



भारत सरकार
GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE
CHANGE



क्षेत्रीय कार्यालय, गांधीनगर/ Regional Office, Gandhinagar

ए वींग- 407 एवं 409, "अरण्य भवन", सी.एच.-3 सर्किल के समीप, सेक्टर-10ए, गांधीनगर-382010 / A wing- 407 & 409, "ARANYA BHAWAN", Near CH-3 Circle, Sector-10A, Gandhi Nagar-382010
Email: iro.gandhinagr-mefcc@gov.in

दिनांक: 05th सितंबर, 2023

To

अपर मुख्य सचिव (वन)/The Additional Chief Secretary (Forests)

गुजरात सरकार/Govt. of Gujarat

ब्लॉक नं. 14, आठवां तल, न्यू सचिवालय

Block No. 14, 8th Floor, New Sachivalaya

गांधीनगर, गुजरात/Gandhinagar, Gujarat.

(Online Proposal No: FP/GJ/ROAD/14466/2015)

Sub: Diversion of 0.9885 ha of forest land from Gimar Wildlife Sanctuary for construction of Datar hill stair road in district Junagadh of Gujarat State in favour of Chairman, Datar Dargah Trust, Junagadh & Collector, Junagadh.

Sir,

This refers to letter No. **FCA-1021/7-44/20/S.F-48/F** dated 08.07.2022 of the State Govt. of Gujarat on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section-2 of Forest (Conservation) Act, 1980.

The proposal was duly considered and approved by the Central Government for issuance of In-Principle approval. Therefore, the undersigned, on the behalf of the Central Government, conveys **In-Principle/Stage-I Approval** for diversion of 0.9885 ha of forest land from Gimar Wildlife Sanctuary for construction of Datar hill stair road in district Junagadh of Gujarat State in favour of Chairman, Datar Dargah Trust, Junagadh & Collector, Junagadh subject to the following general and standard conditions:

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

1. 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.
2. The State Government shall charge the Net Present Value (NPV) for the **0.9885 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 and revision of NPV vide Ministry letter No. 5-3/2011-FC(Vol-1) dated

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06.01.2022 in this regard.

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 be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the direction of concerned Divisional Forest Officer.
6. The KML file of the area to be diverted and the CA areas shall be uploaded on the e-Green watch portal with all requisite details, before issuing working permission towards linear projects or submitting compliance report for seeking Final/Stage-II approval, as the case may be.
7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal.

B: Conditions which needs 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 Final/Stage-II approval:

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over to the User Agency only after required non-forest land for the project is handed over to the User Agency.
3. Compensatory afforestation shall be taken up by the Forest Department over 4.00 ha degraded forest land (2.00 ha CA & 2.00 ha Penal CA), Compartment- 589pt, Village- Khagesari, Taluka- Kutiyana, District- Porbandar of Gujarat at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and mono-culture of any species may be avoided.
4. No tree felling shall be involved in the implementation for this project.
5. All the conditions stipulated by the, CWLW, Govt. of Gujarat vide letter No. WLP/32/B/10018-23/2016-17 dated 14.03.2017 shall be strictly followed by the User Agency under strict supervision of State Forest Department.
6. The User Agency shall comply to the conditions stipulated in the minutes of meeting of 40th meeting of Standing Committee of National Board for Wildlife.
7. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
8. No damage to the flora and fauna of the adjoining area shall be caused.
9. The layout plan of the proposal shall not be changed without prior approval of Central Government.
10. No labour camp shall be established on the forest land.
11. 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.
12. 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.


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13. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
14. 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.
15. The forest land shall not be used for any purpose other than that specified in the project proposal.
16. 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.
17. The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government and Integrated Regional Office, Gandhinagar by the end of March every year.
18. The User Agency shall comply with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
19. 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.
20. 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.
21. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

Specific Conditions:

1. **The penalty for violation for use of forest land for non-forest use of forest land shall be equal to NPV of the forest land per hectare for each year of violation from the date of actual violation as reported by the forest department with maximum up to five (5) times the NPV plus 12 percent simple interest till the deposit is made.**
2. **State Govt. will initiate disciplinary action against the officials concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of the Central Govt.**
3. **Action has to be taken against the then Chairman Datar Dargah trust & Collector Junagadh under the provisions of FCA, 1980 for carrying out non-forestry activity on forest land without prior permission of Central Govt. in violation of provisions of FCA 1980.**
4. **The User Agency shall provide 1 ha non-forest land for CA as the proposal willfully kept as less than one hectare.**
5. **The User Agency shall carryout Penal CA on twice the non-forest land (2 ha NFL).**
6. **The User Agency shall construct 6 feet high wall along the boundary of the non-forest land provided for CA and Penal CA at its cost.**
7. **User Agency shall provide at its cost required number of Solar Pumps as given by the Forest Department for the CA and Penal CA for irrigating the CA plantation.**
8. **Before grant of working permission State Government shall take disciplinary and legal action in the matter under Section 3A and 3B of the FCA, 1980.**


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After receipt of compliance report on fulfillment of all of the above conditions from the State Government, proposal will be considered for Final/Stage-II approval under Section-2 of the Forest (Conservation) Act, 1980. The User Agency shall take up the work as per the guidelines in force and after ensuring that all necessary clearances for the entire stretch are in place. Working permission, if any issued, shall be intimated to IRO, Gandhinagar. Transfer of forest land shall not be effected till Final/Stage-II approval is granted by the Central Government in this regard.

Further, it may also be noted that this **In-principle / Stage-I** approval shall be valid for a period of 5 years from the date of issue of this letter. In the event of non-compliance of the above conditions, this In-principle approval shall be revoked after **five (05) years**.

 भवदीय 05/09/2023
(श्रवण कुमार वर्मा/Shrawan Kumar Verma)
क्षेत्रीय अधिकारी/ **Regional Officer**
क्षेत्रीय कार्यालय, गांधीनगर/
Regional Office, Gandhinagar.

प्रतिलिपि/Copy to:

1. The Inspector General of Forests (Central), ROHQ Division, Ministry of Environment Forest and Climate Change, Indira paryavaran Bhawan, Jor Bagh Road, New Delhi- 110003.
2. The APCCF & Nodal Officer (FCA), Aranya Bhawan, Sector- 10A, Gandhinagar, Gujarat.
3. The Deputy Conservator of Forests, Junagadh Forest Division, Junagadh, Gujarat.
4. The Dy. Collector, Datar Dargah Trust, Junagadh, Gujarat.
5. The concerned User Agency.
6. Guard File.