



सत्यमेव जयते

भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
समन्वित क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE
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BY SPEED POST
F.No.4-KLB1255/2020-BAN/५,
Dated the 9th April, 2021

To

The Principal Secretary,
Government of Kerala,
Forests & Wildlife (C) Department,
Secretariat, Thiruvananthapuram,
Kerala, PIN – 695 001.

Subject: Diversion of 1.495 ha. of forest land at KDH village, Munnar Forest Division, Idukki District for Rehabilitation and Upgradation of NH 85 from Km 119/017 to 161/300 (Design chainage Km 119/017 to 160/800) Bodimettu to Munnar on EPC mode in favour of the Assistant Executive Engineer, NH Sub Division, Devikulam -reg.

Sir,

I am directed to refer to the State Government's letter No.FWLD-C2/67/2020-FWLD dated 20/08/2020, 07/01/2021, 22/02/2021 and 31/03/2021 seeking prior approval of the Central Government under Section'2' of the Forest (Conservation) Act, 1980 for the above project.

After careful examination of the proposal of the State Government, **in-principle approval /Stage-I clearance** of the Central Government is hereby granted for diversion of 1.495 ha. of forest land at KDH village, Munnar Forest Division, Idukki District for Rehabilitation and Upgradation of NH 85 from Km 119/017 to 161/300 (Design chainage Km 119/017 to 160/800) Bodimettu to Munnar on EPC mode in favour of the Assistant Executive Engineer, NH Sub Division, Devikulam, subject to the following conditions:-

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

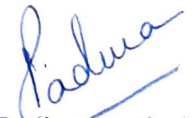
1. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02. 2009. The requisite funds shall be transferred through online portal into CAMPA account of the State Concerned.
2. The identified non-forest land of 1.495 ha in Sy.No. 20/1 & 34/1, Chinnakanal village for Compensatory Afforestation 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 local Forest Act as the case may be sent, to this Ministry for information and record.

3. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation in 1.5 ha. of degraded forest land of Ranni Reserved Forest, Erumeli Range, Kottayam District at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include demarcation of non forest land using chain link fencing with provision for watering and SMC works and appropriate provision for anticipated cost increase for works scheduled for subsequent years.
 4. The Wildlife Mitigation Plan approved by the Chief Wildlife Warden shall be implemented at the cost of User Agency.
 5. 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.
 6. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
 7. The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No. 11-9/1998-FC dated 3rd August 2009 read with 05.07.2013 with necessary enclosures, in support thereof
 8. 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 co-ordinates.
 9. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;
- B: Conditions which need 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 Stage-II approval:**
1. Legal status of the diverted forest land shall remain unchanged.
 2. Compensatory Afforestation shall be raised over equivalent identified degraded forest land within three years from the date of Stage –II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified degraded forest land within three years of grant of final approval. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance.

3. At the time of payment of the Net Present Value (NPV) at the then prevailing 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.
4. 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.
5. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
6. 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.
7. 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.
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 the prior approval of the Central Government.
10. 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.
11. 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, Bangalore by the end of March every year; and
12. 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.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final 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.

Yours sincerely,



(R. Padmawathe)

Deputy Inspector General of Forests (Central)



Copy to:-

1. The Principal Chief Conservator of Forests (HoFF), Forests Department, Government of Kerala, 'Vanalakshmi', 1st Floor, Forest Headquarters, Vazhuthacaud, Thiruvananthapuram-695 014, Kerala.

2. The Principal Chief Conservator of Forests (Forest Management) & Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Government of Kerala, 'Vanalakshmi', 1st Floor, Forest Headquarters, Vazhuthacaud, Thiruvananthapuram, PIN- 695 014, Kerala.
3. The Assistant Executive Engineer, NH Sub Division, Devikulam, Idukki District, Kerala - 685 613.
4. Guard file.

Padma

(R. Padmawathe)
Deputy Inspector General of Forests (Central)

9/4/2024