

Full Title of the Project:- Diversion of Forest Land 0.0084 Ha. area laying OFC cable By Divisional Engineer BSNL, Panipat on route from Sewah to Passina Morh (LHS) for providing 10Mbps ILL in Newly constructed District Jail, Panipat.

File No. FP/HR/OFC/41247/2019
Date of Proposal:- 13.08.2019.

CHECK LIST SERIAL NUMBER:-18

"SCHEME FOR COMPENSATORY AFFORESTATION"

-----Penal CA Applicable-----

Subject:- Full Title of the Project:- Diversion of Forest Land 0.0084 Ha. area laying OFC cable By Divisional Engineer BSNL, Panipat on route from Sewah to Passina Morh (LHS) for providing 10Mbps ILL in Newly constructed District Jail, Panipat.

Note:- It has been found that the user agency has violated the forest(Conservation)Act.1980 provision. A detailed report as per para 1.9 of Chapter 1, Part C of Handbook of Forest (Conservation) Act.1980 is attached. (√) Yes

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1. Area to be Diverted for Non Forestry Purpose - 0.0084 Ha.
2. Area to be Diverted :-0.0084 Hectare
3. Penal Area to be Planted: - 84 Plants/1000 per ha. = 0.084 Ha.
4. No of Plants to be Planted: - 84 No. (No of Plants to be planted @ 1000 Plants per ha.)
5. No of Plants in Penal CA:- 84 No.
6. No of Plants to be damaged:- Nil

Detail Note of Compensatory Afforestation Scheme

1. As per Guide lines issued by Govt. of India Ministry of Environment & Forests Vide Letter No. 9-1263/2001-RCC/Vol-II/ 3570 dated 31.12.2004) No amount of compensatory Afforestation is to be taken in this case because no tree to be felled and area which is to be diverted is less then one hectare.
2. No Net present value is to be taken from User agency in case if no trees/Sapling effected for laying of under ground Optical Fiber Cable as per Hon'ble Supreme court order in WRIT PETITION (CIVIL) NO.202 OF 1995 Dated 28.03.2008 and Principal Chief Conservator of Forest Haryana letter.No D-III-2810-30 dated 27-06-2008

The Penal CA expenditure of 84 No. Tall Plants and maintenance given below:-

Detail of Year Wise Plantation and Maintenance Cost and Other Expenditure				
S. NO.	DESCRIPTION		RATE	AMOUNT
A	Penal Compensatory Afforestation Charges			
	1st Year cost of afforestation	84	Rs. 359.10 Per Plant	30164.4
	IInd Year Maintenance		Rs. 115.35 Per Plant	9689.4
	IIIrd Year Maintenance		Rs. 41.89 Per Plant	3518.76
	IVth Year Maintenance		Rs. 15.58 Per Plant	1308.72
	Vth Year Maintenance		Rs. 15.58 Per Plant	1308.72
	VIth Year Maintenance		Rs. 15.58 Per Plant	1308.72
	VIIth Year Maintenance		Rs. 15.58 Per Plant	1308.72
	VIIIth Year Maintenance		Rs. 15.58 Per Plant	1308.72
	IXth Year Maintenance		Rs. 15.58 Per Plant	1308.72
	Xth Year Maintenance		Rs. 15.58 Per Plant	1308.72
	Berbed wire fencing charges	RKM	Rs. 76700/- Per RKM	6442.8
		0.084		
	Total Charges			58,976
	Total Penal CA Charges			58,976
B	Penalty for violation as per provision B(i) of MoEFCC Letter No. 11-42/2014-FC dt. 29-01-2018 with interest. Period of violation from 27-02-2019 to 15-10-2019 (No. of days=231)		Actual NPV+Interest @ 12% per annum 894+565	
			1,459	
Grand Total (A+B) to be deposited in CAMPA Fund			60,435	

Place:- Panipat
Date:- 16-10-2019

Divisional Forest Officer,
Panipat
Panipat

Ministry of Environment & Forests
Northern Regional Office

1263/2001-REC/UR-II/3570

Page No. 21
Section 17
Cloned
Dated 20/12/2004

The Pr. Chief Conservator of Forests,
Government of Haryana,
Jah Bhawan, C-18,
Sector 6, Panchkula,
Haryana.

Guidelines for diversion of forest land for non forest purposes under Forest (Conservation) Act, 1980-clarification thereof.

So refer your letter no. Admp-D-3-66/3454 dated 16.11.2004 seeking a clarification on compensatory afforestation and net present value.

It is noticed that the Ministry for Environment and Forests vide letter no 11-9/98-FC dated 10.10.2000, 31.10.2001, 23.12.2002 and 19.9.2003 had conveyed general approval for diversion of Forest (Conservation) Act, for diversion of forest land for under ground laying of optical fiber cable, under ground laying of telephone line and underground laying of water supply pipe line which involved no tree felling and outside the National Park and Wildlife Sanctuary.

The Ministry for Environment and Forests has further clarified vide letter no. 11-9/98-FC dated 19.9.2003 that question of compensatory afforestation doesn't arise when no tree felling is involved in case of optical fiber cable, under ground laying of telephone line and underground laying of water supply pipe line. It is also mentioned that in case no tree felling is involved and no forest is cleared up to 1 ha, plantation of 10 times the no. of trees likely to be felled is not followed by way of compensatory afforestation. It is very explicit.

