



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



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पत्र सं० : 8बी/यू०पी०/०९/९४/२०२३/एफ.सी./५९९

दिनांक : 02.02.2024

सेवा में,

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

ऑनलाईन प्रस्ताव संख्या— FP/UP/Others/49462/2020

विषय: जनपद आगरा में यमुना प्रदूषण नियंत्रण इकाई, उ०प्र० जल निगम (ग्रामीण) आगरा द्वारा बाईपुर एवं शहर रेंज के अंतर्गत डी.एस.ए.टी.पी. के निर्माण हेतु बाईपुर वन ब्लॉक, बाबरपुर वन ब्लॉक, मऊ वन ब्लॉक एवं ताज वन ब्लॉक की 0.9024 हे० आरक्षित वनभूमि के गैर-वानिकी प्रयोग एवं बिना वृक्ष पातन की अनुमति के सम्बन्ध में।

संदर्भ: मुख्य वन संरक्षक/नोडल अधिकारी का पत्रांक 1473/11-सी- FP/UP/Others/49462/2020, दिनांक 14.12.2023.

महोदय,

कृपया उपरोक्त विषयक सचिव (वन), उत्तर प्रदेश शासन के पत्रांक 1008/81-2-2023-800(30)/2023, दिनांक 18.04.2023 का आशय ग्रहण करने का कष्ट करें, जिसके द्वारा विषयांकित प्रकरण में वन (संरक्षण) अधिनियम, 1980 की धारा (2) के अन्तर्गत भारत सरकार की स्वीकृति मांगी गयी थी।

प्रकरण में विचारोपरान्त मुझे आपको यह सूचित करने का निर्देश हुआ है कि केन्द्र सरकार जनपद आगरा में यमुना प्रदूषण नियंत्रण इकाई, उ०प्र० जल निगम (ग्रामीण) आगरा द्वारा बाईपुर एवं शहर रेंज के अंतर्गत डी.एस.ए.टी.पी. के निर्माण हेतु बाईपुर वन ब्लॉक, बाबरपुर वन ब्लॉक, मऊ वन ब्लॉक एवं ताज वन ब्लॉक की 0.9024 हे० आरक्षित वनभूमि के गैर-वानिकी प्रयोग एवं बिना वृक्ष 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 0.9024 ha. Non Forest Land (NFL) in Madayna Gram Samaj, Range Fatehabad, District Agra 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 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 Government shall charge the Net Present Value (NPV) for the 0.9024 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, 5-3/2007-FC dated 05/02/2009 and 5-3/2011-FC (Vol-I) dated 06.01.2022 in this regards.
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. **No tree felling shall be done in TTZ area during execution of project works without prior approval of Hon'ble Supreme Court.**
9. **KML file , Geo-reference & toposheet map of proposed forest land need to be uploaded.**
10. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
11. No violation of FCA certificate from concerned DFO shall be provided.
12. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
13. The layout plan of the proposal shall not be changed without prior approval of Central Government.
14. No labour camp shall be established on the forest land.
15. 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.
16. 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.
17. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
18. 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.
19. The forest land shall not be used for any purpose other than that specified in the project proposal.
20. 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.
21. The KML file of area proposed for diversion and area proposed for plantation shall be uploaded on the E-Green watch portal with all requisite details before commencement of works.
22. 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.
23. 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.
24. 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.
25. 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/>).

26. 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,

(डॉ० प्रणय मिश्रा)

सहायक वन महानिरीक्षक [केन्द्रीय]

प्रतिलिपि (ईमेल द्वारा):

1. प्रधान मुख्य वन संरक्षक(हॉफ), वन विभाग, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
2. मुख्य वन संरक्षक(वन संरक्षण) एवं नोडल अधिकारी, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
3. प्रभागीय निदेशक, सा०वा० प्रभाग, आगरा।
4. परियोजना प्रबन्धक, यमुना प्रदूषण नियंत्रण इकाई, उत्तर प्रदेश, जल निगम ग्रामीण आगरा।
5. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय को वेबसाइट पर अपलोडिंग हेतु/आदेश पत्रावली।

(डॉ० प्रणय मिश्रा)

सहायक वन महानिरीक्षक [केन्द्रीय]