

**कार्यालय अधिशासी अभियन्ता,
निर्माण खण्ड-2, लो0नि0वि0, गाजियाबाद।**

Letter No.: 1252/1 सी0

Date: 14.06.2021

To,

**Divisional Director,
Social Forestry Division,
Ghaziabad**

Sub: Diversion of 0.32 Ha. of Forest Land for 'Construction of RCC drain at ward 38 (Loni Lal Bag Sabji Mandi) along road side district Ghaziabad of Uttar Pradesh State'- **Reg. compliance of EDS dated 25th March, 2021**

Ref: 1. Your Letter dated 4378/14-1 dated 09th March, 2021
2. Proposal No.- FP/UP/Others/123646/2021

Madam,

With reference to the EDS generated on 25.03.2021, hereby we are submitting the point wise reply for your perusal.

S. No.	Essential Details Sought	Reply
1.	Attach the FRA certificate issued by District Magistrate with proposal	Process for Settlement of Rights under the Forest Rights Act, 2006 on the forest land proposed to be diverted has already been initiated and under process at District Collector. According the MoEF&CC circular dated 26 th February 2019 (Annexure I), the compliance under FRA is not required for consideration of in-principle proposal by the ministry for final approval.Undertaking for the same enclosed as Annexure II.
2.	Undertake the joint inspection of land identified for Compensatory afforestation with Range Forest Officer, Ghaziabad. Accordingly, submit the DGPS and Sol Topo map on 1:50000 scale of the area.	Considering project is for diversion of less than 1 ha of forest land for non-forestry purpose. No CA shall be levied for the project as per Section 2.6 (Page 48 and 49) of Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines & Clarifications). Relevant Pages are attached as Annexure III . User agency hereby undertake to accrue the cost towards plantation as may be decided by Forest Dept. at the time of recommendations.

S. No.	Essential Details Sought	Reply
3.	Undertaking regarding cost towards Compensatory Afforestation	Considering project is for diversion of less than 1 ha of forest land for non-forestry purpose. No CA shall be levied for the project as per Section 2.6 (Page 48 and 49) of Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines & Clarifications). Relevant Pages are attached as Annexure III . User agency hereby undertake to accrue the cost towards plantation as may be decided by Forest Dept. at the time of recommendations.
4.	Species wise (scientific name) and diameter wise list of affected trees	No tree is getting affected
5.	Details of proposed land for diversion in terms of length and width	Diversion of 0.32 ha is proposed for the project. Area calculation sheet is enclosed as Annexure IV to this letter
6.	Details of non-forest land being used in the project	Project is construction of RCC drain along Road at Ward- 38 (Loni Lal Bag Sabji Mandi) at District Ghaziabad. No non-forest is involved in the project.
7.	Undertaking regarding protected areas in the proposed project	No protected area notified under Wildlife Protection Act is getting affected in the project. Undertaking for the same is enclosed as Annexure V .
8.	Undertaking regarding deposition of NPV	Undertaking regarding NPV is enclosed as Annexure VI .
9.	Certificate regarding Manak Sharte	Certificate regarding Manak Sharte is enclosed as Annexure VII .

In view of the above, you are requested to forward the proposal to next level with your kind recommendations.


Thanking You,

Place: Ghaziabad

Date: 14.06.2021


Assistant Engineer-1
Construction Division-2 P.W.D.
Ghaziabad
Assistant Engineer

C.D.-2, Public Works Department,


Maneesh Verma
Executive Engineer
C.D.-2, Public Works Department,

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

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi-110003

Dated: ^{28th February} January, 2019

To,
The Principal Secretary/Secretary (Forests)
All States/UTs Governments

**Sub: Compliance of the Schedule Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006-regarding**

Sir,

I am directed to refer to Forest (Conservation) amendment Rules 2016 as amended on 06th March, 2017 wherein inter-alia it has been provided that:

(e) the District Collector shall

(i) complete the process of recognition and vesting of forest rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal.

(ii) obtain consent of each Gram Sabha having jurisdiction over the whole or a part of the forest land indicated in the proposal for the diversion of such forest land and compensatory and ameliorative measures, if any, having understood the purposes and details of diversion, wherever required; and

(iii) forward his findings in this regard to the Conservator of Forests

(f) the entire process referred to in clause (e) shall be completed by the District Collector within the time period stipulated in these rules for grant of in-principle approval under the Act to the proposal.

(g) the Conservator of Forests shall examine the factual details and feasibility of the proposal, carry out site inspection in case the area of forest land proposed to be diverted is more than forty hectares, and forward the proposal along with his recommendations to the Nodal Office.

