

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

Indira Paryavaran Bhawan
Jorbagh Road. Aliganj
New Delhi – 110 003

Dated: 25th March, 2021

To,

The Addl. Chief Secretary (Forests)
Government of Himachal Pradesh
Shimla.

Sub: Proposal for seeking prior approval under Forest (Conservation) Act, 1980 for use of 0.8374 ha of additional forest land (in addition to the already diverted 69.3762 ha and 0.9274 ha) for construction of Road, Bridge, River protection/Training works for Rampur Hydro Electric Project in favour of SJVN in Rampur Forest Division and District, Shimla Himachal Pradesh (Online Proposal No.FP/HP/HYD/12761/2015)

Sir,

I am directed to refer to the Government of Himachal Pradesh letter No. 48-1063/2005(FCA) dated 06.11.2019 and letter No. No.Ft.48- 1063/2005 (FCA) dated 18.09.2020 and 30.01.2021 on the above mentioned subject, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

After careful consideration of the proposal of the Government of Himachal Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord ***“In-principle”*** approval under the Forest (Conservation) Act, 1980 for use of 0.8374ha of additional forest land (in addition to the already diverted 69.3762ha and 0.9274ha) for construction of Road, Bridge, River protection/Training works for Rampur Hydro Electric Project in favour of SJVN in Rampur Forest Division and District, Shimla Himachal Pradesh subject to the following conditions;

- 1 Legal status of the forest land shall remain unchanged;
- 2 The State Government shall ensure that the legal action initiated against the user agency is pursued and taken to its logical conclusion and appropriate action as per law is taken against the persons/officials/authority responsible for violation and breaking of forest land without the prior approval of the competent authority;
- 3 The User Agency shall pay five times of NPV and five times penal CA on double degraded forest land in respect of 0.8374 ha of forest land on which violation of the FC Act has been reported by the State Government.
- 4 The Integrated Regional Office Shimla shall certify the extent of area under violation, and

if the area under violation is larger than the area reported by the State Government, the five time NPV and five times CA shall be imposed on the larger area;

- 5 The KML files of diverted area and CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to Stage-II approval.

6 Compensatory Afforestation:

- (a) The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (b) Compensatory afforestation shall be taken up by the Forest Department over 1.6748 ha in degraded forest land in UF-Shandal, Rampur at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted, and monoculture of a species has to be avoided;

7 Net Present Value (NPV):

- (a) The State Government shall charge the Net Present Value (NPV) for the 0.8374 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt. II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard;

- (b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

- 8 All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (parivesh.nic.in)
- 9 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate/documents from the concerned District Collector.
- 10 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- 11 The layout plan of the proposal shall not be changed without prior approval of Central Government;
- 12 No labour camp shall be established on the forest land;
- 13 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- 14 The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
- 15 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- 16 The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;
- 17 The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as

applicable to the project;

- 18 The forest land shall not be used for any purpose other than that specified in the project proposal;
- 19 User agency shall provide free water for forestry related activities/ projects;
- 20 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India;
- 21 Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt. 29/01/2018;
- 22 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;
- 23 The complete compliance report shall be uploaded on e-portal (parivesh.nic.in).

After receipt of the report on compliance to the conditions stipulated above, **final / stage-II** approval for diversion of the proposed forest land under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the said forest land to the user agency shall not be affected by the Government of Himachal Pradesh till final/stage-II approval for its diversion is issued by this Ministry.

Yours sincerely,

Sd/-

(Suneet Bhardwaj)

Asst. Inspector General of Forests (FC)

Copy to: -

1. The Principal Chief Conservator of Forests (HoFF), Himachal Pradesh Forest Department, Talland, Shimla.
2. The Regional Officer, Integrated Regional Office, Shimla.
3. The Addl. PCCF cum Nodal Officer (FCA), Government of Himachal Pradesh, Shimla.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi.
6. Guard File.