

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi – 110003
Date: As per e-Sign

To,

The Principal Secretary (Forests),
Government of Madhya Pradesh,
Bhopal.

Subject: Diversion of 3.20 ha (earlier proposed-4.138 ha) Reserved Forest land for construction and widening of Indore to Edlabad NH 347 BG & 753 L, 4-laning road (Dhangaon to Borgaon Section) in favour of Project Director, National Highway Authority of India Limited in Khargone District of Madhya Pradesh (Online No. FP/MP/ROAD/152561/2022)- regarding.

Madam/Sir,

I am directed to refer to the Principal Chief conservator of Forests (Land Management) and Nodal Officer, Government of Madhya Pradesh's letter No. F-5/1161/2022/10-11/3208 dated 19.09.2022 on the above mentioned subject, seeking prior approval of Central Government under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980, and to say that the said proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Advisory Committee, and with due approval of the competent authority, the Central Government hereby accords "**In-principle/Stage-I**" approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 for diversion of 3.20 ha (earlier proposed-4.138 ha) Reserved Forest land for construction and widening of Indore to Edlabad NH 347 BG & 753 L, 4-laning road (Dhangaon to Borgaon Section) in favour of Project Director, National Highway Authority of India Limited in Khargone District of Madhya Pradesh subject to fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *The penalty for violation shall be five times the NPV for the area used in violation plus 12% simple interest from the date of raising of such demand till the deposit is made;*
- iii. *The work for the construction of road has been started without the prior approval of the Central Govt., therefore, the State shall initiate action under section 3A and /or 3B of Van (Sanrakshan Evam Samvardhan) Adhinyam,1980 as may be applicable for violation of the provisions of the said Adhinyam against such person or authority or organization, prima-facie found responsible for the violation;*
- iv. *As per the provisions contained in the Van (Sanrakshan Evam Samvardhan) Rules,2023, the Compensatory Afforestation cannot be allowed on degraded*

forest land in the instant case. The state shall therefore identify alternative land for CA as per the provisions of extant Rules. The said land shall be transferred and mutated in the name of the forest department and notified as protected forest under the provisions of Indian Forest Act, 1927 or the State specific laws;

- v. *Detailed Animal Passage and mitigation plan shall be prepared in consultation with the Chief Wildlife warden and the same shall be implemented at the cost of the user agency;*
- vi. *Initially the proposal was submitted for diversion of 4.138 ha area. During the scrutiny it was found that a building was found to be constructed on the proposed route. Thereafter the State revised the proposal and deleted the 0.938 ha area from the proposal. The State shall examine the matter and initiate action under section 3A and /or 3B of Van (Sanrakshan Evam Samvardhan) Adhinyam,1980 as may be applicable for violation of the provisions of the said Adhinyam against such person or authority or organization, prima-facie found responsible for the violation;*
- vii. The User Agency shall transfer the cost of raising and maintaining the 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 consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- viii. The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal in accordance with the guidelines in the matter;
- ix. At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- x. The user agency shall arrange to raise strip plantation on either side of the road and central verge at project cost, as per IRC specification, with maintenance of 7-10 years. The user agency shall also submit design of providing at least 2-3 rows of long rotation indigenous trees, as per provision of IRC-SP-21-2009 (Guidelines on landscaping & tree plantation), on either side of the road before final clearance;
- xi. The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed;
- xii. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes;
- xiii. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable;
- xiv. The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of the same shall be submitted to the Regional Office along with the Stage-I compliance report;
- xv. Wherever possible and technically feasible, the User Agency shall undertake

- afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost;
- xvi. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
 - xvii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
 - xviii. The State Government shall upload the KML files of the area under diversion and the accepted area for raising compensatory afforestation in the E-green watch portal of FSI, before handing over forest land to the user agency;
 - xix. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>); Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
 - xx. Forest land will be handed over only after required non-forest land in the project is obtained by the user agency;
 - xxi. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
 - xxii. The User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department;
 - xxiii. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 - xxiv. The R&R Plan shall be implemented as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
 - xxv. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - xxvi. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
 - xxvii. 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, distance from pillar to pillar and GPS coordinates;
 - xxviii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
 - xxix. No damage to the flora and fauna of the adjoining area shall be caused;
 - xxx. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
 - xxxi. No additional or new path will be constructed inside the forest area for the execution of this project;
 - xxxii. 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;
- xxxiii. 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;
- xxxiv. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
- xxxv. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Integrated Regional Office and to this Ministry by the end of March every year regularly;
- xxxvi. The user agency shall comply 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;
- xxxvii. 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 ;
- xxxviii. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and action would be taken as prescribed in para 1.16 of consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 as issued by this Ministry on dated 29.12.2023;
- xxxix. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Signed by

Yours sincerely,

Dheeraj Mittal

Date: 08-07-2024 09:27:06

(Dr. Dheeraj Mittal)

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Madhya Pradesh, Bhopal;
2. The Dy. DGF (Central), Regional Office, MoEF&CC, Bhopal;
3. The Nodal Officer (FCA), Department of Forest, Government of Madhya Pradesh, Bhopal;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.