I am also directed to refer to references/communications received from various State Governments seeking clarification on whether FRA certificate is to be submitted before Stage-II compliance or it has been submitted along-with proposal for seeking Stage-I approval.

It is clarified that within the time period stipulated for compliance of stage-I

File No.11-43/2013-FC

condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to the concerned CF). Hence for the purpose of the MoEF&CC, as per the provision under Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the state Govt. for consideration of the proposal by the ministry for final approval.

In view of the above, the State Governments are requested to adhere the provisions contained in Forest (Conservation) Amendment Rules, 2016 for FRA purpose while forwarding the proposal for seeking prior approval under Section 2 of Forest(Conservation) Act, 1980 to this Ministry for consideration.

Yours faithfully,

(Signature)
Dy. Inspector General of Forests

Copy to:

1. Prime Minister's Office
2. Secretary, Ministry of Mines, Government of India
3. Secretary, Ministry of Coal, Government of India
4. Secretary, Ministry of Petroleum and Natural Gas, Government of India
5. Principal Chief Conservator of Forests, all State/UT Governments
6. Nodal Officer, the Forest (Conservation) Act, 1980, all State/ UT Governments
7. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEF&CC), GoI.
8. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, GoI
9. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEF&CC, GoI/Director, ROHQ, MoEF&CC, GoI/TO(FC)/TO(ROHQ).
10. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
11. Sr. PPS to the Secretary, MoEF&CC
12. Sr. PPS to the Director General of Forest & Special Secretary, MoEF&CC, GoI
13. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEF&CC, GoI.

(Signature)
Assistant Engineer-
Construction Division-2 P.W.D.
Ghaziabad

o/c

12/3/19

Yours faithfully,


(Signature)
Dy. Inspector General of Forests


Name of Project: Diversion of 0.32 Ha. of Forest Land for 'Construction of RCC drain at ward 38 (Loni Lal Bag Sabji Mandi) along road side district Ghaziabad of Uttar Pradesh State'

Undertaking regarding Forest Right Act, 2006

This is to undertake that documentary evidence in support of Settlement of Rights under Forest Rights Act, 2006 on the forest land proposed to be diverted shall obtained from District Collector. Same shall be submitted as part of Stage I compliance.

Place: Ghaziabad
Date: 14.06.2021


Assistant Engineer- I
Construction Division-2 P.W.D.
Ghaziabad
Ramesh Chandra
Assistant Engineer
Public Works Department
Ghaziabad


Executive Engineer
Construction Division-2
P.W.D., Ghaziabad

Handbook of

**Forest (Conservation) Act, 1980
and
Forest Conservation Rules, 2003
(Guidelines & Clarifications)**



**Ministry of Environment, Forest and Climate Change
Government of India**

2019

- h. For construction of small hydro-electric project (up to 25 MW) duly approved by the competent authority in the Government which would directly benefit the people of the area, i.e. in hill districts of the country having forest area exceeding 50% of the total geographical area, provided diversion of the forest land doesn't exceed five (5) hectares
- (ii) For extraction of minor minerals from the river beds, if forest area to be diverted is above 500 hectares, CA over equivalent area of degraded forest shall be required to be done instead of twice the area being diverted, subject to a minimum of 1000 plants/hectare for compensatory afforestation.
- (iii) CA shall be raised and maintained over an equivalent area proposed for diversion in a degraded forest in RFs or such other forest land which are already under administrative control of the State Forest Department at the cost of the user agency in cases of Strategic Defence projects including infra-structure and road projects undertaken by the BRO or falling within 100 km aerial distance from the Line of Actual Control (LAC) along Indo-China border and undertaken by any user agency identified by the Ministry of Defence.
- (iv) CA shall be raised over equivalent degraded forest land of the forest area being diverted for actual impact zone of the Field Firing Range (FFR). If diversion of forest land for Field Firing Range is for actual impact area, CA has to be over degraded forest equal in extent of the forest area diverted, otherwise, it has to be over 10% of the forest area diverted.
- (v) In case of proposal for construction of zoobeing submitted by central Government agency, then CA will be done over the degraded forest area equivalent to 30 per cent of the total forest area being diverted. In case, the project is being submitted and constructed by State Government agencies /private agencies, then CA will be done over non-forest land equivalent to 15 per cent of total area being diverted. In such cases the non-forest land shall be transferred, mutated in the name of forest department and notified as Protected Forest/Reserved forest (PF/RF) prior to stage II approval.
- vi) In the State of Maharashtra, in lieu of diversion/regularization of encroachment over 86,409 ha. of zudpi jungle land (which has already under various non-forestry use) under Forest (Conservation) Act 1980, CA shall not be insisted by the Central Government subject to the condition that:
- the State Government will ensure the notification of 92,115 ha of Zudpi Jungle as RF/PF (16,309 ha already notified and 75,806 ha to be notified), which has been considered suitable for forestry management, development and conservation, by the High-Powered Committee.
 - the State Government shall submit a 10 years perspective plan for greening of the zudpi jungle land being notified to the Ministry of Environment & Forests which may also include compensatory afforestation to be taken against future diversions of the forest lands for State Government's purpose.

