

CENTRAL EMPOWERED COMMITTEE
(CONSTITUTED BY THE HON'BLE SUPREME COURT OF INDIA)

III Floor, Chanakya Bhawan, Chanakyapuri, New Delhi – 21, Tel: 21610612, 21610613
Email cecindia202@gmail.com, Website: www.cecindia.in

F. No: 1-19/CEC/SC/2024-Pt. (75)

Dated: 5th June 2025

To

The Chief Secretary,
Government of Rajasthan,
Secretariat, Jaipur – 302005.

SUB: REPORT OF THE CEC IN APPLICATION NO 1596 OF 2025 FILED BY KRISHI UPAJ MANDI SAMITI (GRAINS), KOTA, RAJASTHAN, IN THE MATTER RELATED TO DIVERSION OF 96 Ha. OF FOREST LAND FOR THE EXTENSION OF BHAMASHAH KRISHI UPAJ MANDI SAMITI, ANANTPUR, KOTA.

Please find enclosed a copy of the Report dated 05.06.2025 of the CEC in Application No. 1596 of 2025 filed by Krishi Upaj Mandi Samiti, Kota on the subject cited above.

You are requested to take necessary action in accordance with the recommendations outlined in the said Report, and to ensure compliance with the conditions stipulated by the Ministry of Environment, Forests & Climate Change (MoEF&CC), and the Standing Committee of the National Board for Wildlife (NBWL).


(Siddhanta Das)
Chairman

Copy for the information and necessary action:

- i) Secretary, MOEF&CC
- ii) DGF&SS, MoEF&CC
- iii) Applicant in Application No. 1596 of 2025
- iv) All members of CEC

CENTRAL EMPOWERED COMMITTEE

REPORT OF THE CEC IN APPLICATION NO 1596 OF 2025 FILED BY KRISHI UPAJ MANDI SAMITI (GRAINS), KOTA, RAJASTHAN, IN THE MATTER RELATED TO DIVERSION OF 96 Ha. OF FOREST LAND FOR THE EXTENSION OF BHAMASHAH KRISHI UPAJ MANDI SAMITI, ANANTPUR, KOTA.

Krishi Upaj Mandi Samiti (Grains), Kota, an autonomous semi-government body, operates on land allotted by RIICO and plays a vital role in providing direct and indirect employment to over one lakh people, generating substantial State Revenue. To accommodate operational expansion, it sought the diversion of 74 hectares of adjacent forest land. During inspection, an additional 22 hectares of land already in use were also found to fall under the forest category, prompting a revised proposal for diversion of 96 hectares under the Forest (Conservation) Act, 1980. However, this land overlaps with the area identified for green belt development under a prior approval granted for diversion of forest land by the Ministry of Environment, Forests and Climate Change vide letter dated 06.07.2007, related to construction of a 4-lane Kota Bypass by the National Highway Authority of India (NHAI) through forest land in Rajasthan, particularly land falling under the National

Chambal Sanctuary. This letter stipulated the following two conditions:

- No. 14. *"The area falling between Kota–Jhalawar road and Chambal River shall be preserved as a green belt to the Kota city. Similarly, the forest land existing north of the bypass between Kota–Jhalawar road and Chambal River shall also be preserved as a green belt to the Kota city."*
- No. 15: *"The cost of permanent fencing and developing the green belt up to one kilometer of the bypass road on forest land shall be included in the cost of bypass project, apart from the Compensatory Afforestation and other costs."*

Subsequent site inspections, related to the present matter, conducted by the Divisional Forest Officer (DFO), Kota, revealed that the terrain of this is sheet rock and is therefore unsuitable for plantation. Based on these findings, the DFO and Chief Conservator of Forests, Kota, recommended relocating the green belt to the Sothiya Talai Forest Area. Accordingly, through the present Application, the Applicant has submitted the following prayer before the Central Empowered Committee (CEC):

- "i) The conditions No. 14 & 15 of the letter dated 06.07.2007 may be modified, and the forest department may be directed to allot the barren forest land in favor of the Applicant agency.*

