



GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE
REGIONAL OFFICE (RANCHI)

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जहाँ है हरियाली ।
वहाँ है खुशहाली ॥

No.FP/JH/ENCRH/28949/2017 / 2752

Dated 30th November, 2018

To

The Additional Chief Secretary,
Department of Forests, Environment & Climate Change,
Government of Jharkhand,
Nepal House, Ranchi.

Sub: Diversion (ex-post-facto approval/ regularization of encroachment) of 14.217 ha of forest land for Magistrate Colony, Outdoor Stadium, Raj Bhawan, Police Line & DIG Residence constructed in Dumka district of Jharkhand.

Sir,

I am directed to refer to letter No.Van Bhumi-15/2018-3186/Va.Pa. dated 27.7.2018 of the State Government on the above mentioned subject seeking ex-post-facto approval of the Ministry of Environment, Forests and Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee held on 17.9.2018, the Central Government, hereby, conveys "**in-principle**" approval for diversion (ex-post-facto approval/ regularization of encroachment) of 14.217 ha of forest land for Magistrate Colony, Outdoor Stadium, Raj Bhawan, Police Line & DIG Residence constructed in Dumka district of Jharkhand, subject to the fulfillment of the following conditions.

1. Legal status of forest land proposed for diversion shall remain unchanged.
2. The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency 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 in this regard.
3. The State Govt. shall charge the penal Net Present Value (NPV) for violation, which is equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five times the NPV plus 12% simple interest till the deposits is made. In case of public utility projects of the Government the penalty shall be 20% of the penalty proposed above.

4. The State Government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India
5. 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, shall be charged by the State Govt. from the user agency.
6. Compensatory afforestation over the equivalent non forest land as proposed by the State Government shall be raised and maintained by the State Forest Department at the cost of the user agency. The user agency shall transfer the cost of compensatory afforestation and its maintenance for 10 years (revised as on the date to incorporate the existing wage structure) to State Forest Department.
7. The non-forest land identified for compensatory afforestation shall be transferred and mutated in favour of the State Forest Department for raising compensatory afforestation before issue of the Stage-II approval.
8. The non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of Compensatory Afforestation shall be declared 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 6 months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land as R.F. under Section-4 or P.F. under 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.
9. User Agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
10. Wherever possible and technically feasible, the User Agency shall undertake afforestation measures all around the site within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
11. The boundary of the forest land proposed for diversion, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc
12. The lay out plan of the proposed forest land shall not be changed without prior approval of the Ministry of Environment, Forests and Climate Change.

13. The forest land proposed for diversion shall under no circumstances be transferred to any other agency, department or person without prior approval of the Ministry of Environment, Forests and Climate Change.
14. The forest land shall not be used for any purpose other than that specified in the proposal.
15. The State Government shall ensure that settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, has been complete in accordance with the Guidelines issued by the MoEF&CC in this regard.
16. The user agency and the State Government shall ensure compliance of provisions of all the Acts, Rules, Regulations and Guidelines, for the time being in force, which are applicable to the project.
17. Any other condition that the Ministry of Environment, Forests and Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.

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

Yours faithfully,


30/11/2018
(Sujoy Dutta)

Technical Officer (Forestry)

o/c

Copy to:-

1. The Director, 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, Forest Department, Govt. of Jharkhand, Doranda, Ranchi.
3. The PCCF & Nodal Officer, Forest Department, Govt. of Jharkhand, Doranda, Ranchi.
4. The Divisional Forest Officer, Dumka Forest Division.
5. The Executive Engineer, Dumka Building Department, Dumka.
6. Guard File.


30/11/2018
Technical Officer (Forestry)

o/c