

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

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj
New Delhi - 110003.
Dated: 2nd June, 2022

To

The Principal Secretary (Forests),
Government of Madhya Pradesh,
Bhopal.

Subject: Diversion of 126.42 ha forest land for the construction of Sarkula Medium Lift Irrigation Project in favour of Water Resource Division under Shivpuri District of Madhya Pradesh State (Online No. FP/MP/IRRIG/34676/2018) - reg.

Madam/Sir,

I am directed to refer to the Addl. Principal Chief conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, Government of Madhya Pradesh's letter No. F-3/53/2018/10-11/15/4119 dated 09.12.2021 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 consideration of the proposal of the State Government of Madhya Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby accords "**In-principle/Stage-I**" approval under the Forest (Conservation) Act, 1980 for diversion of 126.42 ha forest land for the construction of Sarkula Medium Lift Irrigation Project in favour of Water Resource Division under Shivpuri District of Madhya Pradesh State, subject to the following conditions: -

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

- i. *DSS analysis of the area and the IRO's report have revealed construction of certain structures like check dams and approach road in the area proposed for diversion. The State Government shall verify these constructions to ascertain whether the said constructions actually can be construed as violation of Forest (Conservation) Act, 1980 and action, as appropriate may accordingly be initiated under intimation to MoEF&CC.*
- ii. *The Muck disposal plan shall be submitted.*
- iii. *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*



02/06/22

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;


- iv. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land (126.42 ha) 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;
- v. The Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted and the commensurate cost of CAT plan shall be deposited in the CAMPA account through online portal;
- vi. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- vii. The identified non-forest land for raising compensatory afforestation shall be transferred and mutated in the name 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;
- viii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- ix. 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, before handing over forest land to the user agency;
- x. 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;
- xi. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

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 is to be submitted prior to Stage-II approval:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Forest land will be handed over only after required non-forest land in the project is obtained by the user agency;
- iii. At the time of payment of the Net Present Value (NPV) at the then prevailing 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;
- iv. The felling of trees shall be restricted to FRL-4 meter only. Number of trees to be removed shall be kept at barest minimum during the execution of the project;


02/06/22

- v. The R&R Plan shall be implemented 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;
- vi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- vii. The User Agency shall undertake afforestation along the periphery of the reservoir;
- 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, 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 coordinates;
- 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 caused;
- xii. 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;
- xiii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xiv. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xv. 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;
- xvi. 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;
- xvii. 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;
- xviii. 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;
- xix. 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


02/06/22

when it is unavoidable and that too under strict supervision of the State Forest Department;

- xx. The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Integrated Regional Office and to this Ministry by the end of March every year regularly;
- xxi. 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;
- xxii. 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 dated 29/01/2018;
- xxiii. 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.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final 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 sincerely,


(Suneet Bhardwaj)

Asst. Inspector General of Forests

Copy to:

1. The PCCF & HoFF, Department of Forest, Government of Madhya Pradesh, Bhopal;
2. The Regional Officer (Central), Integrated Regional Office, MoEF&CC, Bhopal;
3. The Nodal Officer, FCA, Department of Forest, Government of Madhya Pradesh, Bhopal;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading on PARIVESH portal.