते

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23rd June, 2020

To,

Principal Secretary,
Government of Mizoram,
Environment, Forests & Climate Change Department
Aizawl-796001.

Sub : Diversion of 5.06 ha of forest land for widening and upgradation of NH-54 to 2-lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded), Km 8.0 to Km 125.0 (Package-1)- Deemed forest area by NHIDCL

Sir,

This has reference to the State Govt letter No.B.22019/13/2019-FC/PCCF/195 dated 13.02.2020, even no. 230-231 dated 17.04.2020 and No. G.20015/2/2020-FST dated 18.06.2020 on the subject mentioned above, seeking prior approval of the Central Government in accordance with Section 2 of the FCA, 1980.

2. After careful examination of the proposal of the State Government and the recommendation of REC in the meeting held on 26.05.2020, **In-principle / Stage-I** approval of the Central Government is hereby granted for diversion of 5.06 ha of forest land for widening and upgradation of NH-54 to 2-lane with paved shoulder and geometric improvements from Km 8.00 to Km 380.00 in the State of Mizoram (JICA Funded), Km 8.0 to Km 125.0 (Package-1)- Deemed forest area by NHIDCL, subject to the following conditions:

- (1) Legal status of the forest land shall remain unchanged.
- (2) Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
- (3) The compensatory afforestation shall be taken up by the Forest Department over 10.0 ha identified at Khawten Tlang, Suangpuilawn, Darlawn Forest Division at the cost of the user agency. As far as possible, mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- (4) The proposed non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department and shall be declared RF / PF under Section 4 or Section 29 of the Indian Forest Act, 1972. Working permission shall not be issued till transfer and mutation of the non-forest land for C.A to Forest Department is done. The Nodal Officer shall report compliance prior to submission of compliance report to In-principle approval.

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- (5) The cost of the compensatory afforestation at the prevailing wages as per the compensatory afforestation scheme shall be deposited in the Compensatory Afforestation Fund of the State through e-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.
- (6) The State Govt shall charge the Net Present Value for the 5.06 ha forest area to be diverted under the proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 & 09.05.2008 in IA No.566 in WP (C) No.202/1995 and as per the guideline issued by this Ministry vide letter No. 5-2/2006-FC dated 03.10.2006 No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through through e-portal.
- (7) Additional amount of 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 Govt from the User Agency. The user agency shall furnish an undertaking to this effect.
- (8) All the funds received from the User Agency under the project towards compensatory levies (CA, NPV, Avenue plantation, etc) shall be transferred/deposited to Compensatory Afforestation Fund of the State only through e-portal mode.
- (9) 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.
- (10) The expenditure like felling, logging and transportation of project affected trees should be collected from the user agency at the rates approved by the State Govt and deposited with the DFO concerned for utilization immediately following the diversion of the forest land.
- (11) The expenditure like boundary walls, stone pillars, and demarcation charges cost of damage of trees the fund on these accounts should be deposited with DFO concerned.
- (12) The user agency shall restrict the felling of trees to minimum number in the diverted forest land and trees shall be felled under strict supervision of State Forest Department Forest and the cost of the felling of trees shall be deposited by the user agency with the State Forest Department.
- (13) The complete compliance to the Forest Right Act, 2006 shall be ensured by way of prescribed certificate from the concerned District collector.
- (14) User agency shall raise strip plantation on both sides and central verge of the road as per IRC norms.
- (15) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas .
- (16)The user agency shall provide suitable under / over pass in Protected Areas / Forest Area, wherever applicable, as per recommendations of CWLW / NBWL / REC.
- (17) The User Agency shall obtain Environment Clearance as per the project provisions of the Environment (Protection) Act, 1986, if required under the said Act.
- (18) The lay out plan of the proposal shall not be changed without the prior approval of the Central Government.
- (19) No labour camp shall be established on the forest land.
- (20) Sufficient quantity of firewood, preferably the alternate fuel, shall be provided by the user agency to the labourers after purchasing the same from the State Forest Department or the Forest development Corporation or any other legal source of alternate fuel.

- (21) 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.
- (22) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (23) 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.
- (24) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (25) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of Govt of India.
- (26) The User Agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulders in forest land, if necessary.
- (27) 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.
- (28) As per Ministry's letter No. 11-30/96-FC(Pt) dt. 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt for more than 5 (five) years, the in-principle approval would summarily be revoked considering that the user agency is no longer interested in the project.
- (30) Any other conditions that the North Eastern Regional Office, Ministry of Environment, Forest & Climate Change may be stipulated from time to time in the interest of conservation, protection and development of Forests & Wildlife.
- (31) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

3. After receipt of the compliance report from the State Government on fulfilment of the conditions mentioned above, final approval will be issued in this regard. Formal transfer of forest land shall not be effected by the State Govt till final approval orders approving the diversion of forest land are issued by the Central Government.

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(W.I. Yatbon)

वन उप महानिरीक्षक (केंद्रीय) /Deputy Inspector General of Forests(C)

Copy to:

1. The Principal Chief Conservator of Forests & Nodal Officer (FCA), Government of Mizoram, Environment, Forests & Climate Change Department, Aizawl.


वन उप महानिरीक्षक (केंद्रीय) /Deputy Inspector General of Forests(C)

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