



भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
एकीकृत क्षेत्रीय कार्यालय, लखनऊ
Ministry of Environment, Forest & Climate Change
Integrated Regional Office, Lucknow



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दिनांक: 06.01.2023

सेवा में,

अति० मुख्य सचिव,
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग,
उत्तर प्रदेश शासन, बापू भवन, लखनऊ।

Online Proposal No. FP/UP/Road/147898/2021

विषय: जनपद शामली में भारतीय राष्ट्रीय राजमार्ग प्राधिकरण द्वारा Additional forest land diversion required for Eastern Yamuna Canal falling in Shamli District for "Four laning of Panipat (Start from junction with Existing Km of NH-44 at Panipat) to Shamli (End at its junction with existing 39+300 of SH-12) of NH-709AD in the State of Uttar Pradesh" Package-I (0-000 to 35-580) 0.111 हे० संरक्षित वनभूमि के गैरवानिकी प्रयोग बिना वृक्ष पातन की अनुमति के सम्बंध में।

सन्दर्भ: मुख्य वन संरक्षक एवं नोडल अधिकारी का पत्रांक 1322/11-सी-FP/UP/Road/147898/2021, दिनांक 10.10.2022

महोदय,

उपरोक्त विषयक राज्य शासन के पत्रांक पी-134/81-2-2022-800(125)/2022 दिनांक 30.05.2022 का आशय ग्रहण करने का कष्ट करें, जिसके द्वारा राज्य सरकार ने विषयांकित प्रस्ताव पर वन (संरक्षण) अधिनियम, 1980 की धारा-2 के तहत भारत सरकार की स्वीकृति मांगी थी।

प्रश्नगत प्रकरण में वन संरक्षण अधिनियम, 1980 का उल्लंघन हुआ था। इस सम्बन्ध में प्रकरण दिनांक 06.10.2022 को आहूत क्षेत्रीय सशक्त समिति (REC) की बैठक में सम्मिलित किया गया था तथा क्षेत्रीय सशक्त समिति (REC) की बैठक में स्वीकृति पश्चात् प्रकरण को मंत्रालय की स्वीकृति हेतु प्रेषित किया गया था।

मंत्रालय की स्वीकृति पश्चात् मुझे यह कहने का निर्देश हुआ है कि केन्द्र सरकार जनपद शामली में भारतीय राष्ट्रीय राजमार्ग प्राधिकरण द्वारा Additional forest land diversion required for Eastern Yamuna Canal falling in Shamli District for "Four laning of Panipat (Start from junction with Existing Km of NH-44 at Panipat) to Shamli (End at its junction with existing 39+300 of SH-12) of NH-709AD in the State of Uttar Pradesh" Package-I (0-000 to 35-580) 0.111 हे० संरक्षित वनभूमि के गैरवानिकी प्रयोग बिना वृक्ष पातन की सैद्धांतिक स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है:-

1. Legal status of the forest land shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department over an area of 0.32 ha degraded forest land in Akbarpur Sunheti Forest Block, Range Kairana, Shamli Forest Division, Shamli at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
3. The cost of 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 advance with the Forest Department by the project authority. The CA plantation will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

4. The State Government shall charge the Net Present Value (NPV) for the 0.111 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.

Revised amount of NPV as applicable as per orders dated 06-01-2022 and 19-01-2022 shall be deposited by User Agency in this regard.

5. Penal NPV shall be deposited and confirmation needs to be submitted.
6. 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.
7. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
8. Plantation shall be raised on both sides of the road and median by the State Forest Department at the cost of User Agency according to IRC guidelines and order passed by NGT in OA no. 27/2015 in the matter of Babulal Jaju v/s State of Rajasthan and others dated 16.11.2015. Scheme for roadside plantation shall be submitted.
9. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.
10. The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.
11. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
12. The layout plan of the proposal shall not be changed without prior approval of Central Government.
13. No labour camp shall be established on the forest land.
14. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
15. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
16. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
17. 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.
18. The forest land shall not be used for any purpose other than that specified in the project proposal.
19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.

20. The KML file of the area to be diverted, the CA areas, the proposed SMC work, the proposed Catchment Area Treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before commencement of works.
21. Any order of Temporary Work Permission in case of linear projects for tree cutting and commencement of work as per clause 11.2 of FCA Guidelines shall be passed under intimation to Nodal office and this office. Order of Temporary Work Permission have to be uploaded on PARIVESH Portal as well. Nodal Officer will strictly monitor and ensure that no further activity is carried out under such permission after the expiry of one year from the date of issue of such permission.
22. The State Govt. shall submit detailed report on violation of FC Act, 1980 including extent of construction works done by user agency and name of authority responsible for violation/granting permission need to be submitted.
23. 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.
24. 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.
25. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through (<https://parivesh.nic.in/>).
26. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

After receipt of compliance report on fulfillment of all of the above conditions from the State Government, proposal will be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980, by this office.

The order for transfer of forest land to user agency shall not be issued by the State Government till final approval order for diversion of forest land is issued by Government of India.

भवदीया,

(डॉ० प्राची गंगवार)
उप वन महानिरीक्षक (केन्द्रीय)

प्रतिलिपि (ईमेल द्वारा):

1. प्रधान मुख्य वन संरक्षक(हॉफ), वन विभाग, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
2. मुख्य वन संरक्षक(वन संरक्षण) एवं नोडल अधिकारी, वन विभाग, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
3. प्रभागीय वनाधिकारी, शामली वन प्रभाग, शामली।
4. परियोजना निदेशक, भारतीय राष्ट्रीय राजमार्ग प्राधिकरण परियोजना इकाई बागपत।
5. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, लखनऊ को वेबसाइट पर अपलोडिंग हेतु/आदेश पत्रावली

(डॉ० प्राची गंगवार)
उप वन महानिरीक्षक (केन्द्रीय)