- ii) *The Applicant agency may be permitted to provide suitable land to the forest department for compliance of mitigative measures of the letter dated 06.07.2007 in lieu of the barren forest land.*
- iii) *pass any other orders and directions which this Hon'ble Committee may deem fit and proper in the interest of justice."*

BACKGROUND

2. I.A. No. 1626-1627 in Writ Petition (Civil) No. 202 of 1995 were filed by the National Highway Authority of India (NHAI) in the year 2006, seeking the permission from the Hon'ble Supreme Court for the construction of Kota bypass in Rajasthan on National Highway No. 76, which passes through the National Chambal Sanctuary. The following prayers were made in the said I.As.

- a) *Grant permission to the Applicant to divert forest land from the National Chambal Sanctuary, Rajasthan for the construction of a four-lane Kota by-pass, as part of the upgradation of the NH-76 section of the East-West corridor in Rajasthan.*
- b) *Direct the Forest Department, Government of Rajasthan, to utilize the 5% of the project cost to be deposited by the applicant as per the condition no. 11 stipulated by the National Board of Wildlife, for wildlife conservation and habitat development as prescribed by the National Board of Wildlife under conditions No. 8,9,10,11 and 12.*

- c) *Pass such other order or orders that this Hon'ble Committee deems fit and proper in the facts and circumstances of this case."*

3. The matter was heard by the Hon'ble Supreme Court on 25.08.2006 and the following order was passed:

"Exemption from filing O.T. is allowed.

The CEC shall look into the matter and file its response within four weeks. The respondents, if need be, may also file their response within the same time."

4. Pursuant to the order dated 25.08.2006 of the Hon'ble Supreme Court, the CEC submitted its report on 20.11.2006 in the matter concerning the proposal of the National Highway Authority of India (NHAI) to construct the Kota Bypass in Rajasthan on National Highway-76. The project aimed to alleviate severe traffic congestion in Kota City. The proposed alignment passed through the National Chambal Sanctuary, and a cable-stayed bridge was planned at a site chosen to avoid disturbance to crocodile habitats. The total length of the proposed bypass was 26.279 km, with an estimated project cost of Rs. 450 crores. The project required the

diversion of 95.04 hectares of reserve forest land outside the sanctuary and 16.589 hectares within the National Chambal Sanctuary. A total of 2,264 trees were present in the affected forest area, of which 965 were located within the Sanctuary. The proposal was reviewed by the Standing Committee of the National Board for Wildlife during its meeting held on 06.04.2005, and it was decided to conduct a site inspection through an Expert Team. The inspection examined two alternative alignments: (a) upstream of Jhalawar Road, which avoided protected areas, and (b) downstream of Kota Barrage, and observed that the second alignment would intersect with 902 hectares of forest land on the Kota side. The team therefore recommended in favour of the second alignment with the following 15 conditions :

- i) Cable Stayed Bridge with channels for collecting surface run-off be provided on either side, so that river is not intruded.
- ii) Noise barrier be provided on the bridge and 400 m.on either side of the Chambal river.
- iii) Stone masonry wall of 2.5 m high along with one meter fence be provided on either side to act as a barrier between the human settlement and the wildlife.

- iv) No construction workshop be set up upto 2 km. of sanctuary area and wherever possible pre-fabricated structure be erected.
- v) No work camp to be sited in the forest area and as stated by NHAI fuel should be provided by contractors, so that the labourers do not cut trees.
- vi) Whenever blasting is essential, it should be controlled and the latest method of slow tunnel blasting be followed.
- vii) Silence zone be declared well before and after the sanctuary upto a considerable distance. Adequate signages be displayed for the purpose.
- viii) The area falling between Kota-Jhalawar road and Chambal River would be preserved as green belt to the Kota city. Similarly, forest land existing north of the by-pass between Kota-Jhalawar road and Chambal River would also be preserved as green belt to the Kota city.
- ix) The cost of permanent fencing and developing green belt upto one kilometer of the by-pass road on the forest land should be included in the cost of bypass project apart from the compensatory afforestation and other costs.
- x) The cost of permanent fencing along the Kota-Rawatbhata road and the Kota Jawahar Sagar road each for a distance of 5 km. should be included in the project cost to ensure that no encroachments take place.
- xi) 5% of the project cost be placed at the disposal of State Wildlife Department for wildlife conservation and habitat development.

