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पूर्वोत्तर क्षेत्रीय कार्यालय, शिलांग
लॉड सीब लुम्बतंगेन
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F. No. 3-MG B 002/2020-SHI *2163-64*

29th October, 2020

सेवा में,

अतिरिक्त प्रमुख सचिव/ Addl. Chief Secretary,
मेघालय सरकार/Govt of Meghalaya,
वन और पर्यावरण विभाग/ Forests & Environment Department,
शिलांग/Shillong

Sub: Proposal for diversion of 0.10146 hectare of forest land at short Round Protect Forest for construction of black topped at Mawlai Nongmali Block-III.

Ref: (i) Letter No. FOR.83/2019/58 dated 07.10.2020 of Govt of Meghalaya.

Sir,

This has got reference to the State Govt. Meghalaya letter No FOR/83/2019/37 dated 14.01.2019 and No. FOR/83/2019/58 dated 7.10.2020 on the subject mentioned above seeking prior approval of the Central Government in accordance with Section 2 of the FCA, 1980.

After careful consideration of the proposal of the State Government of Meghalaya, I am to inform that the Central Government hereby conveys its **"In Principle Approval"** for diversion of 0.10146 hectare of forest land at short Round Protect Forest for construction of black topped at Mawlai Nongmali Block-III, subject to the following conditions:

- (i) Legal status of the forest land shall remain unchanged.
- (ii) The State Government shall charge the Net Present Value(NPV) for the 0.10146 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.
- (iii) The 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.

- (i) All the funds received from the user agency along with the fund for avenue plantation under the project shall be transferred/ deposited to CAMPA fund only through **e-portal** (<https://parivesh.nic.in/>).
- (ii) The User Agency shall bear and deposit the amount of the cost of demarcation of the land proposed for diversion directly to the concerned Divisional Forest Officer. The concerned Divisional Forest Officer shall demarcate the land proposed for diversion on the ground by erecting at least 4' high cement-concrete pillars duly numbered, forward and backward bearing and distance from pillar to pillar written on the pillars and DGPS co-ordinates to be inscribed on the pillars. The competent authority shall verify and issue a certificate to this effect. Photographs showing permanent boundary pillars with GPS co-ordinates to be submitted.
- (iii) The certificates for the payment in respect to Sl. No. (ii) and (iii) shall be furnished to this office by the user agency.
- (iv) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.
- (v) The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC, wherever applicable.
- (vi) There shall be no additional felling of tree for any further non-forestry purpose in the proposed area without forest clearance under Forest (Conservation) Act, 1980.
- (vii) The User Agency shall obtain Environment Clearance as per the project provisions of the Environment (Protection) Act, 1986, if required under the said Act.
- (viii) No labour camp shall be established on the forest land.
- (ix) The User Agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulders in forest land, if necessary.
- (x) Sufficient quantity of firewood, preferably the alternate fuel, shall be provided by the user agency to the labourers after purchasing the same from the State Forest Department or the Forest development Corporation or any other legal source of alternate fuel.
- (xi) The State Government shall ensure that the user agency provides proper drainage, retaining wall and stabilization of side slope.
- (xii) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person without approval of Gov of India.

- (xiii) The lay out plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xiv) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (xv) 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.
- (xvi) The 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.
- (xvii) As per Ministry's letter No. 11-30/96-FC(Pt) dt. 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt for more than 5 (five) years, the in-principle approval would summarily be revoked considering that the user agency is no longer interested in the project.
- (xviii) All other clearance/NOCs under different applicable rules/regulations /local laws and under Forest Dwellers (Recognition of Forest Rights)Act, 2006 as required vide MoEF, New Delhi guideline No.11-9/1998-FC(pt) dated 03.08.2009 shall be complied with.
- (xix) The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

After receipt of the compliance report from the State Government on fulfillment of the conditions mentioned above, final approval will be issued in this regard. Formal transfer of forest land shall not be effected by the State Govt till final approval orders approving the diversion of forest land are issued by the Central Government.

This has the approval of Deputy Director General of Forests (Central).

भवदीय,

(W.I. Yatbon)

वन उप महानिरीक्षक (केंद्रीय)

/Deputy Inspector General of Forests(C)

Copy to:

- (i) प्रधान मुख्य वन संरक्षक / Principal Chief Conservator of Forests & HoFF, मेघालय सरकार / Govt of Meghalaya, वन और पर्यावरण विभाग/ Forests & Environment Department, शिलांग/Shillong.

वन उप महानिरीक्षक (केंद्रीय)

/Deputy Inspector General of Forests(C)

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