



FC-I/CH-112/2018-NGP
FC-III/CH-74/2017-NGP 3953

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

Regional Office (WCZ)
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apccfcentral-ngp-mef@gov.in

Dated: 19th July, 2018

To

The Principal Secretary (Forests),
Government of Chhattisgarh,
Forest Department,
Mantralaya, Mahanadi Bhavan,
New Raipur (CG).

Sub: Diversion 4.34 ha of Forest Land for non forest purpose in favour of Assistant Commissioner Welfare Department for Construction of Disabled and Girl School in Syahimudi Gram, under Forest Conservation Act, 1980 in Korba District in the State of Chhattisgarh – regarding.

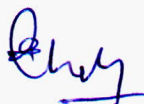
Sir,

I am directed to refer to the State Government of Chhattisgarh's letter no. F-5-67/2017/10-2 dated 5.07.2018 on the above subject seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980, Rule and Guidelines issued thereunder.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 4.34 ha of Forest Land for non forest purpose in favour of Assistant Commissioner Welfare Department for Construction of Disabled and Girl School in Syahimudi Gram, under Forest Conservation Act, 1980 in Korba District in the State of Chhattisgarh subject to the fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over Revenue Forest land, double in extent to the forest land being diverted, shall be raised by the State Forest Department at the cost of User Agency;
- (iii) The Revenue Forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance;
- (iv) The Revenue forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF 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 sections of the local Forest Act, as the case may be, within the stipulated period to the Central Government for information and record;

- (v) 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.
- (vi) 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;
- (vii) 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;
- (viii) 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 Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- (ix) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (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) 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;
- (xiii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xiv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xv) 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;
- (xvi) No damage to the flora and fauna of the adjoining area shall be caused;
- (xvii) No felling of trees shall be undertaken. Blank areas, within the area being diverted, if available, shall be planted with suitable tree/shrubs species in consultation with the State Forest Department;
- (xviii) Construction of buildings in the area proposed for diversion shall be restricted to area not more than 1.0 ha. Project layout map conspicuously depicting component wise breakup of the area required for diversion shall be submitted along with the Stage-I compliance;
- (xix) The user agency shall undertake comprehensive soil conservation measures at the project cost in consultation with State Forest Department. A scheme of the same shall be submitted along with Stage-I compliance report;
- (xx) 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;
- (xxi) The State Government shall ensure that process of 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, has been completed in accordance with the provisions as contained in




this Ministry's letter dated 5.07.2013. Original copy of the District Collector certificate shall be submitted along with the Stage-I compliance report;

- (xxii) 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
- (xxiii) 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.
- (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; and
- (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.


After receipt of a report on the compliance of conditions no (iii), (v), (vi), (viii), (xviii), (xix), (xx), (xxi) 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.

Yours faithfully,


(Charan Jeet Singh)
Scientist 'C'

Copy to:

1. The PCCF, Government of Chhattisgarh, Raipur
2. The Nodal Officer FCA), O/o of the PCCF, Government of Chhattisgarh, Raipur.
3. The Director, ROHQ, MoEF&CC, Indira Paryavaran Bhawan, Aliganj, Jorbagh Road, New Delhi
4. User Agency.
5. Guard File.

—  —
(Charan Jeet Singh)
Scientist 'C'