- xii) Rapid assessment of the status of the wildlife from Kota Barrage to Jawahar Sagar Dam should be undertaken by the Forest Department, Rajasthan in consultation with the WII prior to the construction of the bypass, during the construction phase and after the construction phase so that necessary monitoring and timely corrective measures can be adopted. The cost in this regard should be borne by the NHAI.
- xiii) The Forest Department Rajasthan must include approximately 1000 ha of the forest land available in Mashalpura block A for inclusion in the Darra Wildlife Sanctuary to enhance its effectiveness for wildlife conservation.
- xiv) The 902 ha forest area as detailed in Alignment No. 2 bypass, should be developed as urban managed area for the purpose of wildlife conservation and environmental education.
- xv) A monitoring committee to be set up with District Collector as Chairman, the Forest Department as Convener and involving the representatives from the local NGOs, NHAI, WII, MoEF and the thermal power authorities as members to look into the various issues during the construction to completion phase so that restorative actions on all matters that can impact and pollute the river system can be undertaken timely.

The proposal was thereafter examined by the Standing Committee of the National Board of Wildlife in its meeting held on 20.01.2006, and it was recommended for approval subject to compliance with the conditions detailed in the inspection note.

5. The CEC in its report dated 20.11.2006, considering that (a) the project is in public interest; (b) no viable alternative is feasible; (c) the adverse effect of the project on the area falling within the Sanctuary is containable subject to the fulfilment of the mitigative measures suggested; and (d) that the Standing Committee of the NBWL has recommended the proposal, and recommended in para 15 of its Report that the Hon'ble Supreme Court may consider permitting the use of 16.589 ha. of forest land falling within the National Chambal Sanctuary for the construction of the 4 lane Kota bypass by the National Highway Authority of India subject to the following conditions:

- i) statutory approval under the F.C. Act for the use of the forest land will be obtained;
- ii) NPV at the present rate will be deposited by the project authority in the Compensatory Afforestation Fund along with an undertaking to deposit the additional money towards the NPV, subject to the final orders of this Hon'ble Court;
- iii) the mitigative measures recommended by the Standing Committee of the NBWL will be taken up concurrently with the construction of the project; and
- iv) the NHAI will deposit Rs 25.72 crores for undertaking the various mitigative measures recommended by the Standing Committee of the NMBWL.

6. The Hon'ble Supreme Court, after considering the Report of the CEC, has passed the following order on 08.12.2006:

“The permission sought for by the National Highway Authority of India (NHAI) for construction of Kota bypass in Rajasthan on National Highway No. 76 passing through the National Chambal Sanctuary is granted on the recommendations of the CEC, as contained in its report dated 20th November, 2006. The conditions stipulated in para 15 of the report are acceptable to NHAI except that, it is submitted, the NHAI may be permitted to challenge, if necessary, the quantum of NPV at appropriate stage before appropriate forum. This stand of the NHAI seems to be reasonable. Subject to the opportunity to NHAI to challenge the quantum of NPV as stated, the permission sought for is granted on NHAI fulfilling the conditions stipulated in para 15 of the report.

In para 16 of the report, a recommendation has been made for NHAI depositing amounts for undertaking the mitigative measures. For the said purposes, we direct that the amount shall be deposited with CEC. The CEC shall keep it in a separate bank account. The amount will be released to the Rajasthan Forest Department for mitigative measures to be undertaken under the monitoring committee consisting of the representative of the MoEF, the Principal Chief Conservator of Forests, and the Chief Wildlife Warden. This committee would finalize the specific items of work and monitor their implementation. The expenditure would be audited by the Accountant General, Rajasthan.

The application is disposed of accordingly.”