Your letter dated 16.11.2004 has referred the above clarification vis-a-vis Hon'ble Supreme Court's order communicated vide Ministry's letter 5-1/98-FC (Part II) 29th June/1st July 2002 which is on net present value.

In view of details mentioned above it is clear that applicability of the compensatory afforestation in case of optical fiber cable, under ground laying of telephone line and underground laying of water supply pipe line will be strictly in accordance to the letter from

[Signature]
MD. [Signature]

Environment and Forests dated 15.6.2004 and the net present values (NPV) of the forest as per directions in Hon'ble Supreme Court order communicated vide letter dated 15.6.2004.

Yours faithfully

S.K. Aggarwal
(S.K. Aggarwal)
Conservator of Forests (C)

Copy to: The Inspector General of Forests (FC), Ministry for Environment and Forests, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi for information. Copy of letter received from state of Haryana is enclosed.

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14-5-05

Principal Chief Conservator of Forests
Haryana, Panipat

Order No. 94-98
Date 16/4/05
for information of I/C
DFOs

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C. K. Choudhary
Panipat

sent

प्रधान मुख्य वन संरक्षक, हरियाणा,
वन विभाग, हरियाणा सरकार,

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पंचकुला, हरियाणा, पिनकोड-172 2553000, 2553001 E-mail: jg@vsnl.com
प्रशा-टी-टीन-3-66/19.24-2003 दिनांक. 11/6/08

सर्व वनसंरक्षक (क्षेत्रीय) ।

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विषय: वन संरक्षण अधिनियम 1980 के तहत नैट प्रिजेंट वेलु आठ फॉरेस्ट लेण्ड की राशि का संचयन माननीय उच्चतम न्यायालय का निर्णय दिनांक 28-3-2003 ।

माननीय उच्चतम न्यायालय ने भारत के वनों को 5 इको श्रेणियों में बांटा है । उन 5 इको श्रेणियों पर विचारोपरान्त यह निर्णय लिया गया है कि हरियाणा के सभी वनों को इको श्रेणी 3 में माना जाएगा और इको श्रेणी 3 में वन भूमि की एनएचसीओ की दर 8.87 लाख रुपये प्रति हेक्टेयर के हिसाब से लगाई जाएगी । माननीय उच्चतम न्यायालय ने निम्नलिखित कार्यों हेतु वन भूमि का उपयोग होने की स्थिति में प्रभावित वन भूमि को एनएचसीओ लेने से छूट प्रदान की है :-

1. गाँवों में बनाए जाने वाले गैर व्यावसायिक संस्थानों जैसे सरकारी स्कूल, अस्पताल, खेलकूद के मैदान, सामुदायिक केंद्र इत्यादी जिनमें 2 हेक्टेयर से कम वन भूमि की आवश्यकता हो ।
2. प्राणीय बांघागत तथा मूलमूल सेवाओं जैसे पानी की टकी, प्राणीय सड़क इत्यादी ।
3. सूक्ष्म सिंचाई परियोजनाएँ जिनका भण्डारण क्षेत्रफल 10 हेक्टेयर से कम हो, नगरपालिका की जल वितरण परियोजना तथा पीने के पानी हेतु बिछाई जाने वाली पाईप लाईनें ।
4. भूमिगत ओवरफ्लो सिंचना ।
5. भूमिगत गैस वितरण पाईप लाईन बिछना ।
6. जिला तथा प्राणीय सड़कें ।
7. ट्रांसमिशन लाईनों का निर्माण ।

आपको इस पत्र के साथ माननीय उच्चतम न्यायालय के निर्णय दिनांक 28-3-2003 की प्रति आवश्यक कार्यवाही हेतु संलग्न भेजी जाती है । माननीय उच्चतम न्यायालय का निर्णय दिनांक 15-5-2003 से लागू माना गया है । जो केस आपके द्वारा वन संरक्षण अधिनियम 1980 के तहत स्वीकृति हेतु भेजे जा रहे हैं उनमें वन भूमि की एनएचसीओ की दर उक्त अनुसार लगाई जाए ।

संलग्न/उपरोक्त ।

प्रधान मुख्य वन संरक्षक, हरियाणा,
पंचकुला ।

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13/6/08

दिनांक

संलग्न/उपरोक्त

एक प्रति निम्नलिखित को माननीय उच्चतम न्यायालय के निर्णय दिनांक 28-3-2003 की प्रति संलग्न प्रेषित है :-

1. आयुक्त एवं सचिव, हरियाणा सरकार, वन विभाग ।
2. मुख्य वन संरक्षक, सुख्या-1 एवं सुख्या-11 ।
3. वन संरक्षक (केन्द्रीय), भारत सरकार, पर्यावरण एवं वन मन्त्रालय, उत्तर क्षेत्रीय कार्यालय, पण्डीगढ़ ।
4. सर्व वन संरक्षक (क्षेत्रीय) ।

प्रधान मुख्य वन संरक्षक, हरियाणा,
पंचकुला ।

FCA