

छत्तीसगढ़ शासन
वन विभाग
मंत्रालय, महानदी भवन, अटल नगर

क्रमांक एफ-5-70/2017/10-2

अटल नगर, दिनांक 10/09/2018

प्रति,

प्रधान मुख्य वन संरक्षक

छत्तीसगढ़,

अटल नगर, जिला रायपुर ।

विषय:- बीजापुर जिले के बीजापुर वन मंडल में आवेदनकर्ता, लोक निर्माण विभाग, राष्ट्रीय राजमार्ग परिक्षेत्र, रायपुर का राष्ट्रीय राजमार्ग क्र.- 202 (नया राष्ट्रीय राजमार्ग क्र.-163) भोपालपटनम से तारलागुड़ा मार्ग तक 2 लेन चौड़ीकरण एवं उन्नयन हेतु 104.8847 हे. वन भूमि के गैर वाणिकी उपयोग हेतु FCA 1980 अंतर्गत व्यपवर्तन बाबत ।

संदर्भ:- 1. भारत सरकार पर्यावरण एवं वन एवं जलवायु परिवर्तन मंत्रालय नई दिल्ली का पत्र क्र.11-09/1998-एफ.सी. दिनांक 13.05.2011, पत्र क्र.11-246/2014-एफ.सी. दिनांक 4.07.2014, पत्र क्र.11-9/98-एफ.सी. दिनांक 25.02.2016 तथा पत्र क्र.11-42/2017-एफ.सी. दिनांक 29.01.2018 ।

2. अपर प्रधान मुख्य वन संरक्षक(भू-प्रबंध)का पत्र क्र./भू-प्रबंध/विविध/115-618/3274 रायपुर दिनांक 15.11.2017 पत्र क्र./भू-प्रबंध/विविध/115-618/1012 रायपुर दिनांक 02.04.2018 तथा पत्र क्र./भू-प्रबंध/विविध/115-618/2478 रायपुर दिनांक 03.08.2018 ।

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कृपया संदर्भित ज्ञापन क्र.-2 का अवलोकन करें, जिसमें अपर प्रधान मुख्य वन संरक्षक (भू-प्रबंध) द्वारा विषयार्थित प्रकरण में सैद्धांतिक स्वीकृति जारी करने की अनुशंसा की गई है ।

विषयार्थित प्रकरण को भारत सरकार पर्यावरण एवं वन मंत्रालय के पत्र क्र.एफ.सी. 11-09/1998-एफ.सी. दिनांक 13.05.2011, पत्र क्र.11-246/2014-एफ.सी. दिनांक 4.07.2014, पत्र क्र.11-9/98-एफ.सी. दिनांक 25.02.2016 तथा पत्र क्र.11-42/2017-एफ.सी. दिनांक 29.01.2018 में निहित प्रावधानों के तहत विद्यारोपित राज्य शासन एतद् द्वारा बीजापुर जिले के बीजापुर वन मंडल में राष्ट्रीय राजमार्ग क्र.- 202 (नया राष्ट्रीय राजमार्ग क्र.-163) भोपालपटनम से तारलागुड़ा मार्ग के चौड़ीकरण हेतु 104.8847 हे. वन भूमि के वन संरक्षण अधिनियम 1980 अंतर्गत व्यपवर्तन हेतु कार्यपालन अभियंता लोक निर्माण विभाग राष्ट्रीय राजमार्ग परिक्षेत्र, रायपुर को वन भूमि उपयोग पर देने हेतु निम्नलिखित शर्तों के अधीन सैद्धांतिक स्वीकृति दी जाती है :-

1. Legal status of forest land shall remain unchanged.
2. Compensatory afforestation over 211.050 ha of degraded forest land (site as proposed in proposal) shall be raised and maintained by the State Forest Department at the cost of the User Agency.
3. The PCCF/Nodal Officer, Forest Conservation Act 1980 will take penal action against the user agency as per provisions made in MoEF & CC guidelines no. 11-42/2017-FC dated 29.01.2018 for violation of FCA 1980 specially the following :
 - (i) Penalty shall be collected from the user agency for violation, that shall be equal to five (5) times the NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer plus 12 percent simple interest till the deposits is made.
 - (ii) In case of public utility projects of the government the penalty shall be 20% of the penalty proposed in para (i) above.
 - (iii) Initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of state authority.
 - (iv) User agency responsible for violation shall be prosecuted under local Act of the state for unauthorized use of forest land without permission of state authority.
4. The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;



5. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years:
6. 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 order 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 in this regard;
7. 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;
8. All the funds received from the User Agency under the project shall be transferred to Ad-hoc Compensatory Afforestation Fund (CAF)Chhattisgarh SB01025203 in account number CA25203 of Corporation Bank, Block- II, CGO Complex, Phase-1, Lodhi Road, New Delhi-110003.
9. The User Agency shall obtain the Environment Clearance as per the provision of the Environmental (Protection) Act, 1986, if required;
10. No labour camp shall be established on the forest land;
11. 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;
12. The boundary of the diverted forest land, mining lease and safety zone, as applicable, 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 and distance from pillar to pillar;
13. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
14. Felling of trees on the forest land being diverted shall be reduced to the bare minimum and in no case exceed 50 trees per hectare. The trees should be felled under strict supervision of the State Forest Department;
15. The User Agency shall enumerate the number of trees protected by above restriction and indicate before the stage II clearance .
16. The User Agency shall arrange to raise strip plantation on either side of the road and central verge at project cost, as per IRC specification, with maintenance of 7-10 years. The User Agency shall also submit design of providing at least 2-3 rows of long rotation indigenous trees, as per provision of IRC-SP-21-2009 (Guidelines on landscaping & tree plantation). on either side of the road before final clearance
17. Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State forest Department at the project cost.
18. The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.
19. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed off at the designate dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
20. The User Agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.




21. The Wildlife Officers of the State Government shall in consultation with the Wildlife Institute of India study the occurrence of wild animals in the area and suggest underpasses/overpasses at appropriate locations with suitable camouflaging and the user agency shall ensure to construct these structures. In case, such passes are found to be insufficient, speed breakers in the form of rumble strips shall be made at required locations.
22. The User Agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
23. The user agency will not collect any toll tax from the Forest Department vehicles.
24. The designing of culverts/bridges, if any over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
25. The forest land shall not be used for any purpose other than that specified in the proposal;
26. 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;
27. No damage to the flora and fauna of the adjoining area shall be caused;
28. The Nodal Officer, Forest Conservation Act 1980 shall complete settlement of right, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009, in support thereof;
29. To avoid accidental deaths of the wild animals under speeding vehicles, the project authority shall provide speed limit signage at regular intervals. The speed limit shall be 40 km/hr. Besides, rambles shall be provided at every one km interval.
30. In case the widening of the Road is to be done in areas already having adequate clearance, trees shall not be cut. Any tree felling shall be done only when it is unavoidable under strict supervision of the State Forest Department.
31. Any other condition that the State Government or the Ministry of Environment Forest and Climate Change Regional Office, Nagpur, may impose from time to time in the interest of conservation protection and development of flora and fauna of the area.
32. The User agency shall submit the annual self compliance report in respect of the above conditions to the Nodal Officer, the State Government and to the Ministry of Environment Forest and Climate Change Regional Office, Nagpur regularly.
33. The User Agency and the Nodal Officer shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.
34. After compliance of above conditions final approval shall be granted and until Final Approval for this proposal is issued from the State Government, The User Agency would not be permitted to use the forest land by the Nodal Officer, Forest Conservation Act 1980.

Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken accordingly.

The Nodal Officer Forest Conservation Act 1980 shall ensure compliance of all the above conditions.

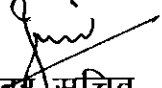
छत्तीसगढ़ के राज्यपाल के नाम
से तथा आदेशानुसार,


(एम.ए. राजूरकर)

अवर सचिव

छत्तीसगढ़ शासन, वन विभाग

1. अपर प्रधान मुख्य वन संरक्षक (क्षे0), भारत सरकार, पर्यावरण वन तथा जलवायु परिवर्तन मंत्रालय, ग्राउंड फ्लोर (ईस्टर्न विंग), न्यू सेक्रेटेरियट बिल्डिंग, व्ही.सी.ए. स्टेडियम के सामने सिविल लाईन, नागपुर (महाराष्ट्र)।
2. मुख्य वन संरक्षक जगदलपुर वृत्त जगदलपुर (छ.ग.)
3. वनमंडलाधिकारी बीजापुर वनमंडल (छ.ग.)
4. आवेदनकर्ता मुख्य अभियंता लोक निर्माण विभाग राष्ट्रीय राजमार्ग परिक्षेत्र, रायपुर छत्तीसगढ़।
की ओर सूचनार्थ एवं आवश्यक कार्यवाही हेतु अग्रेषित।


अवर सचिव

छत्तीसगढ़ शासन, वन विभाग