

Reply

Proposal No. – FP/UK /HYD/22889/2016 EDS dated- 23/08/2018

S. No.	Shortcoming raised by Nodal officer	Reply
1	CA details is not filled at section L in Form A, Part-I.	<p>It is submitted that DFO, Purola &amp; Dy. Director (WL), Govind WLS &amp; NP has prepared detailed Compensatory Afforestation plan on double the degraded forest land in lieu of forest land proposed for diversion which has been duly countersigned by CF and uploaded in Part – II.</p> <p>It is further submitted that at the time of filling of Form A, Part – I the details of Compensatory Afforestation in non-forest/revenue forest land were automatically shown as 'Not Applicable' by the system since SJVN is a Central Public Sector Undertaking under the Ministry of Power, GoI. Lok Sabha proceeding (Question No. 4334 and answered on 28.03.2017) in this regard is attached as <b>Annexure-I</b>.</p>
2	Area is not entered in KML file at section C in Form A, Part-I.	<p>It is submitted that in Tons Forest Division, 2.25 ha of forest land is proposed for diversion which is in the shape of a patch and no segment is being proposed for diversion. However, while filling Part – I it is compulsory to select both the patch as well as segment area proposed for diversion. Accordingly, one patch having an area of 2.25 ha and zero segment had been selected in the system.</p> <p>A clarification in this regard, had also been sought from NIC Cell at MoEF&amp;CC, GoI and following was conveyed:</p> <p><i>"It is to inform that presently in hybrid case patches and segments are to be filled up. Therefore segment area will have to be kept as zero and cannot be changed. It is suggested that you may proceed with the proposal as it is with Zero Segment area please."</i></p> <p>The copy of the e-mail received from NIC is Attached as <b>Annexure-II</b> for your ready reference please.</p>
3	The village level committee (VLC) proceeding for each village separate with separate attendance sheet according to filled details B-2.3 – village wise breakup along with FRA may also be provided and uploaded in para K Part-I.	<p>The desired information has been uploaded in section K, Part-I of Form A</p>
4	Administrative Approval and Financial Sanctioned details not uploaded in Form A part-I.	<p>The copy of MOU signed with Govt. of Uttarakhand along with Cost and Salient Features of the project have been uploaded under Additional Information at S. No. 4 &amp; 5 of Part I.</p>

**अपर महा प्रबंधक (परि.प्र.)**  
**जा.सा.जल विद्युत परियोजना**  
**गोरी, उत्तरकाशी, उत्तराखण्ड**

Annexure-I

GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA  
UNSTARRED QUESTION NO. 4334  
TO BE ANSWERED ON 28.03.2017

**Afforestation in Degraded Forest**

4334.SHRIMATI RITA TARAI:


Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to State:

- whether the Government has allowed compensatory afforestation to be taken up in twice the area of degraded forests for forest diversion proposal of Central Government PSUs, but has not allowed similar facility for the forest diversion proposals for the projects of State PSUs;
- if so, the reasons for not allowing such dispensation for the projects of State Government Undertakings;
- whether various States including Odisha have requested for similar dispensation for State PSUs; and
- if so, the details thereof and the decision taken on these requests, State-wise?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE  
(SHRI ANIL MADHAV DAVE)

- Yes, Sir.
- Compensatory afforestation is one of the most important conditions stipulated by the Central Government while approving proposals for de-reservation or diversion of forest land for non-forest uses. It not only compensate loss in the forest cover and forest land but also acts as a major disincentive for project projects to seek diversion of forest land for non-site specific activities, and thus ensure that diversion of forest land is sought only for unavoidable site specific activities. The Land being a State subject, Central Government Departments and Central Government Undertakings generally do not own land which may be made available for compensatory afforestation. To expedite grant of approval under the Forest (Conservation) Act, 1980 for diversion of forest land required for Central Government/Central Government Undertaking projects, which normally are implemented for larger public good, as a special provision for such projects, guidelines issued by the Ministry provides that compensatory afforestation may be raised on degraded forest land twice in extent of forest area being diverted,
- Yes, Sir.
- The request of Odisha Government had been denied as per the reason at annexe 'A'.  
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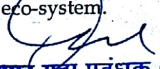
  