2.6. Provision for plantation of specified number of trees by way of CA in certain cases:

- (i) In the following cases, cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation:
 - (a) Clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation,
 - (b) Diversion of forest land up to one hectare,
 - (c) Underground mining in forest land without surface rights,
 - (d) Renewal of mining lease for the forest area for which CA has already been paid,
 - (e) Diversion of forest land under the General Approval (GA) up to one hectare,
 - (f) Diversion of forest land upto 5.0 ha. in accordance with the General Approvals granted for activities carried out by Govt. Dept. in notified LWE Districts.
- (ii) In respect of diversion of forest land for safety zone around a mine, User Agency shall deposit the amount for afforestation on degraded forest land, to be selected elsewhere measuring one and a half times the area of forest land under safety zone with the State Forest Department in addition to depositing funds with State Forest Department for the protection and regeneration of the Safety Zone area. The State Forest Department shall execute the afforestation.

2.7 Identification of land banks for CA

- (i) The States and UTs shall create land bank for CA for speedy disposal of the FC proposals under FC Act 1980.
- (ii) In addition to non-forest land, the degraded forest land with crown density upto 40% under the administrative control of forest department may be identified using the Satellite imagery and in consultation with Forest Survey of India and will be made available for CA.
- (iii) The category of lands as specified in para 2.4 are applicable and other waste lands and non-forest lands may also be identified as land bank for the purpose of CA.

To expedite creation of land bank in a systematic manner a Committee under Chairmanship of the Principal Chief Conservator of Forests may be constituted with the Chief Wildlife Warden and representatives of revenue department in the State as members of the Committee. The committee may identify the following and other such forest areas on priority for inclusion in the land bank:

- (a) Areas falling in wildlife corridors to improve connectivity between habitats;
 - (b) Areas falling in and around the Protected Areas (PAs), eco-sensitive zone of PAs, forest areas to ensure consolidation of such areas;
 - (c) Habitat of rare, threatened and endangered species of flora and fauna to ensure long term conservation of such habitats;
 - (d) Areas falling in catchment areas of important rivers, water supply schemes, irrigation projects, hydro-electric projects etc.
- (iv) To monitor the progress of creation of land bank for CA following committee,

Annexure-IV: Forest Area Statement



Executive Engineer
Construction Division-2
P.W.D., Ghaziabad

Name of Project: Diversion of 0.32 Ha. of Forest Land for 'Construction of RCC drain at ward 38 (Loni Lal Bag Sabji Mandi) along road side district Ghaziabad of Uttar Pradesh State'


Wildlife Certificate


(Project Area is not included in National Park, Wildlife Sanctuary)

This is to certify that area proposed for 'Construction of RCC drain at ward 38 (Loni Lal Bag Sabji Mandi) along road side district Ghaziabad of Uttar Pradesh State' is not included in the area of any National Park / Wildlife Sanctuary or nature reserve.

Place: Ghaziabad

Date: 14.06.2021


Assistant Engineer-1
Construction Division-2 P.W.D.
Ghaziabad
Ramesh Chandra
Assistant Engineer
Public Works Department
Ghaziabad


Executive Engineer
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P.W.D., Ghaziabad

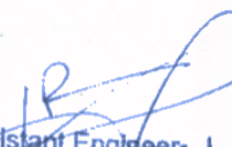
Name of Project: Diversion of 0.32 Ha. of Forest Land for 'Construction of RCC drain at ward 38 (Loni Lal Bag Sabji Mandi) along road side district Ghaziabad of Uttar Pradesh State'


Certificate about Distance of Project from Protected Area

This is to certify that no ESZ/Protected area falls within 10km radius for 'Construction of RCC drain at ward 38 (Loni Lal Bag Sabji Mandi) along road side district Ghaziabad of Uttar Pradesh State'.