7. The Ministry of Environment, Forest and Climate Change (MOEF&CC) approved the diversion of 111.637 hectares of forest land (comprising 95.048 hectares in Kota Forest Division and 16.589 hectares in National Ghariyal Sanctuary) for the construction of a bypass to Kota City under National Highway-76, in favor of the National Highways Authority of India. The approval was granted vide letter F. No. 8-13/2006-FC dated 10.07.2007, under the provisions of the Forest (Conservation) Act, 1980, subject to fulfillment of the following conditions:

- i. Compensatory Afforestation shall be raised and maintained over double the degraded forest land, i.e., 223.274 ha (190.096 ha + 33.176 ha) in the cost of the user agency. The cost of Compensatory Afforestation shall be transferred to the State Forest Department by the user agency.
- ii. The State Government shall charge the Net Present Value of the forest area diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30.10.2002 and 01.08.2003 in 1A No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by this Ministry vide letters No. S-i/1998-FC (Pt. II) dated 18.09.2003, as well as letter No. 5-20006-FC dated 03.10.2006 in this regard.

- 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. All the above funds received from the user agency under the project shall be transferred to in Account No. CA 1581 of Corporation Bank, Block-11, CGO Complex, Phase-1, Lodhi Road, New Delhi – 110003.
- v. The mitigative measures recommended by the Standing Committee of NBWL shall be taken up by the User Agency concurrently with the construction of the project. The User Agency shall deposit Rs 25.72 crores for undertaking the various mitigative measures recommended by the Standing Committee of the NBWL. As per the Hon'ble Supreme Court's order dated 08.12.2006, this amount of Rs 25.72 crores shall be deposited with the Central Empowered Committee (CEC). The CEC shall keep the amount in a separate bank account and release it to the Rajasthan Forest Department for the concurrent implementation of the mitigative measures.
- vi. The finalization and implementation of specific items of work as part of the mitigative measures will be monitored by a committee consisting of the representatives of the Ministry of Environment and Forests, PCCF, Rajasthan and the CWLW of Rajasthan. The expenditure would be audited by the Accountant General, Rajasthan.

- vii. The User Agency shall provide Cable Stayed Bridge with channels for collecting surface run-off on either side. so that the river is not intruded.
- viii. The User Agency shall provide a noise barrier on the bridge and 400 m. on either side of the Chambal River.
- ix. Stone masonry wall of 2.5 m high along with one meter fence shall be provided on either side to act as a barrier between the human settlement and wildlife.
- x. No construction workshop shall be set up upto 2 kms of sanctuary area, and wherever possible prefabricated structures be erected.
- xi. No labour camps shall be situated in the forest area. The User Agency shall provide fuel-wood, preferably alternate fuel to the labourers working at the site to avoid damage/felling of trees.
- xii. Wherever blasting is essential, it shall be controlled and the latest method of slow tunnel blasting be followed.
- xiii. Silence zone shall be declared well before and after the sanctuary upto a considerable distance. Adequate signages be displayed for the purpose.
- xiv. The area falling between Kola-Jhalawar mad and Chambal River shall be preserved as a green belt to the Kota city. Similarly, the forest land existing north of the bypass between Kota-Jhalawar road and Chambal River shall also be preserved as a green belt to the Kota city.

- xv. The cost of permanent fencing and developing the green belt upto one kilometer of the bypass road on forest land shall be included in the cost of bypass project apart from the Compensatory Afforestation and other costs.
- xvi. The cost of permanent fencing along the Kota-Rawatbhata road and the Kota Jawahar Sagar road for a distance of 5 km shall be included in the project cost to ensure that no encroachments take place.
- xvii. Rapid assessment of the status of the wildlife from Kota Barrage to Jawahar Sagar Dam shall be undertaken by the Forest Department, Rajasthan in consultation with the Wildlife Institute of India prior to the construction phase and after the construction phase so that necessary monitoring and timely corrective measures can be adopted. The cost in this regard should be borne by the User Agency.
- xviii. The Forest Department, Rajasthan, shall include approximately 1000 ha of the forest land available in Mashalpura Block-A for inclusion in the Darra Wildlife Sanctuary to enhance its effectiveness for wildlife conservation.
- xix. The 902 ha. forest area as detailed in Alignment No. 2 by-pass shall be developed as an urban managed area for the purpose of wildlife conservation and environmental education.

