

F. No. 8-36/2017-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi - 1100 03,
Dated: 05th April, 2018

To,

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

Sub: Diversion of 119.25 ha. of forest land in favour of Water Resources Department for Construction of Karam Medium Irrigation Project in Dhar District in the State of Madhya Pradesh.

Sir,

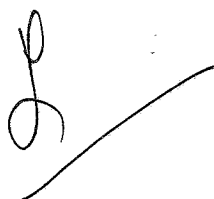
I am directed to refer to the Addl. Principal Chief conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh's letter No. F-3/84/2016/10-11/8/1125 dated 27th April, 2017 on the above mentioned subject, seeking prior approval of Central 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 27.09.2017 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. 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-3/84/2016/10-11/8/3723 dated 19.12.2017 and No. F-3/84/2016/10-11/8/640 dated 05.03.2018 final approval (*Stage - 2*) of the Central Government is hereby granted under Section -2 of the Forest (Conservation) Act, 1980 for diversion of 119.25 ha. of forest land in favour of Water Resources Department for Construction of Karam Medium Irrigation Project in Dhar District in the State of Madhya Pradesh, subject to fulfillment of the following conditions:

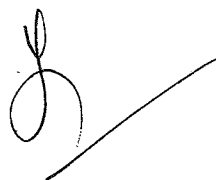
- (i) Legal status of the diverted forest land shall remain unchanged;



- (ii) Compensatory afforestation over the non-forest land, equal in extent to the 119.25 ha. of forest land being diverted shall be raised on identified land within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved Plan by the State Forest Department from the funds of Rs. 47,66,7000/- deposited in Ad-hoc CAMPA Account by the User Agency;
- (iii) The non-forest land to be transferred and mutated in favour of the State Forest Department for raising Compensatory Afforestation shall be notified as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section (s) of the local Forest Act. The Nodal Officer must report compliance within a period of six (6) months from the date of grant of stage-II approval under the Forest (Conservation) Act, 1980 for diversion of the said forest land and send a copy of the 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 local forest Act as the case may be, to this Ministry for information and record;
- (iv) 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;
- (v) The project area shall be demarcated on ground at the project cost using 4 feet high RCC pillars with each pillar inscribed with serial No. forward and backward bearing distance between 2 adjacent pillars and GPS co-ordinates;
- (vi) The User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (vii) No additional forest land will be sought for construction of any canal in future;
- (viii) To prevent illegal occupation/encroachment of forest land by the families to be displaced from the project site, the user agency shall ensure that each family being displaced from the project site actually acquires and settles on non-forest land. Apart from taking other measures to achieve the said objective, as a measure to discourage the project affected families from encroaching into the forest land, payment of annuity for a period of at-least five years at the rate of the minimum wage payable to the unskilled person for 200 person-days per annum to each adult member of the project affected families, on receipt of a certificate signed by a forest officer not below the rank of a Range Officer having jurisdiction over the area where such person has settled after displacement from the project site, should be incorporated in the R & R plan. Payment of the said annuity should be an additionally and not in replacement of any of the benefits to be accrued to the project affected persons, as per the present R&R Plan;
- (ix) User agency shall track location of each displaced family and ensure that none of them encroach/occupy forest land. In support of compliance to this condition at least for five years from the date of taking possession of the forest land, the user agency shall submit an annual certificate to the Principal Chief Conservator of Forests, Madhya Pradesh that none of the persons displaced from the project land has encroached/ settled on the forest land during the year;



- (x) The State Government shall ensure the Catchment Area Treatment (CAT) Plan of the project shall be implemented under the supervision of State Forest Department from the **funds of Rs. 22,33,8000/- deposited in Ad-hoc CAMPA Account** by the user agency;
- (xi) The Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department;
- (xii) The User agency shall take up afforestation activities all along the Reservoir / Dam / Canal in consultation with the Forest Department;
- (xiii) The Government of Madhya Pradesh and the user agency shall ensure that the trees available between Full reservoir level (FRL) and FRL-4 meters are not felled;
- (xiv) The User Agency shall provide free water from the project for all forestry related activities;
- (xv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xvi) No labour camps shall be established on the forest land;
- (xvii) The Forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person.
- (xviii) The User agency shall provide 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;
- (xix) User agency shall ensure that because of this project, no damage is caused to the flora and fauna available in the area;
- (xx) The State Government shall ensure that the user agency may be carried out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- (xxi) The State Government shall ensure the implementation of conditions stipulated by the Standing Committee of the NBWL at the cost of user agency;
- (xxii) The State Government shall ensure in - consultation with State Agriculture Department to utilize such area (except those located in forest land) during dry months for cultivation of appropriate crops by the project affected families (without the use of fertilizers) simultaneously during implementation of the project;
- (xxiii) The State Government shall ensure that the dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department;



- (xxiv) The State Government shall maintain the character of the project as an irrigation project and to ensure continued benefit to the farmers in the command area, no more diversion of water from the project for industrial projects will be permitted in future;
- (xxv) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- (xxvi) The User Agency shall submit the annual self-compliance report in respect of the above conditions and also to the conditions stipulated in Stage -I clearance to the State Government, concerned Regional and this Ministry by the end of March of every year regularly;
- (xxvii) The User Agency and the State Government shall ensure compliance to provisions of the all Act, Rules, Regulations, Guidelines, NGT Order (s) and relevant Hon'ble Court Order (s), if any, pertaining to this project for the time being in force, as applicable to the project;

Yours faithfully,


(Nisheet Saxena)

Sr. Assistant Inspector General of Forests (FC)

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Madhya Pradesh, Bhopal.
2. The APCCF, under FCA Regional Office, (WZ) Bhopal, Government of Madhya Pradesh, Bhopal.
3. The Nodal Officer, Forest Department, under the forest (Conservation) Act, 1980 office of the PCCF, Government of Madhya Pradesh, Bhopal.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard File.


(Nisheet Saxena)

Sr. Assistant Inspector General of Forests (FC)