



भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय/ Regional Office
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एफ.पी/बी.आर./अदरस/42268/2019/531

दिनांक: 28/08/2024

सेवा में,

प्रधान सचिव

पर्यावरण, वन एवं जलवायु परिवर्तन विभाग

बिहार सरकार, सिंचाई भवन

पटना – 800015.

विषय:-In-principle (Stage-I) approval of Central Government under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 1.3094 ha forest land for construction of Mundeshwari ropeway work project by Bihar Rajya Pul Nirman Nigam Ltd, Works Division, Ara under Kaimur forest division in Kaimur district of Bihar – reg.

Sir,

I am directed to refer to you the Bihar Govt.'s letter No.Van Bhumi-58/2023-151(E)/Pa.Va.Ja.Pa. dated 15.03.2024 and letter No.FC/71/2019-587 dated 23.08.2023 of the APCCF-cum-Nodal Officer (FC), Bihar on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest and Climate Change under section 2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

After due consideration of the proposal of the State Government, the Central Government, hereby, conveys **“in-principle”** approval for diversion of 1.3094 ha forest land for construction of Mundeshwari ropeway work project by Bihar Rajya Pul Nirman Nigam Ltd, Works Division, Ara under Kaimur forest division in Kaimur district of Bihar, subject to the fulfillment of the following conditions.

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

- (1) The cost of compensatory afforestation on the CA land (2.6 ha JJ) at the prevailing wage rates as per compensatory afforestation scheme (including the cost of survey, demarcation and erection of permanent pillars etc. as required for securing the land against encroachment) shall be deposited in advance with the State 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.

- (2) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/ PF 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 formal (Stage-II) approval.
- (3) The State Government shall charge the Net Present Value (NPV) for the 1.3094 ha forest area to be diverted under this proposal from the User Agency as per the order 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, 5-3/2007-FC dated 05/02/2009 and **letter No.5-3/2011-FC(Vol-I) dated 6/1/2022** in this regard.
- (4) 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/>).
- (5) **The KML files of the area to be diverted and the CA area shall be uploaded on the e-Green watch portal with all requisite details and submitting compliance report for seeking Stage-II approval.**
- (6) The FRA certificate as per Ministry's guidelines shall be submitted before the issuance of final approval. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector on the basis of gram-sabha held for the purpose.
- (7) A Muck-Disposal Plan should be prepared by User Agency to ensure that the muck/wastage generated should be disposed of in proper manner. Such plan, duly approved by the concerned DFO, should be submitted to this office before soliciting Working Permission.
- (8) 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 Comprehensive Guidelines issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and rules framed thereunder.
- (9) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

B: Conditions which need to be strictly 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 prior to Stage-II approval:

- (1) Legal status of the forest land shall remain unchanged.

- (2) Compensatory afforestation shall be taken up by the Forest Department over 2.6 ha. Jangal Jhari land (Site – Plot No.643, 462; Thana no.366, Mauza- Tori, Bhagwanpur Block, Bhabua range, Kaimur Forest Division, Bhabua) at the cost of the user agency. As far as possible, a mixture of local native species shall be planted and monoculture of any species, especially non-native species should be avoided.
- (3) 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 also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- (4) Modern technology will be used in tree-translocation which shall be preferred way of removing tree falling in the project area so that only trees are felled that are unavoidable and the barest minimum.
- (5) User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department after the order by the concerned DFO to the effect and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department. Further, in view of the large number of trees affected for the project, such number of trees whose removal is unavoidable, and whose translocation (species, number and girth to be decided by SFD) is practicable, will be translocated to the extent possible at the cost of user agency.
- (6) The height of the ropeways shall be maintained with minimum clearance of 5 meters from the highest treeline.
- (7) The boundary of the forest land proposed for diversion, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc.
- (8) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads segment covered under this approval, in consultation with the State Forest Department at the project cost.
- (9) The User Agency shall ensure that the labourers and staff engaged in construction activities do not damage the nearby forest flora and fauna.
- (10) The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- (11) Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed of in the adjoining forest area by the user agency.

- (12) The layout plan of the proposal shall not be changed without prior approval of the Ministry of Environment, Forest & Climate Change.
- (13) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (14) The period of diversion under this approval shall be co-terminus with the period of the project life/ requirement.
- (15) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of the Ministry of Environment, Forest & Climate Change.
- (16) The diverted forest area shall be accessible to forest department for monitoring and inspection purpose throughout the project life.
- (17) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forest & wildlife.

After receipt of the compliance report from the State Government regarding due compliance and fulfillment of the above conditions as stipulations, formal approval will be issued in this regard under clause (ii) of subsection (1) of Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. **Transfer of forest land by the State Government to the user agency should not be given effect to till formal order approving diversion of forest land is issued by the Central Government.**

विश्वासभाजन



(शशि शंकर)

उप वन महानिरीक्षक

प्रतिलिपि:-

1. आई०जी०एफ०, आर०ओ०एच०क्यू०, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, इन्दिरा पर्यावरण भवन, जोर बाग रोड, नई दिल्ली-110003.
2. प्रधान मुख्य वन संरक्षक (HoFF)/ अपर प्रधान मुख्य वन संरक्षक- सह - नोडल पदाधिकारी (एफ. सी.), पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, बिहार सरकार, अरण्य भवन, शहीद पीर अली खां मार्ग, पटना-800014.
3. वन प्रमण्डल पदाधिकारी, कैमूर वन प्रमण्डल, भभुआ, बिहार ।
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5. गार्ड फाईल ।

उप वन महानिरीक्षक