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Annexure 'A'

- (i) Compensatory afforestation is one of the most important conditions stipulated by the Central Government while approving proposals for de-reservation or diversion of forest land for non-forest uses. It not only compensate loss in the forest cover and forest land but also acts as a major disincentive for project projects to seek diversion of forest land for non-site specific activities, and thus ensure that diversion of forest land is sought only for unavoidable site specific activities.
- (ii) The relevant provision of the guidelines regarding compensatory afforestation are as below:
- (a) Compensatory afforestation shall be done over equivalent area of non-forest land.
- (b) However as a matter of pragmatism, the revenue lands/zudpi jungle/ chhote/ bade jhar ka jungle / jungle-jhari land/ civil-soyam lands and all other such categories of lands, on which the provisions of Forest (Conservation) Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation provided such lands on which compensatory afforestation is proposed shall be notified as **Reserved Forest** under the Indian Forest Act, 1927.
- (c) The Land being a State subject, Central Government Departments and Central Government Undertakings generally do not own land which may be made available for compensatory afforestation. To expedite grant of approval under the Forest (Conservation) Act, 1980 for diversion of forest land required for Central Government/Central Government Undertaking projects, which normally are implemented for larger public good, as a special provision for such projects, guidelines issued by the Ministry provides that compensatory afforestation may be raised on degraded forest land twice in extent of forest area being diverted.
- (iii) Hon'ble Supreme Court in their Judgment dated 6<sup>th</sup> July 2011 in the Lafarge matter directed as below:
- Time has come for this Court to declare and we hereby declare that the National Forest Policy, 1988 which lays down far-reaching principles must necessarily govern the grant of permissions under Section 2 of the Forest (Conservation) Act, 1980 as the same provides the road map to ecological protection and improvement under the Environment (Protection) Act, 1986. The principles/ guidelines mentioned in the National Forest Policy, 1988 should be read as part of the provisions of the Environment (Protection) Act, 1986 read together with the Forest (Conservation) Act, 1980.*
- (iv) The National Forest Policy, 1988 provides that the national goal should be to have a minimum of one-third of the total land area of the country under forest or tree cover. It also provides that in the hills and in mountainous regions, the aim should be to maintain two-third of the area under such cover in order to prevent erosion and land degradation and to ensure the stability of the fragile eco-system.

  
अपर महा प्रबंधक (परि.प्र.)  
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- (v) Any relaxation in the existing norms for compensatory afforestation will result in net decrease in forest area and forest cover in the country. It will thus adversely affect long term ecological security of the country. It will also be contrary to provisions of the National Forest Policy, 1988 and the afore-mentioned judgment of the Hon'ble Supreme Court.
- (vi) It will therefore, be not desirable to exempt the forest land diverted in favour of State Government /State PSUs from the requirement of providing non-forest / revenue forest land for compensatory afforestation
- (vii) Forests constitute about 37 % of the total geographical area of the State. However, less than half of such forest areas are only under administrative control and management of the State Forest Department. The remaining forest areas to which provisions of the Forest (Conservation) Act, 1980 extend are under administrative control of the Revenue Department. These areas, which presently are not under the regular forest management regime, as per the existing guidelines, may be utilised for compensatory afforestation provided such areas are transferred and mutated in favour of the State Forest Department and brought under the regular forest management regime by notifying as Reserved Forest.
- (viii) This Ministry has already requested all States/UTs, including the State of Odisha to identify such areas which may be utilised for compensatory afforestation and create a land bank. Government of Odisha may expedite creation of the land bank. Once such land bank is created, land available therein may be used for creation of compensatory afforestation in lieu of forest land diverted for developmental projects, including those implemented by the State Government and State PSUs.

