

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

Indira Paryavaran Bhawan,
 Jor Bagh Road, Aliganj,
 New Delhi – 110003.
Dated: 06th May, 2021

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

Sub: Diversion of 968.24 hectares of forest land in favour of National Water Development Agency, Ashoknagar and Shivpuri District for construction of Lower Orr Major Irrigation Project (Ken- Betwa link project), Madhya Pradesh State (Online Proposal No. FP/MP/IRRIG/7403/2014) - regarding.

Sir,

I am directed to refer to the Addl. Principal Chief conservator of Forests (Land Management) and Nodal Officer, Madhya Pradesh's letter No. F-3/50/2014/10-11/15/886 dated 25.04.2016 on the above cited subject, seeking prior approval of Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the said Act, '*In-principle /Stage -I*' approval to the proposal was accorded vide this Ministry's letter dated 12.02.2019 subject to fulfillment of certain conditions prescribed therein.

2. In this connection, on the basis of the compliance report furnished by the Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Madhya Pradesh vide letter No. F-3/50/2014/10-11/15/3284 dated 30.09.2020, letter No. F-3/50/2014/10-11/15/3757 dated 07.11.2020, letter No. F-3/50/2014/10-11/15/259 dated 15.01.2021, letter No. F-3/50/2014/10-11/15/1015 dated 16.03.2021, letter No. F-3/50/2014/10-11/15/1129 dated 24.03.2021 and letter No. F-3/50/2014/10-11/15/1357 dated 15.04.2021 '*Stage-II/Final approval*' of the Central Government is hereby accorded under Section-2(ii) of the Forest (Conservation) Act, 1980 for diversion of 968.24 hectares of forest land in favour of National Water Development Agency (NDWA), Ashoknagar and Shivpuri District for construction of Lower Orr Major Irrigation Project (Ken- Betwa link project), in Madhya Pradesh State, subject to fulfillment of the following conditions:

A: Conditions which need to be complied prior to handing over of forest land to user agency by the State Govt.:

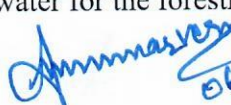
- i. The State Government shall ensure that the user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government / Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;

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- ii. The State Government shall ensure that compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard, before handing over of forest land to the user agency;
- iii. The State Government shall ensure that proposed forest land i.e. 968.24 ha shall be handed over to the user agency only when the user agency has acquired the required non-forest land, if any, for the project;
- iv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- v. 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;

B: Conditions which need to be complied after handing over of forest land to the user agency by the State Govt.:

- i. Legal status of the forest land shall remain unchanged;
- ii. The identified non-forest land 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 6 month from the date of grant of final approval 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;
- iii. The State Government and the user agency shall ensure that the water flow downstream shall be regulated in line with the natural flow regime and, in the lean period, 100% of the existing flow regime should be maintained while in the non-lean period, the prescribed minimum flow of water by hydrology and aquatic biodiversity experts should be ensured. The minimum flow of water in the Ken River will be maintained till it joins the Yamuna to save wildlife including crocodiles and other aquatic animals. The user agency shall also construct a number of concrete dykes across smaller streams going off from the main reservoir which during FRL shall be over flown but which during lean season shall dam up small isolated water bodies for the benefit of the wildlife;
- iv. Along the canal alignment, structural interventions, shall be carried out at wildlife cross over points, which are duly camouflaged and mimic nature, at cost to the user agency, so that dispersal is not hindered;
- v. The State Government shall ensure approved Catchment Area Treatment (CAT) Plan shall be implemented at the cost of user agency;
- vi. The State Government shall ensure that the forest land located between FRL and the FRL-4 meters shall be afforested by planting appropriate indigenous tree species;
- vii. The User Agency shall undertake afforestation along the periphery of the reservoir;
- viii. User agency shall provide free water for the forestry related projects;

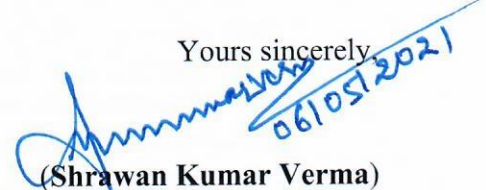

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- ix. Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- x. No labour camp/huts shall be established on the forest land;
- xi. The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person;
- xii. Boundary of the forest land proposed to be diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS co-ordinates;
- xiii. Felling of trees, if unavoidable on the forest land being diverted shall be reduced to the bare minimum and trees should be felled under strict supervision of the State Forest Department. Moreover it shall be ensure that wherever possible maximum marked trees for felling should be translocated in the consultation of the State Forest Department;
- xiv. To prevent illegal occupation/encroachment of the 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 encroachment on the forest land, payment of annuity for a period of at-least five years at the rate of the minimum wages 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 addition and not in replacement of any of the benefits to be accrued to the project affected persons, as per the approved R&R plan;
- xv. The User Agency shall track location of each displaced family and ensure none of them encroach/occupy forest land. In support of compliance to the said 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 PCCF, Madhya Pradesh that none of the persons displaced from the project land has encroached/settled on the forest land during the year;
- xvi. The User Agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting tress are to be cleared in this project. Bird nests artificially made out of eco friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- xvii. 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;
- xviii. The State Government shall maintain the character of the projects 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;
- xix. The User Agency shall pay the additional amount of NPV, if so determined, as per

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- the final decision of the Hon'ble Supreme Court of India;
- xx. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xxi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xxii. 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;
- xxiii. No damage to the flora and fauna of the area shall be caused;
- xxiv. 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 comprehensive guidelines issued vide this Ministry F. No.5-2/2017-FC dated 28th March, 2019;
- xxv. 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 out by the State Government and User Agency; and
- xxvi. The State Government and User Agency shall ensure compliance of all conditions stipulated in the Stage-I approval letter dated 10.07.2019 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 sincerely,



(Shrawan Kumar Verma)
Dy. Inspector General of Forests

Copy to: -

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