



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS
& CLIMATE CHANGE

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F.No. FC-I/MH-143/2019-NGP /5220

Date: 15.04.2019

To,

The Secretary (Forests),
Revenue and Forest Department,
Hutatma Rajguru Chowk
Madam Cama Marg
Mantralaya, Mumbai – 400032.

Sub: Diversion of 0.1125 ha Forest Land in favour of Mr. Kachru Meram Rathod and Other 12 farmers for laying of Underground pipeline for agricultural irrigation purpose in Village Deulgaon Sakarsha, Taluka Mehkar in Buldhana District in the State of Maharashtra - Regarding.

Sir,

The undersigned is directed to refer to State Government, Maharashtra letter No. FLD-2018/CR-257/F-10 dated 13.02.2019 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Regional Office (WCZ) in light of relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder.

After careful examination of the proposal and on the basis of the recommendation of State Government, Maharashtra, the Central Government hereby accords 'in-principle' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 0.1125 ha Forest Land in favour of Mr. Kachru Meram Rathod and Other 12 farmers for laying of Underground pipeline for agricultural irrigation purpose in Village Deulgaon Sakarsha, Taluka Mehkar in Buldhana District in the State of Maharashtra subject to the fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) The State Forest Department shall undertake plantation of 10 times number of trees to be felled over degraded forest land as compensatory afforestation, in lieu of forest land being diverted at the cost of the User Agency;
- (iii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (iv) The State Government shall charge the 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 05.02.2009 in this regard;

- (v) 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;
- (vi) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to CAMPA in the Savings Bank Account pertaining to the State concerned;
- (vii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (viii) The boundary of the diverted forest land, 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;
- (ix) The User agency, if required, will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of the same shall be submitted along with Stage-I compliance report;
- (x) No labour camp shall be established on the forest land;
- (xi) 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;
- (xii) Stacking of dug out soil shall be undertaken within the RoW proposed and under no circumstances, forest land other than being sought for diversion, shall be used for stacking of soil;
- (xiii) The pipe line will be laid well below the ground level as per norms all along its length through forest;
- (xiv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xvi) 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;
- (xvii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xviii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- (xix) Maps viz. Differential GPS Map, Index Map/SoI toposheet on 1:50,000 scale and Project layout map is not submitted along with the proposal, the same shall be submitted along with Stage- I compliance report;
- (xx) Name of the signing authority is not mentioned in Part- III. Revised Part- III in original including name and date of submission by the CCF concerned shall be submitted along with Stage- I compliance report;
- (xxi) Discrepancy is observed in total cost of the project. In online application it is mentioned as 10 Lakhs, whereas, in hard copy of Part- I submitted along with the proposal, it is mentioned as 16 Lakhs. Therefore, exact cost of the project shall be submitted along with Stage- I compliance report;



- (xxii) Discrepancy is observed in the details of employment potential likely to be generated from implementation of the project in online Part- I application and hard copy submitted by the User Agency. The User Agency has mentioned in online application that Employment of 150 persons on Regular basis and 150 person days on temporary basis are likely to be generated from the project, whereas in hard copy of Part- I submitted along with the proposal it is mentioned that employment for 25 labours on temporary basis will be generated from the project. Therefore, correct details on employment potential likely to be generated in terms of Skilled, Semi-skilled and Unskilled persons/ mandays by implementation of the project may be submitted by the User Agency along with Stage- I compliance report;
- (xxiii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxiv) The State Government shall ensure that settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, have been completed in accordance with the relevant guidelines issued by the MoEF&CC in this regard. District Collector, Buldhana has issued FRA, 2006 certificate for 145.67 ha, whereas, area proposed for diversion is 0.1125 ha. Therefore, revised FRA, 2006 certificate in original for the exact area shall be submitted along with documentary evidences in the form of copies of the resolutions of the concerned Forest Rights Committee(s), Gram Sabha(s), Sub-Division Level Committee(s) recording their consent for the proposal and bearing signature of the participants shall be submitted along with along with Stage- I compliance report;
- (xxv) 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;
- (xxvi) The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;
- (xxvii) The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;
- (xxviii) 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;
- (xxix) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines and Court/ Tribunal directions for the time being in force, as applicable to the project; and
- (xxx) The State Government , if so desire, may consider the proposal for grant of working permission in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 28.08.2015. However, working permission, if considered by the State Government should be accorded only after ensuring complete compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

After receipt of a report on the compliance of conditions no (iii), (iv), (vi), (ix), (xix)-(xxii), (xxiv) and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The



transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government

This issues with the approval of the competent authority.

Yours faithfully,

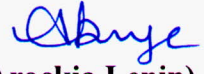


(Dr. E Arockia Lenin)

Scientist 'C'

Copy to:

- i. The PCCF, Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
- iv. User agency.
- v. Guard file.



(Dr. E Arockia Lenin)

Scientist 'C'