



भारतसरकार
GOVERNMENT OF INDIA
एकीकृतक्षेत्रीयकार्यालय
INTEGRATED REGIONAL OFFICE
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
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No. 3-MZ B 024/2021-SHI/ 102-04

17th April, 2023

To,

Principal Secretary,
Government of Mizoram,
Environment, Forests & Climate Change Department,
Aizawl-796001.

Sub : Proposal for diversion of 2.43278 ha of forest land for construction of Bypass at Chhiahtlang and Serchhip (Package-I) on Aizawl – Tuipang Section of NH-54 in the State of Mizoram Engineering, Procurement and Construction (EPC) mode with JICA loan assistance, by NHIDCL.

Sir,

This has got reference to the State Government of Mizoram letter No.G.20015/2/2020-FST dated 12.04.2021 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

2. After careful examination of the proposal of the State Government of Mizoram and the additional information submitted vide their letter No.B.22015/2/2021-FST dated 05.05.2021 and even no.FST/Vol-I dated 06.02.2023, and on receipt of **ex-post facto approval** from the Competent Authority, MoEF&CC, New Delhi, the **In-principle / Stage-I ex-post facto approval** of the Central Government is hereby granted for diversion of **2.43278 ha** of forest land for construction of Bypass at Chhiahtlang and Serchhip (Package-I) on Aizawl – Tuipang Section of NH-54 in the State of Mizoram Engineering, Procurement and Construction (EPC) mode with JICA loan assistance by NHIDCL, subject to the following conditions:

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

1. The user agency shall transfer, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the Ministry's Guideline No.5-3/2011-FC (Vol.I) dated 06.01.2022 and even No. dated 19.01.2022. The requisite funds shall be transferred through online portal into CAMPA account of the State concerned;
2. The user agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include appropriate for anticipated cost increase for works scheduled for subsequent years;
3. The user agency shall transfer the cost of raising Avenue plantation on the road side with the State Forest Department to CAMPA account only through e-portal;
4. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times of NPV plus 12 % simple interest till the deposits is made. In this case, 20% of the above penalty shall be imposed, as this proposal is for public utility project of the Government.

5. State Government will initiate disciplinary action against the Forest officers/officials concerned as per Rules / Laws for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
6. User agency, NHIDCL, responsible for violation shall be prosecuted under local Act of the State for unauthorized use of forest land without the permission of State authority.
7. All the funds received from the user agency under the project shall be transferred/deposited to CAMPA account only through e-portal (<https://parivesh.nic.in>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the District Collector;
9. The KML files of the area to be diverted, the CA area shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be;
10. The cost of felling of trees shall be deposited by the User Agency with the DFO concerned;
11. The State Govt shall submit the copy of the notification of mutation of the equivalent non-forest land identified for the compensatory afforestation prior to issue of working permission or submitting compliance report to the IPA whichever is earlier.
12. Undertaking from the user agency to undertake special measures for prevention of landslide / erosion by biological or mechanical measures and stabilization of side slope to avoid soil erosion and landslides as per requirement and proposed for the Much Dumping.
13. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from the pillar to pillar and GPS co-ordinates with the fund to be deposited with the DFO concerned;
14. Undertaking from the user agency for providing proper drainage of retaining / breast wall in steep slopes and stabilization of side slope to avoid soil erosion and landslides; and to provide drains / cross drains. Physical barriers / structures to prevent muck from entering streams & rivers and other ecologically sensitive areas are to be constructed on the lower slope side, if required, before any construction works are started;
15. 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;
16. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);

B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of the diverted forest land shall remain unchanged;
2. Compensatory Afforestation shall be raised over non-forest i.e. 2.896 ha of identified by the State Forest Department at Khawbel, Chhingchhip Range under Thenzawl Forest Division;

3. The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as Reserve Forest/Protected Forest under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with 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(s) of the local Forest Act as the case may be, within the stipulated period to the Central Government for information and record.
4. 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;
5. No damage to the flora and fauna of the adjoining area shall be caused;
6. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
7. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
8. The user agency shall undertake re-grassing of the muck dumping area and restore the land to a condition which is fit for growth of fodder, flora, fauna etc;
9. 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;
10. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, 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;
11. All other clearance/NOCs under different applicable rules/regulations /local laws and under Forest Dwellers (Recognition of Forest Rights)Act, 2006 as required vide MoEF, New Delhi guideline No.11-9/1998-FC(pt) dated 03.08.2009 shall be complied with;
12. As per Ministry's letter No 11-30/96-FC(Pt) dt 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt for more than 5(five) years, the in-principle approval would be summarily be revoked considering that the user agency is no longer interested in the project;
3. After receipt of the compliance report from the State Government on fulfilment of the conditions mentioned above, final approval will be issued in this regard. Formal transfer of forest land shall not be effected by the State Govt till final approval is granted by the Central Government.

This is issued with approval of Deputy Director General of Forests (C).

भवदीय,

(Mrs. L. J. Syiemiong)

वनउपमहानिरीक्षक (केंद्रीय) /Deputy Inspector General of Forests (C)

Copy to:

1. Additional Principal Chief Conservator of Forests & Nodal Officer (FC), Govt. of Mizoram, Department of Environment, Forests & Climate Change Department, Aizawl.

वनउपमहानिरीक्षक (केंद्रीय) /Deputy Inspector General of Forests (C)