F. No. 8-05/2019-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)
****

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi – 110 003
Dated: 10th July, 2019

To,

The Principal Secretary (Forests),
Department of Forests & Environment,
Government of Madhya Pradesh,
Bhopal.

Sub: Proposal for diversion of 54.87 ha of Forest Land for construction of Hiran Medium Tank Project in favour of Water Resources Department, Jabalpur District of Madhya Pradesh State.-regarding.

Sir,

I am directed to refer to the letter No. F-3/79/2016/10-11/9/558 Bhopal dated 18.02.2019 as received from Addl. Pr. Chief Conservator of Forests (LM) and Nodal Officer, FC Act, 1980 Govt. of Madhya Pradesh, on the above mentioned subject, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Madhya Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees ***to accord stage-I / In-principle*** approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 54.87 ha of Forest Land for construction of Hiran Medium Tank Project in favour of Water Resources Department, Jabalpur District of Madhya Pradesh State, subject to the following conditions:-

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

(ii) *The CA land has to be resurveyed and one strip of 11 ha on the north portion should be included in CA and the forest land which is shown in DSS as part of CA land shall be excluded before Stage-II approval;*

(iii) *The fresh KML file of the CA land has to be submitted and the CA land shall be fenced by the user agency before handing over to Forest department before Stage-II approval;*

(iv) *Land use plan has to be submitted before Stage-II approval;*

(v) *Diversion will be for the period of 50 years;*

(vi) **Compensatory afforestation:-**

a) The Compensatory Afforestation shall be taken up by the State Forest Department over 54.87 ha. Non-forest land / degraded forest land (Compartment no. / Khasra No.1, Village-Tauri 026, Tehsil-Kundam District-

10/07/2019

Jabalpur) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided;

b) The non-forest land shall be transferred and mutated in favour 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 State Forest Act as the case may be, will be submitted by the State Government prior to State-II approval;

(vii) 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 will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

(viii) The State Government shall submit a certificate, that site for CA is suitable and free from all encroachments and other encumbrances, under the signature not below the rank of Nodal Officer (FCA) in the State Government;

(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) **Net Present Value (NPV):**

a) The State Government shall charge the Net Present Value (NPV) for the 54.87 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;

b) 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;

(xi) The User agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;

(xii) The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;

(xiii) The Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted in accordance to para no. 4.8 (i) of Forest (Conservation) Act, 1980 Handbook, if applicable, the commensurate cost of CAT plan will be deposited in the CAMPA account through e-portal;

10/07/2019

(xiv) The State Government shall ensure that the forest land located between FRL and the FRL-4 meters may be afforested by planting appropriate indigenous tree species;

(xv) The User Agency shall undertake afforestation along the periphery of the reservoir;

(xvi) The User agency shall provide free water for the forestry related projects;

(xvii) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;

(xviii) All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through ***e-portal*** *(https://parivesh.nic.in/);*

(xix) The compliance report shall be uploaded on ***e-portal*** *(https://parivesh.nic.in/);*

(xx) Layout plan of the proposal shall not be changed without the prior approval of the Central Government;

(xxi) No construction of buildings / labour camp/huts shall be allowed on the forest land;

(xxii) 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;

(xxiii) The State Government ensure that the user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government / Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;

(xxiv) User agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting tress are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

(xxv) 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;

(xxvi) 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;

19/07/2019

(xxvii) The State Government shall maintain the character of the projects as an irrigation project and to ensure continued benefit to the farmers in the command area, no more diversion of water from the project for industrial projects will be permitted in future;

(xxviii) 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, subject to approval of competent authority;

(xxix) 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

(xxx) 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;

3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Madhya Pradesh, final / stage-II approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 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 Madhya Pradesh till final/stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,

10/07/2019

(Shrawan Kumar Verma)
Dy. Inspector General of Forests

Copy to:-

1. The PCCF & HoFF, Govt. of Madhya Pradesh, Bhopal.
2. The Dy. Director General of Forests (Central), Regional Office (Western Zone), Bhopal.
3. The Nodal Officer FCA, 1980, Forest Department O/o PCCF & HoFF, Govt. of Madhya Pradesh, Bhopal.
4. User Agency (M/s Water Resources Department, Jabalpur District, Madhya Pradesh, Bhopal).
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.
6. Guard File.