

प्रति,

वनमण्डलाधिकारी,

(सामान्य) वन मण्डल दमोह, मध्यप्रदेश।

विषय:- दमोह जिले में प्रधानमंत्री ग्राम सङ्क योजना अंतर्गत दमोह-कटनी से जोगीडाबर पहुंच मार्ग निर्माण हेतु 0.855 हेक्टेयर वनभूमि (ऑनलाईन आवेदित 0.58615 हेक्टेयर) म.प्र. ग्रामीण सङ्क विकास प्राधिकरण, दमोह को उपयोग पर देने बाबत्। (ऑनलाईन प्रकरण क्रमांक FP/MP/ROAD/129457/2021)

संदर्भ:- मुख्य वन संरक्षक, सागर का पत्र क्रमांक/मा.चि./82 दिनांक 19.01.2022

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उपरोक्त संदर्भित पत्र द्वारा विषयांकित प्रस्ताव अनुमोदन हेतु इस कार्यालय को मुख्य वन संरक्षक, सागर एवं आपके द्वारा प्रस्तुत किया गया था। भारत सरकार द्वारा जारी नवीन गाइड लाईन, 2019 अनुसार 01 हेक्टेयर तक वन भूमि में प्रत्यावर्तन के अधिकार राज्य शासन को प्रदत्त है। राज्य शासन की ओर से उपरोक्त प्रकरण में सैद्धान्तिक स्वीकृति निम्नलिखित शर्तों के अधीन प्रदान की जाती है:-

- 1- Legal status of the forest land shall remain unchanged.
- 2- NPV: Net Present Value(NPV) amount of Rs. 10,50,444/- is to be paid for the 0.855 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.
- 3- आवेदक संस्थान द्वारा बिना अनुमति के अवैध उत्खनन का कार्य 0.2 हेक्टेयर में किया गया है। अतः प्रकरण में हुए उल्लंघन के फलस्वरूप दाण्डिक नेट प्रजेण्ट वैल्यू की राशि रु0 2,45,718/- आवेदक संस्थान से वसूल कर कैम्पा मद में जमा कराई जावे।
- 4- प्रकरण में आवेदक संस्थान द्वारा बिना अनुमति के अवैध उत्खनन का कार्य किया गया है। प्रकरण में हुए उल्लंघन के फलस्वरूप दोषी अधिकारियों/कर्मचारियों के विरुद्ध भारत सरकार की नवीन गाइड लाईन (छायाप्रति संलग्न) के बिन्दु क्रमांक 1.21(i) b के अनुसार कार्यवाही की जावे।
- 5- 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.

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- 6- प्रकरण में 14 वृक्ष काटे जाना है। भारत सरकार द्वारा जारी दिशा निर्देशों के अनुसार काटे जाने वाले वृक्षों का 10 गुना रोपण अथवा 100 वृक्षों का रोपण किया जाना होता है। अतः प्रकरण में 140 वृक्षों की राशि 2000/- प्रति वृक्ष की दर से राशि रु. 2,80,000/- कैम्पा मद में जमा कराई जावे।
- 7- User agency shall restrict the 14 felling of trees.
- 8- All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
- 9- The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector. This certificate should be uploaded on portal with compliance report.
- 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 additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 13- The forest land shall not be used for any purpose other than that specified in the project proposal.
- 14- 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.
- 15- 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.
- 16- 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.
- 17- No work shall be done during night.
- 18- The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

उपरोक्तानुसार नेट प्रजेण्ट वैल्यू की राशि रु. 10,50,444/-, दार्ढिक नेट प्रजेण्ट वैल्यू की राशि रु. 2,45,718/- एवं 140 वृक्षों की रोपण की राशि रूपये 2,80,000/- आवेदक संस्थान से ऑनलाईन कैम्पा मद में जमा करावे एवं वन अधिकार अधिनियम के तहत कलेक्टर दमोह का प्रमाण पत्र प्राप्त किया जावे। तत्पश्चात स्वीकृति में अधिरोपित समस्त शर्तों का पालन आवेदक संस्थान से कराकर पालन प्रतिवेदन वैबपोर्टल पर अपलोड कराने के उपरांत इस कार्यालय को भिजवाये। जब तक इस कार्यालय द्वारा औपचारिक स्वीकृति जारी नहीं की जाती है, तब तक आवेदक संस्थान को कार्य करने/क्षेत्र हस्तांतरण की अनुमति जारी न की जावे।

