



भारत सरकार
Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, लखनऊ
Regional Office, Lucknow



केन्द्रीय भवन, ग्यारवां तल, सेक्टर एच, अलीगंज, लखनऊ-226024
Kendriya Bhawan, 11th Floor, Sector H, Aliganj, Lucknow-226024, Phone No : 0522-2326696
Email : roc.lko-mef@nic.in, goimoeofrolko@gmail.com

पत्र सं० : 8वीं/यू०पी०/०६/१०४/२०२३/एफ.सी. / 494

दिनांक : 01.02.2024

सेवा में,

अति० मुख्य सचिव,
 पर्यावरण, वन एवं जलवायु परिवर्तन विभाग,
 उत्तर प्रदेश शासन, बापू भवन, लखनऊ।

ऑनलाईन प्रस्ताव संख्या— FP/UP/ROAD/25904/2017

विषय: जनपद उन्नाव में प्रान्तीय खण्ड लोक निर्माण विभाग द्वारा दही चौकी पावर हाउस से अग्नि शमन प्रशिक्षण केन्द्र दोस्तीनगर-उन्नाव तक बाईपास रोड के निर्माण में प्रभावित 7.3624 हे० आरक्षित वनभूमि के गैरवानिकी प्रयोग एवं बाधक 25 वृक्षों के पातन की अनुमति के सम्बन्ध में।

सन्दर्भ: मुख्य वन संरक्षक/नोडल अधिकारी का पत्रांक 1501/11-सी- FP/UP/ROAD/25904/2017, दिनांक 18.12.2023.

महोदय,

कृपया उपरोक्त विषयक सचिव (वन) उत्तर प्रदेश शासन के पत्रांक पी-108/81-2-2023-800(93)/2023, दिनांक 18.04.2023 का आशय ग्रहण करने का कष्ट करें, जिसके द्वारा विषयांकित प्रकरण में राज्य सरकार द्वारा वन (संरक्षण) अधिनियम, 1980 की धारा (2) के अन्तर्गत भारत सरकार की स्वीकृति मांगी थी।

प्रकरण को दिनांक 12.01.2024 को आहूत की गई क्षेत्रीय सशक्त समिति (REC) की बैठक में (REC Agenda item 1.4-UP) शामिल किया गया था। क्षेत्रीय सशक्त समिति (REC) द्वारा प्रकरण में स्वीकृति प्रदान की गयी है। प्रकरण में विचारोपरान्त मुझे आपको यह सूचित करने का निर्देश हुआ है कि केन्द्र सरकार जनपद उन्नाव में प्रान्तीय खण्ड लोक निर्माण विभाग द्वारा दही चौकी पावर हाउस से अग्नि शमन प्रशिक्षण केन्द्र दोस्तीनगर-उन्नाव तक बाईपास रोड के निर्माण में प्रभावित 7.3624 हे० आरक्षित वनभूमि के गैरवानिकी प्रयोग एवं बाधक 25 वृक्षों के पातन की सैद्धांतिक स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है:-

1. Legal status of the forest land shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department in an area of 7.3624 ha. Non Forest Land (NFL) in Khasra No. 142MI, Village Pasaniya Khera, Bighapur Range, District Unnao 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.
3. 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 will be for plantation and may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
4. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
5. 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 at the time of submission of compliance of AIP.
6. The State Govt. shall charge the Net Present Value (NPV) for the 7.3624 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.

Revised amount of NPV as applicable as per orders dated 06-01-2022 and 19-01-2022 shall be deposited by User Agency in this regard.

7. 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. User agency shall restrict the felling of trees to 25 trees/minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
9. The user agency to explore transplanting of trees in consultation and guidance of Forest Department and monitoring/assessment of success of such transplanted trees by Research Wing of Forest Department. The details and location of such transplanted trees shall be submitted.
- 10. Fencing of forest area along road side shall be done at the cost of User Agency.**
11. No violation of Forest (Conservation) Act certificate from concerned DFO shall be provided.
12. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
13. Plantation shall be raised on both sides of the road and median (if available) by the State Forest Department at the cost of User Agency as per submitted scheme according to IRC guidelines and order passed by NGT in OA no. 27/2015 in the matter of Babulal Jaju v/s State of Rajasthan and others dated 16.11.2015.
14. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.
15. The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.
16. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
17. The layout plan of the proposal shall not be changed without prior approval of Central Government.
18. No labour camp shall be established on the forest land.
19. 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.
20. 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.
21. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
22. 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.
23. The forest land shall not be used for any purpose other than that specified in the project proposal.
24. 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.
25. The KML file of the area to be diverted, the CA areas, the proposed SMC work, the proposed Catchment Area Treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before commencement of works.
26. Any order of Temporary Work Permission in case of linear projects for tree cutting and commencement of work as per clause 11.2 of FCA Guidelines shall be passed under intimation to Nodal office and this office. Order of Temporary Work Permission have to be uploaded on PARIVESH Portal as well. Nodal Officer will strictly monitor and ensure that no further activity is carried out under such permission after the expiry of one year from the date of issue of such permission.

27. The violation of any of the conditions stipulated under this approval will be liable to the cognizance and appropriate action under MoEFCC rules and Guidelines as applicable, specifically MoEFCC Guidelines dated 15/05/2023, authorizing officers of the rank of Divisional Forest Officer (DFO)/Deputy Conservator of Forests (DCF) and above of the State Government or Union territory Administration concerned, having jurisdiction over the forest land in respect of which any offence under the Forest (Conservation) Act, 1980 is committed or violation of the provisions of the said Act has been made, to file complaints against such person/authority/organization, prima-facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.
28. 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.
29. 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.
30. 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/>).
31. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

After receipt of compliance report on fulfillment of all of the above conditions from the State Government, proposal will be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980, by this office.

The order for transfer of forest land to user agency shall not be issued by the State Government till final approval order for diversion of forest land is issued by Government of India.

भवदीय,

(डा० प्रणय मिश्रा)

सहायक वन महानिरीक्षक {केन्द्रीय}

प्रतिलिपि (ईमेल द्वारा)

1. मुख्य वन संरक्षक(वन संरक्षण) एवं नोडल अधिकारी, वन विभाग, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
2. प्रधान मुख्य वन संरक्षक(हॉफ), वन विभाग, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
3. प्रभागीय निदेशक, सामाजिक वानिकी प्रभाग, उन्नाव।
4. सहायक अभियंता, प्रांतीय खण्ड लोक निर्माण विभाग, उन्नाव।
5. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, लखनऊ को वेबसाइट पर अपलोडिंग हेतु/आदेश पत्रावली।

(डा० प्रणय मिश्रा)

सहायक वन महानिरीक्षक {केन्द्रीय}