



GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE  
REGIONAL OFFICE (RANCHI)  
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No.FP/BR/Water/44592/2020/3888

Date: 4<sup>th</sup> April, 2020

To

**The Principal Secretary,**  
Department of Environment, Forests & Climate Change,  
Government of Bihar, Sinchai Bhawan,  
Sichai Bhawan Secretariat, Patna - 800015

Sub: **In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for proposed diversion of 36.04251 ha forest land for *Earthen Water Storage Reservoir* between Ghora Katora Lake and Panchane River in favour of Water Resources Department (Irrigation Division) in Nalanda district of Bihar under *Ganga Water Lift Project* - reg.**

Sir,

With reference to letter no. Van Bhumi - 26/2020-387(E)/Pa.Va.Ja.Pa. dated 21.3.2020 of the State Government on the above mentioned subject seeking prior approval of the Central Government under section 2 of Forest (Conservation) Act, 1980, I am directed to convey that after due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee in its 36<sup>th</sup> meeting, the in-principle (Stage-I) approval of Central Government is hereby accorded for diversion of 36.04251 ha of forest land for construction and use of *Earthen Water Storage Reservoir* between Ghora Katora Lake and Panchane River in Nalanda district in favour of Water Resources Department (Irrigation Division) for *Drinking Water Supply Scheme* of the *Ganga Water Lift Project*, subject to the following conditions and stipulations.

- (1) Legal status of the forest land shall remain unchanged.
- (2) **Compensatory afforestation:**
  - a) Non-forest land (equivalent in area to the area of forest land to be diverted) for compensatory afforestation identified to the satisfactory acceptance by the State Forest Department shall be transferred and mutated in the name of State Forest Department and notified as RF/PF prior to final (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 will be furnished prior to Stage-II approval.
  - b) Compensatory afforestation shall be taken up by the State Forest Department over the transferred equivalent non-forest land mentioned in

(a) here above at the cost of the User Agency. As far as practicable a mixture of local native species will be planted and monoculture of a species has to be avoided.

c) 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 as required on the CA land shall be deposited in advance with the Forest Department by the project authority. In case of the CA land being in isolated patches of relatively small sizes and embedded in non-forest areas, the CA scheme shall also include provision for appropriately strengthened fencing as required to ensure long-term protection against encroachment etc. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years. The final CA scheme along with CA land suitability certificate and geo-referenced map should be made available to this office before the issuance of Stage-II approval order.

**(3) NPV:**

a) The State Government shall charge the Net Present Value (NPV) for the 36.04251 ha forest area to be diverted under this proposal from the User Agency as per the order 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 also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

(4) All the funds received from the user agency under the project shall be transferred / deposited in the CAMPA fund only through e-portal (<https://parivesh.nic.in/>).

(5) Of the enumerated 280 trees to be removed from the forest land to be diverted, 78 trees will be translocated and 202 trees will be felled under the strict supervision of the State Forest Department at the cost of User Agency; and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department in advance.

(6) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

- (7) Wherever possible and technically feasible, the User Agency - Water Resources Department shall undertake appropriate afforestation measures all around the project site related to this approval, in consultation with the State Forest Department, at the project cost.
- (8) 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.
- (9) The layout plan of the proposed diversion of the forest land shall not be changed without prior approval of Central Government.
- (10) During construction of the reservoir and maintenance operations etc. the following restrictions shall be complied with:
  - (a) No additional or new path or road etc. will be constructed inside the adjoining forest areas for transportation or other uses for the project.
  - (b) No labour camp shall be established on the forest lands adjacent to the proposed diversion site;
  - (c) The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (11) Subject to performance of the main functions of the storage reservoir for drinking water supply, the Nalanda Forest Division should be benefitted under permission and regulation of the Water Resources Department to make use of the dispensable quantity of water in the reservoir for forest and wildlife purposes in the adjoining forests and the Rajgir Wildlife Sanctuary.
- (12) The period of diversion under this approval shall be co-terminus with the period of the project life (Storage Reservoir for Drinking Water Supply Scheme).
- (13)
  - a) The forest land shall not be used for any purpose other than that specified in the project proposal.
  - b) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of the Central Government.
- (14) User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- (15) 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.

- (16) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests and wildlife.
- (17) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

**2. After receipt of the report from the State Government regarding due compliance and fulfillment of the above conditions and stipulations, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land by the State Government to the user agency should not be given effect to till formal order approving diversion of forest land is issued by the Central Government.**

Yours faithfully,  
Sujoy Dutta  
Technical Officer (Forestry)

**PS: Signed version of this communication shall be issued after the opening of office with the revocation of / relaxation in the lockdown imposed w.e.f. 25.3.2020 due to outbreak of Pandemic/Epidemic of Covid - 19 (SARS-CoV-2).**

Copy to:-

1. The Dy. Secretary, RO(HQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi - 110 003.
2. The Principal Chief Conservator of Forests (HoFF), Department of Environment, Forests & Climate Change, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
3. The APCCF-cum-Nodal Officer (FC), Department of Environment, Forests & Climate Change, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
4. The Divisional Forest Officer, Nalanda Forest Division, Bihar.
5. The Executive Engineer, Water Resources Department, Irrigation Division - Biharsharif, Nalanda, Bihar.
6. Guard File.