

Government of Punjab
Department of Forests & Wildlife Preservation
Forest Complex, Sector-68,
S.A.S. Nagar, Punjab.
(FCA Branch)

No. -FCA/1980/152/2016/PB-113

Dated: 02.06.2016

To

Divisional Forest Officer,
Patiala.

Subject:

Diversion of 0.2564 ha of forest land permission for laying of 300 mm/DI K9 transmission line under (PMIDC) water supply line (Essential Service) on NH-64 Rajpura- Patiala bypass from Liberty chowk to village- Islampur R/s under forest Division Patiala.

Ref:

Your letter No. 1359 dated 13.05.2016.

1. After careful examination of the proposal under General Approvals issued by Govt. of India vide letter No. F.No. 11-9/98-FC dated 13.02.2014, **"In-principle" approval** is hereby conveyed for diversion of **0.2564 ha** of forest land for the above mentioned project **with directions for strict compliance of the orders of the Hon'ble National Green Tribunal in O.A. 161 & O.A. 162 of 2016 dated 19.5.2016 subject to the following conditions:**

- i) Cost of compensatory Afforestation as per forest area's CA scheme may be realized from the user agency.
- ii) Net Present Value (NPV) of the forest land being diverted for non-forestry purpose may be realized from the user agency, as per Ministry's directions issued vide letters No. 5-3/2007-FC dated 5th February, 2009 and Hon'ble Supreme Court of India's Order dated 30th October 2002, 28th March, 2008, 24th April, 2008 and 9th May 2008.
- iii) As per the orders of the Government of India vide letter No. 5-2/2010-CAMPA dated 24.06.2011, the Net Present Value (NPV) of the forest land and all other CA levies shall be deposited in State specific CAMPA accounts maintained by the Ad-hoc CAMPA in New Delhi in "PUNJAB CAMPA" account No. SB01025224, Corporation Bank (Government of India Undertaking), Block -11, Ground Floor, CGO Complex, Phase-I Lodhi Road, New Delhi-110 003 or "PUNJAB CAMPA" Account No. SB 344902010105429, Union Bank of India, Sunder Nagar, New Delhi and this office may be informed by duly filled in prescribed proforma.
- iv) All the funds received from the user agency under the project, except the funds realized for regeneration/demarcation of safety zone, shall be transferred to Compensatory Afforestation Fund Management and Planning Authority (CAMPA) in Saving Account pertaining to the State concerned;

- v) a) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land proposed to be diverted along with documentary evidence stipulated by this Ministry in its letter No. 11-09/1998-FC (pt.) dated 5th February, 2013.

OR

b) As prescribed by the Ministry in its letter No. 11-09/98-FC 9 (Pt.), dated 28th October, 2014, in case of plantation which were notified as 'forest', a certificate from the concerned District Collector to the effect that the forest land proposed to be diverted is plantation which was notified as "forest" less than 75 years prior to the 13th day of December 2005 and is located in villages having no recorded population of Scheduled Tribes as per the census-2001 & census 2011, be issued and submitted to meet requirements of clause (a), read with clause (d) & clause (g) in second para of this Ministry's letter issued vide F. No. 11-9/1998-FC (pt.), dated 3rd August, 2009.

2. The following conditions shall also be complied with after according final approval:

- i) Legal status of the diverted forest land shall remain unchanged;
- ii) The forest land shall not be used for any purpose other than that specified in the proposal and shall under no circumstances, be transferred to anyone without prior approval of the Central/State Government.
- iii) The User Agency shall ensure, no damage is caused to the wildlife available in the area during or after execution of this project.
- iv) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.
- v) The User Agency shall provide firewood preferably alternate fuels to the laborers and the staff working at the site so as to avoid any damage and pressure on the nearby forest area.
- vi) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- vii) As recommended by the Geologist and Task Force, the required soil conservation measures should be taken up by the user agency for which fund should be provided as per the current rate of works.
- viii) Muck disposal should be taken up as per the scheme approved by the Forest Department.
- ix) No labour camp shall be established on the forest land.
- x) The User agency shall submit the annual self-compliance report in respect of the above conditions to the State Government.
- xi) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.

- xii) Any other condition that the Forest Department, Punjab may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife.
- xiii) The user agency shall pay the additional amount of NPV as and when increased on the orders of the Hon'ble Supreme Court of India.
- xiv) The User Agency and concerned Divisional Forest Officer shall ensure compliance to the provisions of all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project; and

3. After receipt of the compliance report on fulfillment of the conditions under para-2 above, the proposal shall be considered for the final approval under Section-2 of the Forest (Conservation) Act, 1980. **The use of forest land will not be allowed till final approval is accorded and environmental clearance, if any applicable, is obtained.**

(Anoop Upadhyay, IFS)
o/c Chief Conservator of Forests (FCA), Punjab, S.A.S. Nagar. *3/6 3.6.16*

Copy to:-

1. The ADGF (FC), Ministry of Environment, Forests and Climate Change, Paryavaran Bhawan, New Delhi.
2. Government of India Ministry of Environment, Forests and Climate Change, Northern Regional Office, Bays No. 24-25, Dakshin Marg Sector-31-A, Chandigarh-160030.
3. Conservator of Forests, South Circle, Patiala's letter No. 1029 dated 17.05.2016.
4. Executive Engineer, Pb. W/S & Sewerage Division No.1, Patiala (through DFO, Patiala).