xx. All other conditions stipulated by the State Government of Rajasthan while forwarding the above proposal to the Central Government, and conditions stipulated by the Central Empowered Committee in their recommendations dated 20.11.2006, as approved by the Hon'ble Supreme Court in its Order dated 8.12.2006, in IA No. 1626-1627 in Writ Petition (C) 202 of 1995 shall be adhered to by the User Agency.

8. In the same IA, another order was passed by the Hon'ble Supreme Court of India on 18.09.2009, which reads as follows:

***“Pursuant to the order passed by this Court, the National Highways Authorities of India has deposited a sum of Rs.25.72 crores with the C.E.C. and based on the recommendations of the Monitoring Committee, an amount of Rs.70.67 lacs had been released to the C.E.C. for implementation of the various measures. Now an amount of Rs.25.103 cores is lying with the C.E.C. This amount is directed to be made over to the CAMPA fund to implement the ongoing mitigating measures in the State of Rajasthan as per the Monitoring Committee’s recommendations.*”**

I.A.s are disposed of accordingly.”

OBSERVATIONS

9. The present Application was discussed during the meeting convened by the CEC on 06.02.2025. Dr. M. S. Kachhawa, Ld. Advocate, appeared on behalf of the Krishi Upaj Mandi Samiti,

Kota, and reiterated the prayers already mentioned in para 1 above. In the light of discussions held during the meeting, the CEC directed the Forest Department, Government of Rajasthan, to submit the following information:

- i. Why did the Government of Rajasthan fail to comply with the MOEFCC letter dated 06.07.2007?
- ii. Provide the details of ownership of the land, supporting documents including maps / Government orders, and the area available for Compensatory Afforestation of the land in question.

10. The Proposal for diversion of 96 ha. of forest land in favour of the Secretary, Krishi Upaj Mandi Samity, Anantpura Kota, for the extension of Bhamashah Krishi Upaj Mandi Samiti, District Kota, Rajasthan (Online Proposal No: FP/RJ/Others/20036/2016) is already under consideration of the MOEFCC. The link to access the online proposal is as follows :

https://forestsclearance.nic.in/writereaddata/AdditionalInformation/AddedInfoSought/0_0_61120124312141FileNo8-182023-FC.pdf

The MOEFCC, vide its letter dated 19.06.2023, has highlighted several shortcomings in the proposal, one of which is as follows:

- vi. *The State Government shall clarify as to why the conditions stipulated in FC approval letter No.8-13/2006-FC dated 06.07.2007 have not been complied even after completion of more than 15 years. It shall also confirm whether any request for modification in stipulated conditions in the approval dated 06.07.2007 was made earlier to the Central Govt., if so, the details in this regard shall be provided. If not, then the justification for informing at this belated stage that the land is not suitable for plantation/green belt development shall be submitted. The person/official responsible for not complying with the direction of Hon'ble Court shall also be furnished.*
- ix. *Violation has been reported over an area of 24.06 ha, however the detailed Action Taken Report and the present status of same has not been provided, which shall be submitted. It has been mentioned that an FIR was lodged in the year 1996 but no action appears to have been taken further by the State Govt. The reasons/justification for the same shall be submitted. The official responsible for violation and action taken against them shall also be furnished.*

11. In view of the above, the following issues emerge:

- i. The State Government has failed to comply with the conditions imposed by the Ministry of Environment, Forest and Climate Change (MOEF&CC) as stipulated in the forest clearance approval letter F.No.8-13/2006-FC dated 06.07.2007, even after over 15 years. Specifically, conditions 14 and 15, which were originally imposed by the Standing Committee of the National Board for Wildlife (NBWL) regarding the proposal for diversion of 111.637 hectares of forest land (95.048 hectares in Kota Forest Division and 16.589 hectares in

National Ghariyal Sanctuary) for the construction of a bypass to Kota City under National Highway-76 (East-West Corridor) in favor of the National Highways Authority of India, were adopted as conditions (viii) and (ix) in the NBWL's meeting held on 06.04.2005.

