

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

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**Indira Paryavaran Bhawan,**  
Jor Bag Road, Aliganj,  
New Delhi – 110003  
**Dated: As per E-Sign**

To,

**The Principal Secretary (Forests),**  
Government of Rajasthan,  
Jaipur.

**Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 286.47 ha of forest land in favour of Executive Engineer, Water Resource Division III, Baran for Construction of Hathiyadeh Medium Irrigation project in Baran district, Rajasthan State (Online No. FP/RJ/IRRIG/27263/2017) - regarding.**

Madam/Sir,

I am directed to refer to the Government of Rajasthan's letter No. P.1 (48) VAN/2019 part Jaipur dated 20.11.2019 on the above mentioned subject, seeking prior approval of Central Government under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, and to say that the said proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Advisory Committee, and with due approval of the competent authority, the Central Government hereby accords "In-Principle" approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 286.47 ha of forest land in favour of Executive Engineer, Water Resource Division III, Baran for Construction of Hathiyadeh Medium Irrigation project in Baran district, Rajasthan State subject to fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *Submission of CAT Plan approved by the Principal CCF & HoFF or any other officer authorized by him for the purpose before the Stage-II/final approval along with the compliance of Stage I approval conditions;*
- iii. *The user agency shall furnish a report from the State Dam Safety Organisation (SDSO) regarding all technical aspects with respect to the dam as per the Dam Safety Act, 2021. The recommendations shall be implemented by the user agency to avoid any possible unforeseen conditions;*

- iv. *The State Government shall obtain approval of the National Dam Safety Authority (NDSA) on the recommendations made by the State Dam Safety Organisation (SDSO) and submit the same before Stage II approval along with the compliance of Stage I approval conditions;*
- v. Compensatory Afforestation over the identified Non-Forest/ Revenue land of 286.50 ha area in Baran District of Rajasthan State shall be raised at the project cost under the supervision of the State Forest Department and afforestation works shall start within two years from the date of final approval and maintained thereafter in accordance with the approved CA scheme in consultation with the State Forest Department;
- vi. 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;
- vii. 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;
- viii. The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the final approval;
- ix. The non-forest land transferred and mutated in favour of the State Forest Department or the revenue forest land, as the case may be, shall be notified by the State Government as Protected Forests under section 29 of the Indian Forest Act, 1927 or under the relevant section(s) of the local Forest Act, before handing over the forest land to the user agency;
- x. 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 (pt.) dated 29.12.2023 in this regard;
- xi. 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;
- xii. The copy of approved Catchment Area Treatment (CAT) Plan shall be submitted and the commensurate cost of CAT plan shall be deposited in the CAMPA account through online portal;
- xiii. All the funds received from the user agency under the proposal shall be transferred/deposited in 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;
- xiv. The State Government shall upload the KML files of the area under diversion and area earmarked for CA in the e-Green watch portal of FSI, before handing over forest land to the user agency;

- xv. The User Agency shall obtain the Environment Clearance as per the provision of the Environmental (Protection) Act, 1986, if required;
- xvi. The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- xvii. The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place;
- xviii. The user agency shall provide free water for the forestry related projects;
- xix. The felling of trees shall be restricted to FRL-4 meter only. Number of trees to be removed shall be kept at barest minimum during the execution of the project;
- xx. The User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department;
- xxi. The R&R Plan shall be implemented as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
- xxii. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled;
- xxiii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xxiv. 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;
- xxv. 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, distance from pillar to pillar and GPS coordinates;
- xxvi. 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 except the change in land use allowed on the forest land vide Ministry's guideline dated 26.12.2024;
- xxvii. 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;
- xxviii. No damage to the flora and fauna of the adjoining area shall be caused;
- xxix. 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;
- xxx. 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;

- xxxi. 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;
- xxxii. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry on dated 29.12.2023;
- xxxiii. The compliance report shall be uploaded on e-portal(<https://parivesh.nic.in/>).

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 (1) (ii) 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,

(Deepika Chaudhary)

**Assistant Inspector General of Forests**

**Copy to:**

1. The PCCF (HoFF), Department of Forest, Government of Rajasthan, Jaipur;
2. Sub-Office, MoEF&CC, Jaipur;
3. The Nodal Officer, Department of Forest, Government of Rajasthan, Jaipur;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.