

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

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi – 110 003
Dated: 29th December, 2023

To,
The Principal Secretary Forests),
Department of Forests and Wildlife,
Government of Kerala,
Thiruvananthapuram

Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Indian Institute of Spices Research (IISR) for extension of lease for non-forestry use of 94.98 ha of forest land for setting up of experimental farm Peruvannamuzhy Range in Kozhikode District in Kerala (Online proposal no. FP/KL/Others/16622/2015)

Sir,

I am directed to refer to the State Government letter No. 80/C2/2017/F & WLD dated 26.09.2017 and additional information submitted vide letter No. C2/80/2017/F&WLD dated 22.06.2019, vide letter No. FWLD-C2/148/2021-FWLD dated 30.04.2022, vide letter No. FWLD-C2/148/2021-FWLD dated 31.10.2022 and vide letter dated 31.01.2023 (uploaded on the PARIVESH portal on 09.10.2023) on the above mentioned subject for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Indian Institute of Spices Research (IISR) for extension of lease for non-forestry use of 94.98 ha of forest land for setting up of experimental farm Peruvannamuzhy Range in Kozhikode District in Kerala, and to say that the said proposal was considered by the Advisory Committee (AC) constituted by the Central Government under Section-3 of the aforesaid Act in its meeting held on 18.12.2023.

2. After careful consideration of the proposal of the State Government of Kerala and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord "**in-principle**" approval in respect of

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the proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Indian Institute of Spices Research (IISR) for extension of lease for non-forestry use of **93.643** ha of forest land for setting up of experimental farm Peruvannamuzhy Range in Kozhikode District in Kerala, subject to the following general, standard and specific conditions:-

i. Legal status of the diverted forest land shall remain unchanged;

ii. **Compensatory Afforestation:**

- a. 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;
- b. The land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act. 1927 or under the relevant Section (s) of the local Forest Act, as the case may be, before the Stage-II approval;
- c. The cost of survey, demarcation and erection of permanent pillars, if required on the identified CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- d. The User Agency shall provide additionally 25% of the CA cost towards Soil and Moisture Conservation measures in the proposed CA area as per site requirement and the said amount may be deposited in the account of Ad-hoc CAMPA of the concerned State through online e-portal only;
- e. The compensatory afforestation, shall be raised by the State Forest Department at the project cost within three years from the date of grant of Stage - II approval;

iii. NPV:

- a. The User Agency shall transfer the funds towards the cost of 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

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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 06.01.2022 read with 22.03.2022 through online portal of CAMPA account of the State Concerned;

- b. 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;
- iv. **No exemption shall be provided for payment of NPV and CA;**
- v. **The Regional Office/State Government shall take action against the person's responsible for violation under section 3A/3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980;**
- vi. **The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with five (5) times the NPV plus 12 percent simple interest till the deposit is made for the area wherein the non-forestry activities / construction activities were undertaken by the User Agency after expiry of initial lease period;**
- vii. **The State Government shall ensure that the User Agency will obtain required Wildlife Clearance under Wildlife (Protection) Act, 1972 from SCNBWL;**
- viii. **The State Government shall ensure that the area under green cover shall remain unchanged and there is no land use change;**
- ix. The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- x. The User agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- xi. Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xii. No labour camps shall be allowed on the forest land;
- xiii. No damage to the flora and fauna of the adjoining area shall be caused;
- xiv. 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,

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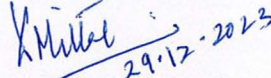
department or person;

- xv. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 - xvi. 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 and submit the documentary evidence, along with compliance of Stage-I approval, as prescribed by this Ministry's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013, in support thereof; The user agency shall provide 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;
 - xvii. Boundary of the forest land proposed to be diverted shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS co-ordinates;
 - xviii. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
 - xix. The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the end of March of every year regularly; and
 - xx. The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, relevant Hon'ble Court Order (s) and National Green Tribunal (NGT) Order(s), if any, pertaining to this project for the time being in force, as applicable to the project;
 - xxi. 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;
 - xxii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Kerala, final / stage-II approval for diversion of the proposed forest land under Section-2 (1) (ii) of the Van

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(Sanrakshan Evan Samvardhan) Adhinyam, 1980 will be issued by this Ministry. Transfer of the said forest land to the user agency shall not be effected by the State Government of Kerala till final/stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,


29.12.2023
(Dr. Dheeraj Mittal)

Assistant Inspector General of Forests (FC)

Copy to:-

1. PCCF (HoFF), Government of Kerala, Thiruvananthapuram
2. DDGF (Central), Regional Office of MoEF&CC at Bengaluru.
3. Nodal Officer (FCA), Forest Department, Government of Kerala, Thiruvananthapuram.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.
6. Guard File.

