

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

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

**Dated: March, 2024**

**To**

The Principal Secretary (Forests),  
Government of Arunachal Pradesh,  
Itanagar.

**Sub: Proposal for regularisation of encroachment and ex-post facto approval of the Central Government under Section 2 (1) of the Adhiniyam, 1980 in favour of District Administration, Namsai, Government of Arunachal Pradesh for non-forestry use of 19.52 ha of forest land for establishment of Golden Pagoda at Namsai under Forest Division and District Namsai of Arunachal Pradesh (Online proposal No. FP/AR/Others/154344/2022)**

Madam/Sir,

I am directed to refer to the State Government of Arunachal Pradesh's letter No. FOR.14/Cons/2020/5354-57 dated 27.12.2021, and additional information submitted vide letter dated 22.05.2022, vide letter dated 26.04.2023 and vide letter dated 26.07.2023 on the above subject seeking prior approval of the Central Government in accordance with Section-2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The proposal was considered by the Advisory Committee (AC), constituted by the Central Government under Section - 3 of the aforesaid Adhiniyam, in its meeting held on 28.02.2024

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the 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 (1) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of District Administration, Namsai Govt. of Arunachal Pradesh for non-forestry use of 19.52 ha of forest land for establishment of Golden Pagoda at Namsai under Forest Division and District Namsai of Arunachal Pradesh subject to fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. **Compensatory Afforestation:**
  - a. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation as per the approved CA Scheme at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal;
  - b. *The State Government shall submit the CA scheme on degraded Forest land for four (4) times area of the land proposed for diversion as per*

*guidelines 2023;*

- c. The cost of survey, demarcation and erection of permanent pillars, if required on the identified CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- d. The compensatory afforestation over degraded forest land, 4 times in extent to the forest land being diverted i.e. 78.08 ha, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;
- e. 25% of the CA cost additionally will be spent towards soil and moisture conservation activities in the proposed CA area as per site requirement and deposited in CAF;

iii. **NPV:**

- a. The User Agency shall transfer the funds towards the cost of Net Present Value (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 06.01.2022 read with 22.03.2022 through online portal of CAMPA account of the State Concerned;
- b. At the time of payment of the Net Present Value (NPV) at the present 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;
- c. *The user agency shall pay the five (5) times penal NPV plus 12 percent simple interest from the date of raising such demand till the deposit is made by the user agency; The penal NPV is to be calculated on the whole of the diverted area since the whole of the diverted area is under occupation as on date;*
- iv. *The State Government shall ensure that a stone boundary wall shall be created on the Golden Pagoda site at the cost of the UA within the total diverted area;*
- v. *The State Government shall ensure that the green belt shall be maintained in the 9.71 ha. No change in land-use of green belt shall be permitted in the area.*
- vi. *The State Government shall also ensure that no further expansion of built-up area is undertaken beyond 9.74 ha. The partially complete structures under construction shall be completed, only as per the land-use plan submitted, from the eco-friendly materials only;*
- vii. *The State Government shall clarify the role of the Tai Khamti Heritage Society in the ownership and management of the Golden Pagoda before Stage-II approval;*
- viii. *The State Government shall ensure the compliance of the all relevant court orders in this matter;*
- ix. *The State Government or Regional Officer Shillong shall take action under section 3A/3B of the Adhiniyam, 1980 and a report will be submitted to the*

*Ministry at the time of submission of compliance of Stage-I. The Regional office shall further peruse the progress of the offences booked against the erring officers. Furthermore, the State Govt. shall take strict action against officials as per the report of the Committee as constituted vide letter dated 08.08.2023 in pursuance of the Hon'ble NGT dated 28.07.2023;*

- x. *The State Government shall submit the updated status report of the cases booked in relevant forest acts with respect to the present proposal area;*
- xi. *No further diversion of forest for non-forestry activity will be sought at the site of Golden Pagoda project or nearby area in future;*
- xii. *No further diversion of forest for non-site-specific purpose shall be considered in future for projects inside notified Forest area in Namsai District that find mention in the Hon'ble National Green Tribunal Original Application NO. 25/2023/EZ (I.A. NO.32/2023/EZ) Interim Order dated 16.03.2023 and Finals Orders dated 28.07.2023;*
- xiii. *The State Government shall ensure that all other encroachments on the notified forest land shall be removed in a phased manner while following the extant Rehabilitation & Re-settlement policy. The State Government shall submit a plan and progress report for the same at the time of seeking Stage-II approval;*
- xiv. *Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);*
- xv. *The KML files of diverted area, the CA areas and the proposed SMC treatment area shall be uploaded on the e-Green watch portal with all requisite details prior to Stage-II approval;*
- xvi. *The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;*
- xvii. *Trees should be felled in phased manner as per the requirement with prior permission of concerned DFO;*
- xviii. *The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.*
- xix. *No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;*
- xx. *The layout plan of the proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;*
- xxi. *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;*
- xxii. *No damage to the flora and fauna of the adjoining area shall be caused;*
- xxiii. *Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife; and*
- xxiv. *The user agency shall comply with all the provisions of the all Acts, Rules,*

Regulations, Guidelines, complete compliance of the FRA, 2006, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

- xxv. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the Handbook of comprehensive guidelines of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 29.12.2023.
- xxvi. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- xxvii. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

3. After receipt of the compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours Sincerely,

Sd/

(S. Sundar)

Assistant Inspector General of Forests

Copy to:

1. PCCF (HoFF), State Forest Department, Government of Arunachal Pradesh, Itanagar.
2. PCCF & Nodal Officer (FCA), O/o PCCF, State Forest Department, Government of Arunachal Pradesh, Itanagar
3. DDGF (Central), Regional Office of MoEF&CC at Shillong.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi
6. Guard File.