(सुनील अग्रवाल)
प्रधान मुख्य वन संरक्षक (भू-प्रबन्ध)
मध्य प्रदेश, भोपाल

पु. क्रमांक/एफ-5/1108/2022/10-11/1162

प्रतिलिपि:-

भोपाल, दिनांक 29/3/22

1— मुख्य वन संरक्षक, (क्षेत्रीय) सागर वृत्त, सागर, मध्यप्रदेश।

2— महाप्रबंधक, म.प्र. ग्रामीण सड़क विकास प्राधिकरण, परियोजना क्रियान्वयन इकाई-2,
एच.आई.जी.-17, विवेकानंद कॉलोनी, दमोह, मध्यप्रदेश।

की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

Rakesh
प्रधान मुख्य वन संरक्षक (भू-प्रबन्ध)
मध्य प्रदेश, भोपाल

keeping into account the directions of supreme Court dated 22.09.2000 in Writ petition No. 202/ 95. The APCCF (Central) of the Regional Office will ensure strict monitoring of felling and regeneration as per approved Working Plan/ Working Scheme.

(v) National parks and Wildlife sanctuaries are to be managed according to approved management plan. The Supreme Court has passed an order on 14.02.2000 restraining removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses etc. from any National Park or Game Sanctuary.....".

1.20. Reopening/reconsideration of Proposals

(i) In cases where the State Government is requested to furnish clarification or additional information relating to a proposal, all particulars should be made available to the Central Government within 90 days. If such particulars are not received within 90 days, the proposal may be rejected by the Central Government for non-furnishing of essential information. Such cases can be reopened provided the following conditions are satisfied:

- a. there is no change in the proposal in terms of scope, purpose and other important aspects.
- b. all the required information has been made available
- c. delay in providing the information is satisfactorily explained

(ii) Any request for reconsideration of any proposal that has been considered and rejected by the Central Government has to be made by concerned State/UT Government within three months from the date of communication of such rejection along with detailed justification for reconsideration and comments on each of the grounds on which proposal has been rejected.

1.21. Ex-post Facto approval and Penal Provisions: Proposals seeking ex-post-facto approval of the Central Government under the Forest (Conservation) Act,1980 are normally not to be entertained. The Central Government will not accord approval under the Act unless under exceptional circumstances that may justify condonation. In such cases Central Government shall ensure penalty from user agencies/State as follows:

(i) In cases where the proposal under FC Act has not been submitted and forest land is diverted without FC.

- a. The diversion of forest land for non-forestry purposes without the prior approval of the competent authority in the State will be dealt under the provisions of Indian Forest Act 1927 and other State Acts dealing with the conservation of Forests by the State government concerned. The land in question will not be considered as diverted under FCA1980 and the status of the land shall continue to be forest.
- b. If the permission for use of forest land for non-forestry purposes have been granted by the State authority without the prior approval of the central government under section 2 of the Forest Conservation Act 1980 then action under section 3A and /or 3B of FC Act, as may be applicable, shall be taken against the authority causing the diversion. A report with full details of violation shall be submitted by the State Government on the recommendation

of the Forest Department of the State to the Ministry of Environment, Forests & Climate Change Government of India, New Delhi and formal enquiry shall be conducted by the Regional Office of the MoEF&CC.

(ii) In cases where the proposal under FC Act is under consideration and forest land is diverted before grant of FC:

- a. The penalty for violation shall be equal to NPV of forest land per hectare for **each year** of violation from the date of actual diversion as reported by the inspecting officer with maximum up to **five (5) times the NPV** plus 12 percent simple interest till the deposit is made.
- b. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (a) above.
- c. State government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
- d. User agency responsible for violation shall be prosecuted under local Act of the State for unauthorized use of forest land without the permission of State authority.

(iii) Violation /noncompliance of any conditions imposed while granting approval under FC Act.

In such cases the penalty will be imposed on the recommendation of the APCCF Regional office in whose jurisdiction the alleged violation has occurred. The violation will be reported to REC/FAC and the committee will give time to comply the conditions within stipulated time.

- a. In case the offence is proved then the penalty shall be imposed for violation committed over forest area without approval equal to twice the normal NPV.
- b. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (a) above.

(iv) Violation on account of change of land use in the approved mining plan:

- a. No penalty is to be imposed for such violation if the change is as per change in mining plan duly approved by competent authority. User agency shall intimate all approvals related to change in mining plan to the regional office within one month of approval. In other cases, change in land use plan shall not be carried out without prior approval of MoEF&CC under the provisions of FCA 1980.
- b. Any violation of change in land use (other than mining operations), penalty of two times the NPV plus simple interest 12 per cent from the date of actual violation committed will be imposed.
- c. In case the approved change in mining plan is not intimated within one month of the approval the same fine shall be imposed as in para IV(b).

If the violation is not attributable to the user agency, no penalty shall be imposed on user agency.

1.22. Zoo, Rescue, Rehabilitation Center and captive breeding facility

Zoo, Rescue, Rehabilitation Center and Captive breeding facility for wild life management is treated as a forestry activity for the purpose of applicability of