

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

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110003
Dated: 06th September, 2021

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

Subject: Diversion of 7.448 ha reserved forest land for construction of new coal transportation road from Jayant to Morwa railway siding in favour of General Manager, Jayant project NCL in Singrauli District, Madhya Pradesh (Online Proposal No. FP/MP/ROAD/30989/2017) - reg.

Madam/Sir,

I am directed to refer to the Additional Principal Chief Conservator of Forests (Land Management) & Nodal Officer, FCA, Govt. of Madhya Pradesh's letter No. F-5/859/2019/10-11/1378 dated 14th May, 2020 on the subject mentioned above seeking prior approval of the Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980 and to say that the said 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 examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee (FAC) "*In-principle/ Stage-I*" approval of the Central Government is hereby granted under Section 2 (ii) of the Forest (Conservation) Act, 1980 for non-forest use of 7.448 ha reserved forest land for construction of new coal transportation road from Jayant to Morwa railway siding in favour of General Manager, Jayant project NCL in Singrauli District, Madhya Pradesh, subject to the fulfilment of following conditions:

A: Conditions required to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval:

- i. *A comprehensive study will be undertaken regarding the impact of change in both composition of the forest flora & fauna, area impacted, and the health and well-being, including mental health, of the forest-fringe communities. This study should especially assess the impact due to resultant changes in forest-based food, nutrition and drinking water availability/consumption patterns and the institutions of local governance that ensure conservation of forest resources on the overall human health and well-being including mental health needs of the forest-fringe communities of the area. A multidisciplinary study shall be commissioned by the User Agency by reputed institutes like AIIMS, New Delhi and ICFRE, Dehradun in a collaborative mode*



within three months of Final (Stage-II) Approval and shall be completed within maximum 3 years. The outcomes of this study would guide overall planning and management of forests and coal mining in the area respectively by State Forest Department and the User Agency.

- ii. *The user agency will submit a detailed proposal seeking approval for change in land use plan in case of Nigahi project, as well as transfer of areas from Nigahi to Jayanta projects prior to Stage-II approval;*
- iii. *The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;*
- iv. *The State Government shall charge the Net Present Value(NPV) for the 7.448 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/200 , 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006- FC dated 03/10/2006 and 5-3/2007-C dated 05/02/2009 in this regard;*
- v. *The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;*
- vi. *The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;*
- vii. *All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other modes will not be accepted as compliance of the Stage-I clearance;*
- viii. *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;*
- ix. *The compliance report shall be uploaded, on e-portal (<https://parivesh.nic.in/>).*

B: Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted and compliance is to be submitted prior to Stage-II approval:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory afforestation shall be taken up by the Forest Department over 20.00 ha. degraded forest land (Compartment no. PF - 672, Range - West Sarai, Division - Singrauli) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided;

06.09.2024

- iii. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
- iv. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department;
- v. User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms;
- vi. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- vii. The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendations of CWLW /NBWL /FAC;
- viii. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- ix. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- x. No labour camp shall be established on the forest land
- xi. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- xii. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
- xiii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xiv. 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;
- xv. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xvi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- xvii. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project;
- xviii. Violation of any of these conditions will amount to violation of Forest

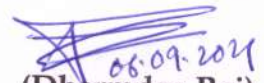
 06.07.2021

(Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;

xix. 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.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2(ii) of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be effected till final approval is granted by the Central Government in this regard.

Yours faithfully,


(Dharmdeo Rai)

Dy. Inspector General of Forests

Copy to: -

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