Place: Ghaziabad

Date: 14.06.2021


Assistant Engineer- I
Construction Division-2 P.W.D.
Ghaziabad
Ramesh Chandra
Assistant Engineer
Public Works Department
Ghaziabad


Executive Engineer
Construction Division-2
P.W.D., Ghaziabad

Name of Project: Diversion of 0.32 Ha. of Forest Land for 'Construction of RCC drain at ward 38 (Loni Lal Bag Sabji Mandi) along road side district Ghaziabad of Uttar Pradesh State'

UNDERTAKING FOR PAYMENT OF NET PRESENT VALUE (NPV) OF FOREST


AREA


I / We, Ramesh Chandra, AE, PWD, Ghaziabad undertake on behalf of PWD to pay the entire amount of Compensatory Afforestation in lieu of the 0.32ha Protected Forest land being diverting for 'Construction of RCC drain at ward 38 (Loni Lal Bag Sabji Mandi) along road side district Ghaziabad of Uttar Pradesh State' as per prevailing wage rates at the time of plantation. Above forest land is roadside strip plantation declared as Protected Forest.

I / We, hereby undertake to pay the Net Present Value (NPV) of the above forest land and other cost if any, as decided by the State Government. In case of revision of rates, the difference amount will also be paid by the user agency.

Place: Ghaziabad

Date: 14.06.2021


Assistant Engineer-1
Construction Division-2 P.W.D.
Ramesh Chandra
Ghaziabad
Assistant Engineer
Public Works Department
Ghaziabad


Executive Engineer
Construction Division-
P.W.D., Ghaziabad

Annexure-VII- Manak Sharte / Standard Conditions

**उ0प्र0 शासन की पत्र संख्या 7314 / 14-3-1980 / 82 वन
अनुभाग-3, दिनांक-31-12-1984 द्वारा निर्धारित मानक शर्तें**

- 1- भूमि हस्तान्तरण के बाद भी उसके वैधानिक स्तर में कोई परिवर्तन नहीं होगा और वह पूर्व की भाँति रक्षित/आरक्षित वन भूमि बनी रहेगी।
- 2- प्रश्नगत भूमि का उपयोग केवल कथित प्रयोजन हेतु ही किया जायेगा, अन्य प्रयोजन हेतु कदापि नहीं।
- 3- याचक विभाग प्रस्तावित भूमि अथवा उसके किसी भी भाग को अन्य विभाग, संस्था अथवा व्यक्ति विशेष को हस्तान्तरित नहीं करेगा।
- 4- भूमि का संयुक्त निरीक्षण करके सुनिश्चित कर लिया गया है कि मॉगी गई भूमि न्यूनतम भूमि है तथा इसके अतिरिक्त कोई अन्य वैकल्पिक भूमि उपलब्ध नहीं है।
- 5- हस्तान्तरित विभाग, उसके कर्मचारी, अधिकारी अथवा ठेकेदार वन भूमि को किसी प्रकार की क्षति नहीं पहुँचायेंगे और ऐसा किये जाने पर सम्बन्धित अधिकारी द्वारा निर्धारित मुआवजे का भुगतान उक्त विभाग को करना होगा।
- 6- भूमि का सीमांकन याचक विभाग अपने व्यय से सम्बन्धित बनावधिकारी की देख-रेख में कराये तथा इस सम्बन्ध में बनाये गये मुनारे आदि की भी देखभाल करेगा।
- 7- हस्तान्तरित वन भूमि पर वन विभाग के कर्मचारियों एवं अधिकारियों को निरीक्षण हेतु जाने पर हस्तान्तरित विभाग को कोई आपत्ति नहीं होगी।
- 8- बहुमूल्य वन सम्पदा से आच्छादित एवं वन जन्तुओं से भरपूर वन क्षेत्रों का हस्तान्तरण यथा सम्भव प्रस्तावित न किया जाय। केवल अपरिहार्य कारणों से ही ऐसा किया जाना सम्भव होगा, परन्तु प्रतिबन्ध यह होगा कि वन सम्पदा की क्षति को एवं अन्य वन जन्तुओं के स्वच्छन्द विचरण की व्यवस्था सुनिश्चित करने के बाद ही भूमि हस्तान्तरित की जायेगी।
- 9- सिंचाई विभाग/जल निगम द्वारा वन विभाग की नर्सरियों/पौधों को एवं वन विभाग के कर्मचारियों को निःशुल्क जल सुविधा उपलब्ध करायी जायेगी।
- 10- याचक विभाग द्वारा हस्तान्तरित भूमि का उपयोग अन्य प्रयोजन करने पर वन भूमि स्वतः बिना किसी प्रकार के प्रतिकर का भुगतान किये वन विभाग को वापस हो जायेगी।
- 11- सड़क निर्माण के प्रस्तावों पर "एलापइनगेन्ट" तय होते समय स्थानीय वन विभाग का परामर्श "भारतीय राष्ट्रीय राजमार्ग प्राधिकरण"/लोक निर्माण विभाग द्वारा प्राप्त किया जायेगा, तथा इस सम्बन्ध में प्रमुख अभियन्ता, "भारतीय राष्ट्रीय राजमार्ग प्राधिकरण के अतिरिक्त मुख्य अभियन्ता पर्वतीय क्षेत्र पौड़ी को सम्बोधित पत्र संख्या 608/सी दिनांक 10.02.82 में निहित आदेशों का पालन भी "भारतीय राष्ट्रीय राजमार्ग प्राधिकरण"/लोक निर्माण विभाग द्वारा ही किया जायेगा, अश्व मार्ग बनाना अथवा वन मार्गों का मामूली फेर-बदल कर पक्का करना होगा, बशर्ते ऐसा करने याचक विभाग के खर्च से पर्याप्त न होगा और नई सड़क का निर्माण ही आवश्यक है।