- ii. The Applicant has encroached upon forest land and is now seeking post-facto approval from the MOEF&CC under the Forest (Conservation) Act, 1980.
- iii. The Hon'ble Supreme Court of India has in its order dated 08.12.2006 *inter alia* ordered as follows:

“.... the permission sought for is granted on NHAI fulfilling the conditions stipulated in para 15 of the report.”

- iv. Conditions 14 and 15 of the MOEF&CC letter No. F.No.8-13/2006-FC dated 06.07.2007, was to be implemented by the State Government at the expense of the National Highways Authority of India (NHAI).
- v) The Divisional Forest Officer, Kota, during an interaction held on 04.06.2025, confirmed that the costs have been deposited by the National Highways Authority of India (NHAI). Additionally, it was stated that, except for the area covered under the present proposal pending with the MOEF&CC, the conditions have been complied with.

RECOMMENDATIONS

12. In view of the above facts, the recommendations of the CEC are as follows:

- i. The conditions Nos. 14 and 15 of the MOEFCC letter No. F.No.8-13/2006-FC dated 06.07.2007 were the conditions imposed by Standing Committee of National Board of Wildlife w.r.t. the proposal of the Diversion of 111.637 ha of forest land (95.048 ha in Kota Forest Division and 16.589 ha in National Ghariyal Sanctuary) for construction of a bypass to Kota City under National Highway-76 Section of East West Corridor in favour of National Highway Authority of India. Hence, for any modification in these conditions, the State Government should approach the Standing Committee of the National Board of Wildlife.
- ii. The MOEFCC shall ensure that all other conditions as stipulated by the MOEFCC letter No. F.No.8-13/2006-FC dated 06.07.2007 has been complied with to the fullest.
- iii. The MOEFCC shall ensure that suitable action is taken for non-compliance with these conditions and also for the encroachment of the forest land as provided in the provisions of Van (Sanrakshan evam Samvardhan) Adhiniyam, 1980.

- iv. The MoEFCC shall ensure that in case the proposal for diversion of 96 ha. of forest land in favour of the Secretary, Krishi Upaj Mandi Samity, Anantpura Kota for Extension of Bhamashah Krishi Upaj Mandi Samiti, District Kota, Rajasthan (Online Proposal No: FP/RJ/Others/20036/2016) is approved, apart from other conditions that MOEFCC may impose, the following condition shall necessarily be imposed:
- a) A six-feet high protection wall on all sides of the forest area proposed for the diversion area wall shall be constructed at the cost of the project proponent.
 - b) As the forest land in this area is surrounded by a densely populated area, to avoid any future scope of encroachment or illicit felling, a fully functional and IT-enabled Forest Chowki shall be established adjacent to the proposed diversion area at the cost of the project proponent.
 - c) Plantation of Ficus species along NH 27 road, from the Chambal River up to the Proposed diversion area, shall be raised using proper techniques suitable to the area at the cost of the project proponent
 - d) As the area is extremely hot during the summer season, suitable water holes for wildlife with a solar boring system on adjacent Forest land shall be constructed at the cost of the project proponent

- e) The State Government shall ensure that the proposed land is used exclusively for the facilitation of farmers' agricultural produce marketing. Only those facilities that directly support the welfare of farmers and mandi operations shall be permitted on the proposed diverted land. These may include covered auction platforms, weigh bridges, railway goods sheds, warehouses/processing units for cleaning and grading produce, water treatment plants etc.
- f) Any commercial activity in the form of the construction and sale of shops or leasing of spaces for private trade shall be strictly prohibited.

The State Government may proceed in this matter as per the above recommendations.


(Siddhanta Das)
Chairman

Dated: 5th June,2025