

F. No. 8-06/2016-FC
Government of India
Ministry of Environment, Forests & Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi: 110003
Dated: 22nd December, 2016

To

The Principal Secretary (Forests),
Government of Jharkhand,
Ranchi.

Subject: Proposal for diversion of 291.17 hectares of forest land for Punasi Reservoir Project under the Deoghar Forest Division, Jharkhand State. –regarding.

Sir,

I am directed to refer to the Government of Jharkhand's letter No. Van Bhoomi 25/2015/1244 dated 03.03.2016 on the above mentioned 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 Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Odisha and on the basis of the recommendations of the Forest Advisory Committee and as per the direction of Hon'ble High Court vide their order dated 30th /20th July 2016, the Central Government hereby agrees to accord **Stage-I approval** under the Forest (Conservation) Act, 1980 for the diversion of 291.17 hectares of forest land for Punasi Reservoir Project under the Deoghar Forest Division, Jharkhand subject to the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be raised within three years from the date of Stage -II Clearance and maintained by the State Forest Department at the cost of the User Agency;
- iii. **Imposition of Penal NPV for twice the area of 30.25 hectares for the time period for which area remained under violation of Forest (Conservation) Act, 1980;**
- iv. **Penal compensatory Afforestation to be raised over an area 5 times in extent to the area under violation i.e. 30.25 Ha;**
- v. 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 Stage-II clearance;
- vi. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- vii. Non-forest land to be transferred and mutated in favour of the State Forest Department for raising Compensatory Afforestation shall be notified as reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act. The Nodal officer must report compliance within a period of 6 month from the date of grant of final approval and send a copy of the notification declaring the revenue land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the local Forest Act as the case may be, to this Ministry for information and record.


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- viii. 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 Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- ix. The User Agency shall transfer the funds for 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 through online portal of Ad-hoc CAMPA account of the State Concerned.
- x. The State Government shall realize cost of implementation of Catchment Area Treatment (CAT) Plan and transfer the same to Ad-hoc CAMPA. *
- xi. 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;
- xii. Any fund 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 through online portal of Ad-hoc CAMPA account of the State Concerned;
- xiii. A Catchment area treatment plan as approved by State Government be implemented by/or under the supervision of State Forest Department at the project cost;
- xiv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xv. No labour camp shall be established on the forest land;
- xvi. 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;
- xvii. The boundary of the diverted forest land, 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 pillar to pillar and GPS co-ordinates;
- xviii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xix. The forest land shall not be used for any purpose other than that specified in the proposal;
- xx. 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;
- xxi. The water shall be provided from the reservoir to the Forest Department for raising and maintenance of plantations and nurseries around the site whenever required, free of charge. The quantity and time of supply of water shall be as decided by the Forest Department.
- xxii. No damage to the flora and fauna of the adjoining area shall be caused;
- xxiii. Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees shall be felled under strict supervision of the State Forest Department;
- xxiv. The User Agency shall undertake afforestation along the periphery of the reservoir and canals (as applicable);
- xxv. The User Agency shall carry out muck/silt disposal at pre-designated sites in such a manner so as to avoid its rolling down;
- xxvi. The dumping area for muck/silt 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

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- dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan;
- xxvii. The State Government and the User Agency shall ensure that the trees available between full reservoir level (FRL) and FRL-4 meters are not felled;
- xxviii. The State Government shall complete 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 and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
- xxix. 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;
- xxx. 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
- xxxi. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project

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

Yours faithfully,



(Rajagopal Prashant)

Assistant Inspector General of Forests (FC)

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Jharkhand, Ranchi.
2. The Nodal Officer, FCA O/o PCCF, Forest Department, Government of Jharkhand, Ranch
3. The Addl. Principal Chief Conservator of Forests (C), Ministry of Environment & Forests, Regional Office (Eastern Central Zone), Bunglow No. A-2, Syamali Colony, Ranchi – 834002.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi.
6. Guard File.



(Rajagopal Prashant)

Assistant Inspector General of Forests (FC)