Assistant Engineer-1
Construction Division-2 P.W.D.
Ghaziabad

- 12- वन भूमि का मूल्य सम्बन्धित जिलाधिकारी द्वारा प्रदत्त मूल्य सम्बन्धी प्रमाण पत्र के आधार पर आंकलित होगा जो याचक विभाग को मान्य होगा।
- 13- वन भूमि पर खड़े वृक्षों का निस्तारण वन विभाग द्वारा उत्तर प्रदेश वन विभाग अथवा अन्य कोई उपयुक्त प्रक्रिया जो वन विभाग उचित समझे द्वारा किया जायेगा। यदि किसी कारण से वृक्षों का निस्तारण वन विभाग द्वारा सम्भव न हो सके और उनका पातन आवश्यक हो तो याचक विभाग द्वारा वृक्षों को बाजार भाव मूल्य देय होगा।
- 14- हस्तान्तरित भूमि में पड़ने वाले वृक्षों के प्रतिकर में याचक विभाग द्वारा हस्तान्तरित भूमि के समतुल्य वृक्षारोपण का भुगतान अथवा एक पेड़ के स्थान पर दस पेड़ों का रोपण तथा तीन वर्ष तक परिपोषण व्यय जो भी वन विभाग द्वारा निर्धारित किया जाये, का भुगतान वन विभाग को करना होगा। 1000 मीटर एवं 30 से अधिक ढाल पर खड़े वृक्षों का पातन कार्य निषिद्ध है। इसी प्रकार बीच के पेड़ों का पातन भी वर्जित है। ऐसे वृक्षों के पातन का निरीक्षण वन संरक्षक स्तर पर ही हो सकेगा।
- 15- वन भूमि के ऊपर से विद्युत लाइन से जाने में यथा सम्भव पेड़ों का कटान नहीं किया जायेगा या खम्भों को ऊँचा कर उसे सुनिश्चित किया जायेगा। यदि फिर भी पेड़ों का कटान अनिवार्य प्रतीत होता है, तो न्यूनतम पेड़ों की संख्या संयुक्त रथल निरीक्षण करके सम्बन्धित उप वन संरक्षक द्वारा निश्चित की जायेगी। जिस पर सम्बन्धित वन संरक्षक का अनुमोदन आवश्यक है।
- 16- यदि नहर आदि निर्माण में भू-क्षरण की सम्भावना होती है और नहर की दोनों पटरियों को पक्का करना आवश्यक समझा जाता है तो ऐसा याचक अपने व्यय से करेगा।
- 17- उक्त लिखित मानक शर्तों के अतिरिक्त यदि भारत सरकार द्वारा अथवा वन विभाग द्वारा किसी विशिष्ट प्रकरण में कोई अन्य शर्त दर्शायी जाती है तो वे याचक विभाग को मान्य होंगी।
- 18- वन भूमि का वास्तविक स्थानान्तरण तभी किया जायेगा। जब उक्त शर्तों का पालन कर दिया जाये अथवा उसका उचित स्तर से आश्वासन प्राप्त हो।

मैं, रमेश चंद्रा, सहायक अभियंता, पब्लिक वर्क्स डिपार्टमेंट (पी० डब्लू० डी०), गाज़िआबाद (उत्तर प्रदेश) यह प्रमाणित करता हूँ, कि पब्लिक वर्क्स डिपार्टमेंट (पी० डब्लू० डी०), गाज़िआबाद की उपरोक्त उल्लेखित सभी शर्तें मान्य हैं तथा उनका अनुपालन किया जायेगा।

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