

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

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110003

Dated: 28th July, 2021

To,
The Principal Secretary (Forests),
Department of Forest and Environment,
Government of Madhya Pradesh,
Bhopal.

Sub: Proposal for diversion of 530.85 ha (instead of 505.5 ha) of forest land for Construction of Banda Irrigation project in favour of M/s Water Resources Department in Sagar District, Madhya Pradesh State (Online No. FP/MP/IRRIG/33882/2018) – regarding.


Madam/Sir,

I am directed to refer to the Additional Principal Chief Conservator of Forests (Land Management) & Nodal Officer, FCA, Govt. of Madhya Pradesh's letter No. F-3/97/2018/10-11/12/868 dated 03rd March, 2020 and letter No. F-3/97/2018/10-11/12/332 dated 20.01.2021 on the subject mentioned above seeking prior approval of the Central Government under Section-2(ii) 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.

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee "***In-principle/ Stage-I***" approval of the Central Government is hereby granted under Section 2 (ii) of the Forest (Conservation) Act, 1980 for non-forest use of 530.85 ha of forest land for construction of Banda Irrigation project in favour of Water Resources Department, Sagar District, Madhya Pradesh State, subject to the fulfillment of following conditions:

A: Conditions required to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval:

- i. *In order to minimize the extent of forest land diversion arising out of the fact due to shifting of transmission lines, the State Govt. will ensure that either all the transmission lines are merged into a single line or the same tower is used for mounting all lines, thereby reducing the total requirement of forest land. State Government will also ensure that the 'fait accompli' diversion proposal for shifting of transmission lines should not be passing over the non-forest land (NFL) pledged for Compensatory Afforestation;*
- ii. *Details of transmission line 'Shifting Plan' of the transmission line shall be as per the consensus of all the user agency and will be submitted prior to 'final' approval;*
- iii. *Complete details of Non-Forest Land acquired for the Beena Irrigation Project along with a comprehensive map indicating the total number of patches acquired will be*


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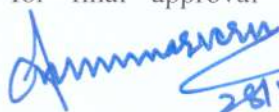
submitted by the State Government. The patches proposed against different projects shall be coded in different colors. A single KML file indicating the area used/proposed against different projects in different colors shall also be submitted;

- iv. *In order to prevent encroachment in the fringe forest areas of the rim of the reservoir and to reduce siltation of reservoir, the user agency with State Forest Department work out a mechanism of protection which will include appropriate afforestation of species which can tolerate water inundation in the fringe areas of the reservoir;*
- v. *The user agency under guidance of Department of Forest, Madhya Pradesh shall take up adequate steps for the plantation of bamboos and development of Agroforestry in the villages surrounding the reservoir. Funds under the schemes of MoAFW, Govt of India may be utilized for the purpose;*
- vi. *User agency shall ensure water discharge in downstream of the project to maintain minimum 'environmental flow';*
- vii. *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;*
- viii. *The State Government shall charge the Net Present Value(NPV) for the 530.85 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, 28/03/200 , 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-C dated 05/02/2009 in this regard;*
- ix. *The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;*
- x. *The non-forest land shall be transferred and mutated in favour of Forest Department and notified as Reserved Forest /Protected Forest prior to Stage-II approval. 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 of the State Forest Act as the case may be, will be submitted by the State Government prior to Final/Stage-II approval;*
- xi. *The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;*
- xii. *All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other modes will not be accepted as compliance of the Stage-I clearance;*
- xiii. *The State Government shall upload the KML files of the area under diversion and the accepted area for raising compensatory afforestation in the E-Green Watch portal of FSI, before handing over forest land to the user agency;*
- xiv. *The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).*


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B: Conditions which need to be 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 and compliance is to be submitted prior to Stage-II approval:

- i. Legal status of the diverted forest land shall remain unchanged;
 - ii. 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;
 - iii. The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project;
 - iv. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
 - v. User agency shall undertake afforestation along with the periphery of the reservoir;
 - vi. The layout plan of the proposal shall not be changed without prior approval of Central Government;
 - vii. No labour camp shall be established on the forest land;
 - viii. 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;
 - ix. 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;
 - x. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
 - xi. 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;
 - xii. The forest land shall not be used for any purpose other than that specified in the project proposal;
 - xiii. 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;
 - xiv. 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;
 - xv. 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 dated 29/01/2018;
 - xvi. 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;
3. After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2(ii) of the Forest


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(Conservation) Act, 1980. Transfer of forest land shall not be effected till final/Stage-II approval is granted by the Central Government in this regard.

Yours faithfully,


(Shrawan Kumar Verma)

Dy. Inspector General of Forests

Copy to: -

1. The PCCF (HoFF), Department of Forest and Environment, Government of Madhya Pradesh, Bhopal;
2. The Regional Officer, Integrated Regional Office, MoEF&CC, Bhopal;
3. The Nodal Officer (FCA), Department of Forest and Environment, Government of Madhya Pradesh, Bhopal;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi for uploading on PARIVESH portal.