

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

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 6th June, 2020

To

The Principal Secretary (Forests),
Government of Bihar,
Patna.

Sub: Proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for non-forestry use of 98.05 ha of forest land in favour of Tilaiya Canal Division, Water Resource Department, Government of Bihar for construction of Ganga Water Lift Scheme in Gaya and Bodhgaya (Bihar) - reg.

Sir,

I am directed to refer to the Government of Bihar's letters No. Vanbhoomi-29/2020 393 (E)/VPJP dated 3rd April, 2020 on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal was examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords 'in-principle' approval under Section - 2 of the Forest (Conservation) Act, 1980 for non-forestry use of 98.05 ha of forest land in favour of Tilaiya Canal Division, Water Resource Department, Government of Bihar for construction of Ganga Water Lift Scheme in Gaya and Bodhgaya (Bihar) subject to fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. State Government shall submit revised KML file of the forest area proposed to be used under Tetar Reservoir Area prior to Stage II approval;
- iii. **Compensatory afforestation (CA):**
 - a. CA over the non-forest land (NFL) of 128.18 ha shall be raised and maintained by the State Forest Department at the cost of the User Agency;
 - b. The NFL identified for raising CA shall be transferred and mutated in favour of the State Forest Department, and notified by the State Government as RF/PF under the Indian Forest Act, 1927 or local Forest Act before Stage-II approval.
 - c. The cost of CA at the prevailing wage rates as per CA scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- iv. **Net Present Value (NPV):** a. The State Government shall charge the NPV of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008

in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;

b. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.

- iv. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>);
- v. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- vi. No labour camp shall be established on the forest land. Alternate fuels will be provided to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- vii. The boundary of the forest land, being diverted, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- viii. The user agency, if required, shall undertake comprehensive soil conservation measures at the project cost in consultation with State Forest Department;
- ix. The forest land shall not be used for any purpose other than that specified in the proposal. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- x. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xi. No damage to the flora and fauna of the adjoining area shall be caused;
- xii. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that felling of trees is minimum any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xiii. The user agency shall undertake afforestation along the periphery of the reservoir and canal banks, as the case may be, and maintain plantations in consultation with the State Forest Department (as applicable);
- xiv. A Catchment area treatment plan shall be prepared, and implemented by/or under the supervision of State Forest Department at the project cost, if applicable;
- xv. State Government shall institute a monitoring mechanism to assess the positive impact of the reservoir water on the improved soil moisture conditions and the flora and fauna in the forest adjoining the project area, and share the results on a biennial basis with State Forest Department and Regional office of MoEF&CC;
- xvi. The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- xvii. No new roads shall be constructed during implementation of the project. Existing road will be used for transportation of materials;
- xviii. The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan;
- xix. The State Government and the user agency shall ensure that the trees available between full reservoir level (FRL) and FRL- 4 meters are not felled;
- xx. The user agency shall provide free water to Rajgir Wildlife Sanctuary and for forestry related projects;

- xxi. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- xxii. The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 5.07.2013, in support thereof;
- xxiii. The User Agency shall submit annual self-compliance reports as on 31st December, every year to Regional Office of the MoEF&CC at Ranchi as well as to the Nodal Officer of the State;
- xxiv. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife, with the approval of the competent authority.
- xxv. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project;
- xxvi. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>); and
- xxvii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

After receipt of a report on the compliance of above conditions from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land to the User Agency shall not be effected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

Yours faithfully,

(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator Forests, Government of Bihar, Patna
2. The Nodal Officer, O/o the PCCF, Government of Bihar, Patna
3. The Deputy Director General (Central), Regional Office, Ranchi.
4. User Agency
5. Monitoring Cell of FC Division, MoEF&CC
6. Guard file