

F. No. 8B/UCP/09/08/2021/FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj
New Delhi: 110003,
Dated:09-04-2026

To,

The Principal Secretary (Forests)
Government of Uttarakhand,
Dehradun.

Sub: Proposal for Ex-post facto approval for diversion of 2.41 ha. Reserved Forest for Kendriya Vidyalaya School (KVS), Rishikesh in favour of Kendriya Vidyalaya Rishikesh, IDPL, Virbhadra, Rishikesh within the jurisdiction of Dehradun Forest Division, in Dehradun district of Uttarakhand (Online proposal No.- FP/UK/SCH/40755/2019)- regarding.

Sir/Madam,

I am directed to refer to Government of Uttarakhand online proposal No. FP/UK/SCH/40755/2019 on the above mentioned subject, seeking prior approval of Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and to say that the said proposal has been examined by the Advisory Committee (AC) constituted by the Central Government under Section- 3 of the aforesaid Act.

2. After careful consideration of the proposal of the Government of Uttarakhand and on the basis of the recommendations of the Advisory Committee (AC), the Central Government hereby agrees to accord **Stage-I / In-principle** approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for Ex-post facto approval for diversion of 2.41 ha. forest land for Kendriya Vidyalaya School (KVS), Rishikesh in favour of Kendriya Vidyalaya Rishikesh, IDPL, Virbhadra, Rishikesh within the jurisdiction of Dehradun Forest Division, in Dehradun district of Uttarakhand subject to the following conditions:-

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The Compensatory Afforestation over 5.00 ha of degraded forest land in Laalpaani compartment no. 2, Rishikesh shall be raised by the State Forest Department at the project cost within two years from the date of grant of Stage- II approval;
- iii. The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation as per the approved CA Scheme at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal;
- iv. The State Government shall charge the Net Present Value (NPV) of the

forest land being diverted under this proposal from the User Agency 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 (pt.) dated 29.12.2023 in this regard;

- v. 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;
- vi. The Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of National Authority, CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
- vii. The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023;
- viii. The complete compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);
- ix. The KML files of proposed area for diversion and the CA area shall be uploaded on the e-Green watch portal with all requisite details;
- x. ***The approval accorded by the Ministry is subject to the final decision to be passed by the Hon'ble Supreme Court in SLP (Crl.) No. 21058/2025, titled Anita Kandwal vs State of Uttarakhand & Others. The user agency shall abide to the said order;***
- xi. ***The State Government shall ensure that directions of Hon'ble Supreme Court in the matter vide order dated 22.12.2025 and 5.01.2026 are complied with and no activity in contravention to the directions of Hon'ble Supreme Court shall be undertaken;***
- xii. ***Compensatory Afforestation scheme with 10 years of maintenance shall be submitted along with the compliance of the in-principle approval;***
- xiii. ***In accordance with the provisions of para 1.16 of the Consolidated Guidelines, the State Government shall realize the penal NPV for the forest area used in violation of the Adhinyam by the user agency which shall be five time the NPV of forest land used in violation plus 12 percent simple interest from the date of raising of such demand and till the deposit is made by the user agency into the account of CAMPA;***
- xiv. ***The Ministry has issued guidelines dated 21.01.2026 prescribing penal compensatory afforestation in cases where forest land has been used***

in violation of the provisions of the Adhiniyam. Accordingly, the State Government shall ensure compliance with the said guidelines and identify land towards penal compensatory afforestation in lieu of forest land used in the violation of the Adhiniyam along with supporting documents such as the KML file, Compensatory Afforestation scheme, suitability certificate, etc. The compensatory levies corresponding to the penal CA shall be deposited in the account of the State CAMPA, and the same shall be duly intimated to the Ministry;

- xv. ***Penal compensatory afforestation proposed by the State Government shall be verified by Regional Office, Dehradun and report shall be sent to the Ministry for examination along with CA details during submission of compliance report of Stage- I approval;***
- xvi. 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;
- xvii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xviii. Felling shall be done only in built up area and bare minimum felling shall be permitted in other non-built up areas. Felling of trees before the start of construction should be verified by the concerned DFO;
- xix. Only built up area should be fenced so that other areas are available for free movement of animals;
- xx. The user agency shall assist the State Government in conservation and preservation of the flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State;
- xxi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xxii. 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;
- xxiii. No labour camp shall be established on the forest land and no work shall be allowed after sunset;
- xxiv. 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;
- xxv. The forest land shall not be used for any purpose other than that specified in the proposal;

- xxvi. 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;
- xxvii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- 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 additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xxx. No damage to the flora, fauna or the environment of the adjoining area shall be caused; Adequate measures to ensure no damage to the adjoining areas should be taken by the User Agency at the project cost;
- xxxi. 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;
- xxxii. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xxxiii. The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- xxxiv. 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 shall be carried with by the State Government and user agency;
- xxxv. The User Agency and the State Government shall comply all the provisions of 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; and
- xxxvi. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 as issued by this Ministry's letter No. 5-2/2017-FC dated 29.12.2023.

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

regard.

Yours
faithfully,

Sd/-

(Aditi Bhardwaj)

Asst. Inspector General of Forests

Copy to: -

1. The Principal Chief Conservator of Forests (HoFF), Government of Uttarakhand, Dehradun.
2. The DDGF (Central), Regional Office, Dehradun of MoEF&CC.
3. The Nodal Officer (FCA), Government of Uttarakhand, Dehradun.
4. Monitoring Cell, FC Division, MoEF & CC, New Delhi for uploading.
5. The User Agency.