

F. No. 8-53/2009-FC (Vol.)
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

02nd November.

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

Sub: Proposal for diversion of 16.268 ha. of forest land in favour of Industrial Center Development of Corporation, Bhopal for regularization of already existing Mandideep Industrial Area under Forest Division Obedullahganj District Raisen, Madhya Pradesh (Online Proposal No. FP/MP/IND/29027/2017) Reg.

Sir,

I am directed to refer to the APCCF (Land Management) and Nodal Officer, (FCA), Govt. of Madhya Pradesh letter No. F-5/819/2018/10-11/1312 dated 07.05.2018 for 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.

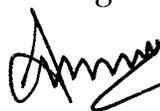
2. After careful consideration of the proposal of the State Government of Madhya Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord "*In-principle*" approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 16.268 ha. of forest land in favour of Industrial Center Development of Corporation, Bhopal for regularization of already existing Mandideep Industrial Area under Forest Division Obedullahganj District Raisen, Madhya Pradesh, subject to the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) *The user agency shall pay the NPV and Penal NPV for entire area (100% NPV + 50% Penal NPV) as per the Ministry's guideline dated 29.01.2018.*
- (iii) *Purpose wise breakup of forest land proposed for diversion shall be submitted before Stage-II approval.*
- (iv) *The compliance report of conditions stipulated in the Stage-I approval letter dated 20.12.2017 for diversion of 197.93 ha shall be submitted before Stage-II approval of the instant proposal;*
- (v) The Compensatory Afforestation shall be done over equivalent non-forest land (NFL) to the forest area proposed to be diverted for plantation in Village Kharkari of Sagar District Madhya Pradesh 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 in consultation with the State Forest Department at the cost of the user agency. At least 1000 saplings per hectares shall be planted over **16.268 ha.** (16,268 plants). If this is not possible to plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescriptions of the Working Plan at the cost of the User agency. In such case CA cost will be revised and duly approved by competent authority and deposited in the account of Ad-hoc CAMPA of the concerned State through **online e-portal only**;

- (vi) 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 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;
- (vii) The State Government shall submit a certificate, that site for CA is suitable and free from all encroachments and other encumbrances, under the signature not below the rank of Nodal Officer (FCA) in the State Government;
- (viii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- (ix) The User Agency shall provide additionally 25% of the CA cost towards Soil and Moisture Conservation measures in the proposed CA area as per site requirement and the said amount shall be deposit deposited in the account of Ad-hoc CAMPA of the concerned State through **online e-portal only**;
- (x) The User Agency shall deposit the cost of raising and maintaining the compensatory afforestation at the current wage rate in the account of Ad-hoc CAMPA of the concerned State through **online e-portal only**. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (xi) The User Agency shall deposit, 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**;

- (xii) **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;**
- (xiii) At the time of payment on the Net Present Value (NPV) at the then prevailing rate, the User Agency shall 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;
- (xiv) The User agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- (xv) Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xvi) No construction of buildings/labour camps/huts shall be allowed 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) Felling of tress 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;
- (xix) 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;
- (xx) 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;
- (xxi) 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;

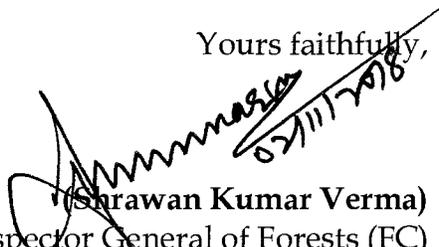
(xxii) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;

(xxiii) 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

(xxiv) The user agency and the State Government shall ensure compliance to 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;

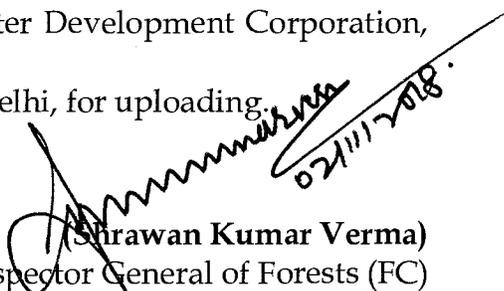
3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Madhya Pradesh, **final / stage-II approval** for diversion of the proposed forest land under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. 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 (General Manager of Industrial Center Development Corporation, Tawa Complex, Bittan Market, Bhopal).
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.
6. Guard File.


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