



भारत सरकार
Government of India

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय, लखनऊ
Integrated Regional Office, Lucknow



केन्द्रीय भवन, ग्यास्वां तल, सेक्टर एच, अलीगंज, लखनऊ-226024
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पत्र सं० : 8बी/यू0पी0/08/75/2023/एफ.सी. /344

दिनांक: 13.09.2023

सेवा में,

अपर मुख्य सचिव,
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग,
उत्तर प्रदेश शासन, बापू भवन, लखनऊ।

Online Proposal No. FP/UP/Water/155091/2022

विषय: जनपद ललितपुर में जल जीवन मिशन कार्यक्रम के अंतर्गत जाखलौन बिरधा, धौरा, बालाबेहट, कड़ेसरा कला और मऊ ग्राम समूह पेयजल योजना में पेय जल पाइप लाइन बिछाये जाने हेतु प्रभावित 2.024059 हे० संरक्षित वनभूमि एवं 6.137750 हे० आरक्षित वनभूमि अर्थात् कुल 8.161809 हे० वनभूमि के गैर वानिकी प्रयोग एवं बाधक 878 वृक्षों के पातन की अनुमति के संबंध में।

संदर्भ: मुख्य वन संरक्षक/नोडल अधिकारी का पत्रांक 4009/11-सी- FP/UP/Water/155091/2022, दिनांक 21.06.2023.
महोदय,

उपरोक्त विषयक सचिव (वन) उत्तर प्रदेश शासन के पत्रांक 98/81-2-2023(71)/2023, दिनांक 28.03.2023 का आशय ग्रहण करने का कष्ट करें, जिसके द्वारा विषयांकित प्रकरण में राज्य सरकार द्वारा वन (संरक्षण) अधिनियम, 1980 की धारा (2) के अन्तर्गत भारत सरकार की स्वीकृति माँगी गयी है।

प्रकरण को दिनांक 10.07.2023 को आहूत की गई क्षेत्रीय सशक्त समिति (REC) की बैठक में (REC Agenda item 7.1-UP) शामिल किया गया था। बैठक में क्षेत्रीय सशक्त समिति के निर्देशानुसार एवं मंत्रालय नई दिल्ली से प्राप्त स्वीकृति उपरान्त मुझे आपको यह सूचित करने का निर्देश हुआ है कि केन्द्र सरकार जनपद ललितपुर में जल जीवन मिशन कार्यक्रम के अंतर्गत जाखलौन बिरधा, धौरा, बालाबेहट, कड़ेसरा कला और मऊ ग्राम समूह पेयजल योजना में पेय जल पाइप लाइन बिछाये जाने हेतु प्रभावित 2.024059 हे० संरक्षित वनभूमि एवं 6.137750 हे० आरक्षित वनभूमि अर्थात् कुल 8.161809 हे० वनभूमि के गैर वानिकी प्रयोग एवं बाधक 878 वृक्षों के पातन की सैद्धान्तिक स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department in an area of 4.04 ha. degraded forest land Reserve Forest Land of Richa Maholi, Range Gauna, District Lalitpur, 6.140 ha. NFL in Village-Kari Pahadi, Arajai No. 192/4 District Lalitpur at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage- II approval.
5. The State Government shall charge the Net Present Value (NPV) for the 8.161809 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009.

Revised amount of NPV as applicable as per orders dated 06-01-2022 and 19-01-2022 shall be deposited by User Agency in this regard.

6. 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.
7. User agency shall restrict the felling of trees to 878 trees/minimum numbers in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
8. No violation of FCA certificate from concerned DFO shall be provided.
9. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
10. **The DFO needs to initiate action in accordance with clause 1.21 (I) of Forest (Conservation) Act, 1980 and Guidelines.**
11. **The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of violation with maximum up to five (5) times the NPV plus 12 percent simple interest till the deposit is made.**
12. **In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (a) above. Accordingly, Penal NPV shall be deposited.**
13. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
14. The layout plan of the proposal shall not be changed without prior approval of Central Government.
15. No labour camp shall be established on the forest land.
16. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
17. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
18. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
19. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
20. The forest land shall not be used for any purpose other than that specified in the project proposal.
21. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
22. The KML file of the area to be diverted, the CA areas, the proposed SMC work, the proposed Catchment Area Treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before commencement of works.
23. Any order of Temporary Work Permission in case of linear projects for tree cutting and commencement of work as per clause 11.2 of FCA Guidelines shall be passed under intimation to Nodal office and this office. Order of Temporary Work Permission have to be uploaded on PARIVESH Portal as well. Nodal Officer will strictly monitor and ensure that no further activity is carried out under such permission after the expiry of one year from the date of issue of such permission.
24. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt. 29/01/2018.
25. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

26. 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/>).

27. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of compliance report on fulfillment of all of the above conditions from the State Government, proposal will be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980, by this office.

The order for transfer of forest land to user agency shall not be issued by the State Government till final approval order for diversion of forest land is issued by Government of India.

भवदीया,

(डॉ० प्राची गंगवार)

उप वन महानिरीक्षक (केंद्रीय)

प्रतिलिपि (ईमेल द्वारा) :-

1. प्रधान मुख्य वन संरक्षक(हॉफ), वन विभाग, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
2. मुख्य वन संरक्षक(वन संरक्षण) एवं नोडल अधिकारी, वन विभाग, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
3. वन संरक्षक/क्षेत्रीय निदेशक, बुन्देलखण्ड वृत्त, झांसी।
4. प्रभागीय निदेशक, सा०वा० वन प्रभाग, ललितपुर।
5. अधिषासी अभियंता, खण्ड कार्यालय, उ०प्र० जल निगम (ग्रामीण), ललितपुर।
- ✓ 6. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, लखनऊ को वेबसाइट पर अपलोडिंग हेतु/आदेश पत्रावली।

(डॉ० प्राची गंगवार)

उप वन महानिरीक्षक (केंद्रीय)

13.09.2013