  
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09/09/2018

Fwd: Fwd: Clarification required in Form A Part - I of Forest Clearance - ajaypcb@gmail.com - Gmail

Annexure-II

Fwd: Fwd: Clarification required in Form A Part - I of Forest Clearance

Inbox

 Shiraz Swan  
to me, jshpmort

Sep 5, 2018, 11:52 AM (23 hours ago)

Sir,

Please find below the email received from NIC after following up the issue in MoEF&CC today.

Regards,

Shiraz Swan

----- Forwarded message -----

From: Monitoring Cell <monitoring-fc@nic.in>

Date: Wed 5 Sep, 2018, 11:42 AM

Subject: Re: Fwd: Clarification required in Form A Part - I of Forest Clearance

To: Naitwar - Mori Hydro Electric Project <nmshep07@gmail.com>, <monitoring-fc@nic.in>

Cc: Shiraz Swan <shirazswan@gmail.com>, Satluj Jal Vidyut Nigam Limited \*\*\*\*\* <bdloffice2009@gmail.com>, Virender <virendrasgm@gmail.com>

✓ Dear Sir,

With reference to your email, it is to inform that presently in hybrid case patches and segments are to be filled up. Therefore segment area will have to be kept as zero and cannot be changed. It is suggested that you may proceed with the proposal as it is with Zero Segment area please.

On 09/04/18 03:57 PM, Naitwar - Mori Hydro Electric Project <nmshep07@gmail.com> wrote:

Sir,

We have submitted a proposal for forest clearance (FP/UK/HYD/22889/2016) wherein the shape of forest land proposed for diversion is Hybrid i.e. comprising of patches and segments. Therefore it is compulsory that both the patches and segments of forest land required should be filled up. However, in Tons forest Division only 2.25 ha of forest land is required which is a patch and no segment is required. But the software requires that segment area should also be filled up because of which a segment of zero area was filled up.

Now Nodal officer (FCA), Govt. of Uttarakhand has raised a query to remove the zero segment area which is not possible at our end and therefore we seek the guidance and help of NIC in resolving the matter as it is the software limitation because of which all Asterisk marked columns are to be compulsorily filled up.

Request your kind intervention in resolving the above issue. For any further queries please contact undersigned

Regards,

Shiraz Swan

+91 9418035818

Best Regards  
Monitoring Cell  
FC-Division

 Naitwar - Mori Hydro Electric Project  
to me

10:43 AM (55 minutes ago)

----- Forwarded message -----

From: Monitoring Cell <monitoring-fc@nic.in>

Date: Wed, Sep 5, 2018 at 11:42 AM

Subject: Re: Fwd: Clarification required in Form A Part - I of Forest Clearance

To: Naitwar - Mori Hydro Electric Project <nmshep07@gmail.com>, <monitoring-fc@nic.in>

Cc: Shiraz Swan <shirazswan@gmail.com>, Satluj Jal Vidyut Nigam Limited \*\*\*\*\* <bdloffice2009@gmail.com>, Virender <virendrasgm@gmail.com>

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<https://mail.google.com/mail/u/1/?tab=wm#inbox/FMfcgxvzKQqFctSxZsbKPSwTWRrWDGd>

  
अपर सहा प्रबंधक (परि.प्र.)  
जा.सां.जल विद्युत परियोजना

1/2

6/09/2018

Fwd: Fwd: Clarification required in Form A Part - I of Forest Clearance - ajaypcb@gmail.com - Gmail

Now Nodal officer (FCA), Govt. of Uttarakhand has raised a query to remove the zero segment area which is not possible at our end and therefore we seek the guidance and help of NIC in resolving the matter as it is the software limitation because of which all Asterisk marked columns are to be compulsorily filled up.


Request your kind intervention in resolving the above issue. For any further queries please contact undersigned

Regards,  
Shiraz Swan  
+91 9418035818

Best Regards  
Monitoring Cell  
FC-Division

Reply

Forward

  
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जा.सां.जल विद्युत परियोजना  
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