

F. No. 8-34/2018-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110 003
Dated: 31 October, 2018

To,

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

Sub: Diversion of 148.75 ha Forest Land in favour of Water Resources Department, Khandwa for construction of Bham (Rajgarh) Medium Lift Irrigation Project, in Khandwa district in State of Madhya Pradesh (Online Proposal No. FP/MP/IRRIG/28814/2017)-regarding.

Sir,

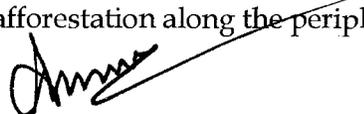
I am directed to refer to the APCCF (LM) and Nodal Officer, FC Act, 1980 Govt. of Madhya Pradesh letter No. F-3/103/2017/10-11/1138 Bhopal dated 23.04.2018, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980. The proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration, 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 agrees *to accord stage-I/ In-principle* approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 148.75 ha Forest Land in favour of Water Resources Department, Khandwa for construction of Bham (Rajgarh) Medium Lift Irrigation Project, in Khandwa district in State of Madhya Pradesh, subject to the following conditions:-

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *The details of approved Land Use Plan will be submitted before Stage-II approval;*
- iii. *The Complete Compliance of FRA, 2006 will be submitted before Stage-II approval;*
- iv. *The approved CAT plan and cost will be submitted before stage-II approval;*
- v. *The ambiguity in number of trees marked for felling in proposed forest area has to be reconciled before Stage-II approval;*
- vi. The Compensatory Afforestation shall be done over equivalent non-forest land (NFL) to the proposed forest area to be diverted within a period of three years with effect from the date of issue of Stage-II clearance. The same shall be maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department at the cost of the User Agency. At least 1000 saplings per hectares shall be planted over 148.75 ha. (148750 plants). If these seedlings are not possible to plant on identified NFL, the balance seedlings shall be planted in degraded forest land as per the prescriptions of the Working Plan at the cost of the User Agency in consultation with State Forest Department. In such case CA cost shall be revised and duly approved by competent authority and shall be deposited in the account of Ad-hoc CAMPA of the concerned State through **online e-portal only**;



- vii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- viii. The State Government shall submit a certificate about suitability of site for CA and same is free from all encroachments and other encumbrances. This shall be submitted under the signature not below the rank of Nodal Officer (FCA) from the State Government;
- ix. The non-forest land to be transferred and mutated in favour of the State Forest Department for raising CA 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 for this within a period of 6 month from the date of grant of final approval to this Ministry for information and record;
- x. The User Agency shall deposit the cost of raising and maintaining the CA at the current wage rate in the account of Ad-hoc CAMPA of the concerned State through **online e-portal only**. The scheme shall include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- xi. The User Agency shall provide additional 25% of the CA cost for Soil and Moisture Conservation (SMC) measures in the proposed CA area as per requirement at site. The said amount shall be deposited in the account of Ad-hoc CAMPA of the concerned State through **online e-portal only**;
- xii. The Net Present Value (NPV) of the forest land 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 deposited in the account of Ad-hoc CAMPA of the concerned State through **online e-portal only**;
- xiii. **The 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;**
- xiv. At the time of payment the Net Present Value (NPV) shall be paid at prevailing rate, the User Agency shall also 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;
- xv. The approved Catchment Area Treatment (CAT) Plan shall be implemented at the cost of User Agency. The commensurate cost of CAT plan shall be deposited in the account of Ad-hoc CAMPA of the concerned State through **online e-portal only**;
- xvi. The User agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- xvii. The State Government shall ensure that the forest land located between FRL, FRL-2, and the FRL-4 meters may be afforested by planting suitable indigenous tree species;
- xviii. The User Agency shall undertake afforestation along the periphery of the reservoir;



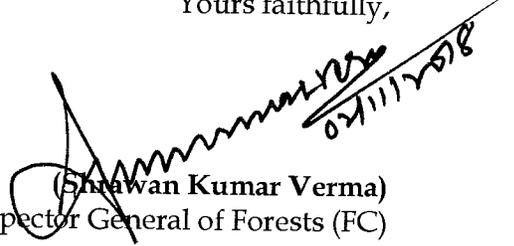
- xix. The User agency shall provide free water for the forestry related works;
- xx. Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xxi. No construction of buildings / labour camp/huts shall be allowed on the forest land being diverted;
- xxii. The forest land shall not be used for any purpose other than specified in the proposal and under no circumstances shall be transferred to any other agency, department or person;
- xxiii. 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;
- xxiv. 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;
- xxv. User agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting trees 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;
- xxvi. State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013 in support thereof;
- xxvii. The user agency shall provide alternate fuels (LPG) to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xxviii. 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;
- xxix. The State Government shall maintain the projects as an irrigation project and to ensure continued benefit to the farmers in the command area;
- xxx. 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;
- xxxi. The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the end of March of every year regularly, and



xxxii. The user agency and the State Government shall ensure compliance of provisions of the all Acts, Rules, Regulations, Guidelines, Relevant Hon'ble Court Order (s) and National Green Tribunal (NGT) Order(s), if any, pertaining to this project for the time being in force, as applicable to the project.

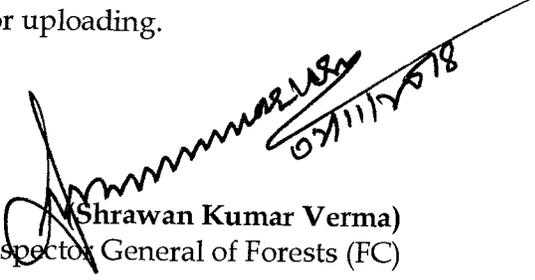
3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Madhya Pradesh, final / stage-II approval for diversion of the proposed forest land under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the proposed forest land to the user agency shall not be effected by the State Government of Madhya Pradesh till final/stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,


(Shrawan Kumar Verma)
Dy. Inspector General of Forests (FC)

Copy to:-

1. The PCCF, Govt. of Madhya Pradesh, Bhopal.
2. The Addl. PCCF (Central), Regional Office (Western Zone), Bhopal.
3. The Nodal Officer FCA, 1980, Forest Department O/o PCCF, Govt. of Madhya Pradesh, Bhopal.
4. User Agency (M/s Water Resources Department, Khandwa District, Madhya Pradesh, Bhopal).
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.
6. Guard File.


(Shrawan Kumar Verma)
Dy. Inspector General of Forests (FC)