



सत्यमेव जयते

Government of India

Ministry of Environment, Forest & Climate Change,

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भारत सरकार

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

पूर्वोत्तर क्षेत्रीय कार्यालय, शिलांग

लॉड सीब लुम्बतंगेन

एम् टी सी के पास, शिलांग - ७९३०२१

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No. 3-MG B 043/2019-SHI 386 57

4th June, 2020

सेवा मे,

Secretary,

मेघालय सरकार / Govt of Meghalaya,

वन और पर्यावरण विभाग / Forests & Environment Department,

शिलांग / Shillong.

Sub : Diversion of 0.006 ha of forest land for construction of Public Toilet cum Washroom at Upper Shillong Protected Forest near Mattilang Park.

Sir,

This has got reference to the State Government's letter No.FOR.5/2019/76 dated 20.02.2019 dated 28.02.2020, No. MFG.22/512/497 dated 16.04.2019, No.FOR.5/2016/80 dated 20.06.2019 and No. MFG.22/433/Vol-I/1702 dated 27.05.2020 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

2. After careful examination of the proposal of the State Government, *In-principle / Stage-I* approval of the Central Government is hereby granted for diversion of 0.006 ha of forest land for construction of Public Toilet cum Washroom at Upper Shillong Protected Forest near Mattilang Park, Khasi Hills (T) Division, East Khasi Hills District, subject to the following conditions:

- (1) Legal status of the forest land shall remain unchanged.
- (2) The User Agency shall transfer the cost of Compensatory afforestation by way of planting of 100 plants of tall seedlings as per Rule 2.6(i)(b), with scheme to be prepared by State Govt, to the compensatory afforestation Fund of Meghalaya State managed by the National CAMPA only through e-portal mode.
- (3) The State Govt shall charge the Net Present Value for the 0.006 ha forest area to be diverted under the proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 & 09.05.2008 in IA No.566 in WP (C) No.202/1995 and as per the guideline issued by this Ministry vide letter No. 5-2/2006-FC dated 03.10.2006 No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal to Ad-hoc CAMPA account of the State concerned.
- (4) 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 on receipt of the report from the Expert Committee, shall be charged by the State Govt from the User Agency. The user agency shall furnish an undertaking to this effect.
- (5) The fund received from the User Agency under the project towards CA, NPV, etc shall be transferred/deposited to compensatory afforestation Fund of Meghalaya State managed by the National CAMPA only through e-portal mode.
- (6) 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.

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- (7) The expenditure like felling, logging and transportation of project affected trees should be collected from the user agency at the rates approved by the State Govt and deposited with the DFO concerned for utilization immediately following the diversion of the forest land.
- (8) The expenditure like boundary walls, stone pillars, and demarcation charges cost of damage of trees the fund on these accounts should be deposited with DFO concerned.
- (9) The user agency shall restrict the felling of trees to minimum number in the diverted forest land and trees shall be felled under strict supervision of State Forest Department Forest and the cost of the felling of trees shall be deposited by the user agency with the State Forest Department.
- (10) The complete compliance to the Forest Right Act, 2006 shall be ensured by way of prescribed certificate from the concerned District collector.
- (11) The User Agency shall obtain Environment Clearance as per the project provisions of the Environment (Protection) Act, 1986, if required under the said Act.
- (12) The lay out plan of the proposal shall not be changed without the prior approval of the Central Government.
- (13) No labour camp shall be established on the forest land.
- (14) Sufficient quantity of firewood, preferably the alternate fuel, shall be provided by the user agency to the labourers after purchasing the same from the State Forest Department or the Forest development Corporation or any other legal source of alternate fuel.
- (15) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (16) 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.
- (17) The forest land proposed to be diverted 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 without prior approval of Govt of India.
- (18) The User Agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulders in forest land, if necessary.
- (19) As per Ministry's letter No. 11-30/96-FC(Pt) dt. 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt for more than 5 (five) years, the in-principle approval would summarily be revoked considering that the user agency is no longer interested in the project.
- (20) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
- (21) All other clearance/NOCs under different applicable rules/regulations /local laws and under Forest Dwellers (Recognition of Forest Rights) Act, 2006 as required vide MoEF, New Delhi guideline No.11-9/1998-FC(pt) dated 03.08.2009 shall be complied with.
- (22) Any other conditions that the North Eastern Regional Office, Ministry of Environment, Forest & Climate Change may be stipulated from time to time in the interest of conservation, protection and development of forests & Wildlife.
- (23) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

3. After receipt of the compliance report from the State Government on fulfilment of the conditions mentioned above, final approval will be issued in this regard. Formal transfer of forest land shall not be effected by the State Govt till final approval orders approving the diversion of forest land are issued by the Central Government.

भवदीय,

(W.I. Yatbon)

वन उप महानिरीक्षक (केंद्रीय) /Deputy Inspector General of Forests(C)

Copy to:

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वन उप महानिरीक्षक (केंद्रीय) /Deputy Inspector General of Forests(C)