

Undertaking for FRA

CCL undertakes that certificate under FRA Act-2006 will be submitted before start of work after issuance from District Authority in Form-1 (Linear Project). Process of obtaining certificate under FRA has been initiated.


Project Officer
Magadh OCP
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PROJECT OFFICER
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- (F) the State Government or the Union territory Administration, as the case may be, undertakes to provide at its cost or at the cost of the user agency the requisite extent of appropriate land as per sub-rule (1) of rule 11 and afforestation thereof, for the purpose of carrying out Compensatory Afforestation;
- (iii) while making recommendations as per sub-clause (ii), the Committee may also impose conditions or restrictions and such mitigation measures, which in its opinion would offset the adverse environmental impact;
- (iv) the Central Government shall, after considering the recommendation of the Advisory Committee, grant 'In-Principle' approval subject to fulfilment of stipulated conditions or reject and communicate the same to the concerned State Government or the Union territory Administration, as the case may be, and to the user agency;
- (f) (i) in case the proposal is found incomplete or information provided is found to be incorrect after its examination, the Central Government shall inform the State Government or Union territory Administration and user agency for furnishing the required information within a specified period;
- (ii) the State Government or Union territory Administration on receipt of communication under sub-clause (i), may furnish the complete information, after which the proposal shall be considered for 'In-Principle' approval under these rules:

Provided, if the information sought pertains to the user agency, the user agency may directly furnish the requisite information to the Central Government with a copy to the State Government or Union territory Administration, and upon receipt of such information from the user agency, the Central Government, if it considers necessary, may seek comments of the concerned State Government or Union territory Administration, as the case may be, on the information furnished by the user agency or consider granting 'In-Principle' approval.

(6) 'Final' approval of the proposal:-

- (a) (i) the Nodal Officer may, after receipt of the 'In-Principle' approval from the Central Government, communicate the same to the concerned Divisional Forest Officers, District Collectors and Conservator of Forests;
- (ii) on receipt of a copy of the 'In-Principle' approval, the Divisional Forest Officer shall prepare a demand note containing the item-wise amount of Compensatory Levies, as applicable, to be paid by the user agency and communicate the same to the user agency, along with a list of documents, certificates and undertakings required to be submitted by them in compliance with the conditions stipulated in 'In-Principle' approval;
- (iii) the user agency shall, after receipt of the communication, make payment of Compensatory Levies and hand over the land identified for Compensatory Afforestation, a compliance report along with copies of documentary evidence including undertaking and certificate in respect of the payment of Compensatory Levies and handing over of Compensatory Afforestation land to the Divisional Forest Officer;
- (iv) the Divisional Forest Officer, after having received the compliance report and satisfied with the completeness, shall recommend the compliance report for final approval and forward it to the Conservator of Forests;
- (v) the Conservator of Forests, after having received the compliance report as referred to in sub-clause (iv) above, shall make his recommendations on the compliance report and forward the same to the Nodal Officer;
- (vi) the Nodal Officer, after having received the compliance report, ensuring its completeness and obtaining approval of the Principal Chief Conservator of Forests of the State Government or head of the Department in case of Union territory Administration, shall forward such report with his recommendations to the State Government or Union territory Administration, as the case may be.
- (b) (i) the Central Government after having received the compliance report and ensuring its completeness may accord 'Final' approval under section 2 of the Act and communicate such decision to the State Government or Union territory Administration and the user agency;
- (ii) The State Government or Union territory Administration, as the case may be, after receiving the 'Final' approval of the Central Government under Section 2 of the Act, and after fulfilment and compliance of the provisions of all other Acts and rules made thereunder, as applicable including ensuring settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007), shall issue order for diversion, assignment of lease or dereservation, as the case may be.

झारखण्ड सरकार
वन, पर्यावरण एवं जलवायु परिवर्तन विभाग

पत्र संख्या-वनभूमि (विविध)-02/2022-3065 व०प०, राँची, दिनांक- 08-08-2023

प्रेषक:

जलज कुमार,
उप परामर्शी।

सेवा में

प्रधान मुख्य वन संरक्षक-राह-कार्यकारी निदेशक,
बंजर भूमि विकास बोर्ड, झारखण्ड, राँची।

विषय -

वनभूमि अपयोजन प्रस्तावों में प्रयोक्ता अभिकरण से FRA, 2006 के तहत प्रमाण-पत्र प्राप्त करने के संबंध में।

प्रस्ताव -

1. विभागीय पत्राक-वनभूमि-10/2021-3018 दिनांक-22.10.2021
2. विभागीय आदेश-वनभूमि (विविध)-05/2022-3735 दिनांक-15.12.2022

महाराज

निदेशानुसार उपर्युक्त विषयक विभागीय पत्राक-वनभूमि-10/2021-3018 दिनांक-22.10.2021

द्वारा वन (संरक्षण) अधिनियम के तहत समर्पित प्रस्तावों में स्टेज-I के शर्तों के अनुपालन के संबंध में FRA, 2006 के तहत कार्रवाई पूर्ण करने एवं तत्संबंधी BCCI की कुईया कोलियरी हेतु 16.49 हे० वनभूमि प्रमाण-पत्र की मांग करने के संबंध में आवश्यक कार्रवाई करने का अनुरोध किया गया था।

अपयोजन प्रस्ताव से संबंधित सचिका में प्राप्त आदेश के अनुरूप FRA प्रमाण-पत्र के बिन्दु पर विधि विभाग के माध्यम से विद्वान महाधिवक्ता का मंतव्य प्राप्त की गई।

विद्वान महाधिवक्ता का परामर्श निम्नवत् उद्धृत है:-

"From the above documents, it is evident that compliance of FRA, 2006 is not mandatory for sending proposal for approval of Stage-I clearance in Kuiya Colliery. However, same is required to be complied with eventually."


इस बीच FC Rules 2022 के आलोक में PSC के गठन संबंधी प्रस्ताव से संबंधी सचिका में प्राप्त आदेश के आलोक में विभागीय पत्राक-3735 दिनांक-15.12.2022 द्वारा पूर्व की भौति Stage-I/II Clearance के पूर्व FRA का अनुपालन एवं ग्राम सभा की सहमति प्राप्त करना सुनिश्चित करने का अनुरोध किया गया।

विद्वान महाधिवक्ता के मंतव्य के आलोक में राज्य सरकार द्वारा निर्णय लिया गया है कि वन (संरक्षण) अधिनियम, 1980 के तहत सभी प्रस्तावों में स्टेज-I की स्वीकृति के उपरान्त परन्तु स्टेज-II का प्रस्ताव भेजने के पूर्व FRA प्रमाण-पत्र प्राप्त करना सुनिश्चित किया जाय।

अनुरोध है कि उक्त के आलोक में वनभूमि अपयोजन से संबंधित सभी प्रस्तावों पर आवश्यक कार्रवाई करने की कृपा की जाय।


SADALA SATYANARAYAN
Project Officer
Magadh OCP

विश्वासभाजन


(जलज कुमार)
उप परामर्शी।

ज्ञापक-वन भूमि(विविध)-02/2022-3065 व०प०, राँची, दिनांक- 08-08-2023

प्रतिलिपि-प्रधान मुख्य वन संरक्षक, झारखण्ड, राँची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।


उप परामर्शी।