

File No. 8-54/2017-FC  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

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Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi - 1100 03,  
Dated: 28<sup>th</sup> February, 2020

To,

The Principal Secretary Forests,  
Department of Forests and Environment,  
Government of Madhya Pradesh,  
Bhopal.

**Sub:** Proposal for diversion of 275.04 ha. of Forest Land in favour of Water Resources Department, Burhanpur for Construction of Bhawsa Medium Irrigation Tank Project, in Burhanpur district in the State of Madhya Pradesh-reg.

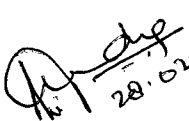
Sir,

I am directed to refer to the Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh's letter No.F-3/101/2016/10-11/10/2966 dated 07<sup>th</sup> October, 2017 on the above mentioned subject, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act, 'in-principle' /Stage -I approval to the proposal was granted vide this Ministry's letter of even number dated 05.03.2018 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

2. The above proposal was considered in the FAC meeting on 23.01.2020. The FAC recommended for revocation of condition No.(iv) "The State Govt. shall submit rehabilitation plan for 42 villagers along with the consent of the persons getting relocated prior to Stage-II approval as per the stipulated condition of Stage-I approval" and proposed following additional, specific conditions (mentioned in para 3) apart from other conditions stipulated in Stage- I approval accorded on 05.03.2018.

3. In this connection, I am directed to say that on the basis of the compliance report furnished by the Addl. Principal Chief conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh's letter No.F-3/101/2016/10-11/10/1665 dated 24<sup>th</sup> May, 2019, letter No. F-3/101/2016/10-11/10/2850 dated 05<sup>th</sup> September, 2019 and letter No.F-3/101/2016/10-11/10/3570 dated 05<sup>th</sup> November, 2019 final approval (Stage - 2) of the Central Government is hereby granted under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 275.04 ha. of Forest Land in favour of Water Resources Department, Burhanpur for Construction of Bhawsa Medium Irrigation Tank Project, in Burhanpur district in the State of Madhya Pradesh, subject to fulfillment of the following conditions:

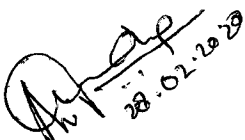
- (i) Legal status of the forest land shall remain unchanged;

  
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- (ii) *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;*
- (iii) *The consent of the affected Pattadharis/farmers involved shall be submitted by the user agency;*
- (iv) *An undertaking from the user agency shall be submitted that the rehabilitation/resettlement, if any, shall not require any further diversion of forest land;*
- (v) *The State Government will ensure immediate implementation of the Catchment Area Treatment plan approved for this project;*
- (vi) *State government may ensure that part of NPV levies deposited against the project shall also be utilised for rehabilitation of nearby degraded forest land;*
- (vii) *User agency will ensure that forest area nearby shall not be encroached upon due to implementation of the project;*
- (viii) *Use agency will ensure that during lean season (in reservoir draw-down condition) the forest areas diverted for submergence will not be used for agriculture;*
- (ix) *Gainful opportunities of work shall be provided on priority basis to the nearby resident population while implementing the project;*
- (x) *User agency will ensure that water requirement for forestry activity in command area of the project will be provided to the State Forest Department free of charge;*
- (xi) *Effect of the change in water regime on forest vegetation shall be monitored by the State Forest Department through a reputed institute after 5 years, and report will be shared with the Ministry also;*
- (xii) **The State Government shall ensure that no forest land is used for raising compensatory afforestation in lieu of non-forestry use of forest land in this proposal;**
- (xiii) *The State Government shall ensure that the minimum number of trees/plants/poles in any case not more than 39,561 will be removed and the trees should be felled under strict supervision of the State Forest Department;*
- (xiv) *The proposed forest land i.e. 275.04 ha shall be handed over to the User Agency only after when the User Agency has acquired the required non-forest land, if any, for the project;*
- (xv) *Compensatory afforestation shall be taken up by the Forest Department over 275.04 ha non-forest land (Compartment/Khasra No.417,420,421,423,425,445,446,450,460,479,980,981,982,985,986,987,988,989,991,994,996,997,545,915,931,687,706,808,212,289,511,519,271,528,449,154,575,619,613,1239,1303,1304,1305,1307,1624,1645,1253,72,114/1 and 130/1 Village-Mohad, Chandgarh, Ichapur, Doiphodiya, Dedtalai, Kevlaari, Tehsil and District Burhanpur and Katni) 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;*
- (xvi) *The State Government shall declare non-forest land into RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, before the final approval of the proposal by the State Government;*

*[Signature]*  
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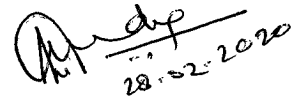
- (xvii) The User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department;
- (xviii) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xix) Wherever possible and technically feasible, the User Agency shall implement afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost;
- (xx) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- (xxi) The User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- (xxii) The User agency shall take up afforestation activities all along the Reservoir / Dam / Canal in consultation with the Forest Department;
- (xxiii) The User Agency shall provide free water from the project for all forestry related activities;
- (xxiv) The layout plan of the proposal shall not be changed without prior approval of Central Government;
- (xxv) No labour camps shall be set up inside the forest area. Labour management plan should be implement with emphasis that no labour camp be set up in the close vicinity of the eco-fragile and sensitive areas;
- (xxvi) The 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;
- (xxvii) 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;
- (xxviii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- (xxix) 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;
- (xxx) The State Govt. and the user agency shall maintain green belt (33%) within the allotted area as per the directions of the concerned Divisional Forest Officer;
- (xxxi) No damage to the flora and fauna of the area shall be caused;
- (xxxii) The forest land shall not be used for any purpose other than that specified in the project proposal;
- (xxxiii) The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
- (xxxiv) 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;
- (xxxv) The Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the para 1.21 of

  
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comprehensive guidelines issued vide this Ministry F. No.5-2/2017-FC dated 28<sup>th</sup> March, 2019;

- (xxxvi) 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 shall be carried with by the State Government and user agency; and
- (xxxvii) The State Government and user agency shall ensure compliance to all conditions stipulated in the Stage-I approval for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, pertaining to this project for the time being in force, as applicable to the project:

Yours faithfully,

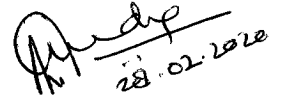


(Brijendra Swaroop)

Dy. Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests & HoFF, Government of Madhya Pradesh, Bhopal.
2. The DDG (C) Regional Office, (WZ) Bhopal, Government of Madhya Pradesh, Bhopal.
3. The Nodal Officer, Forest Department, (FCA) office of the PCCF, Government of Madhya Pradesh, Bhopal.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.



(Brijendra Swaroop)

Dy. Inspector General of Forests

