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No. 5-ORC259/2015-BHU

14<sup>th</sup> October, 2015

To

The Principal Secretary,  
Forest & Environment Deptt.,  
Govt. of Odisha,  
Bhubaneswar.

Sub:-

Diversion of 41.725 ha (39.98 ha of forest land proposed by the State Govt. + 1.745 ha of non-forest land to be treated as forest as per Supreme Court judgement dated 12.12.1996 in W.P. (C) NO.202/1995) of forest land for widening of existing 2-Lane road to 4-Lane from Bankibahal to Kanika Railway Siding (0.000 Km to 25.750 Km.) in favour of Executive Engineer, R & B Division, Sundargarh, Odisha.

Sir,

I am directed to refer to State Govt. letter No10F(Cons)84/2015-14037/F&E dated 06.08.2015 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest(Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee held on 14.10.2015, the Ministry of Environment, Forest & Climate Change hereby conveys 'in-principle' approval for diversion of 41.725 ha (39.98 ha of forest land proposed by the State Govt. + 1.745 ha of non-forest land to be treated as forest as per Supreme Court judgement dated 12.12.1996 in W.P. (C) No.202/1995) of forest land for widening of existing 2-Lane road to 4-Lane from Bankibahal to Kanika Railway Siding (0.000 Km to 25.750 Km.) in favour of Executive Engineer, R & B Division, Sundargarh, Odisha, subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- (ii) NPV shall be realized from the user agency for 41.725 ha (39.98 ha of forest land proposed by the State Govt. + 1.745 ha of non-forest land to be treated as forest as per Supreme Court judgement dated 12.12.1996 in W.P.(C) No.202/1995).
- (iii) 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) The State Govt. shall raise compensatory afforestation at the cost of the user agency in the non-forest land of 41.725 ha (39.98 ha of forest land proposed by the State Govt. + 1.745 ha of non-forest land to be treated as per Supreme Court judgement dated 12.12.1996 in W.P. (C) No.202/1995). The user agency shall transfer the cost of compensatory afforestation and its maintenance for 10 years (revised as on the date to incorporate the existing wage structure) to the Forest Department.
- (v) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance.

*Signature*

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- (vi) All the funds received from the user agency under the project shall be transferred to concerned Saving Bank account of the Ad-hoc CAMPA in Corporation Bank, CGO Complex, Lodi Road Branch, New Delhi-11003.
- (vii) The user agency shall comply with the conditions stipulated by State Govt. vide letter No.10(Cons)84/2015-14037/F&E dated 06.08.2015.
- (viii) The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc.
- (ix) The State Forest Department/UA shall submit the surveyed sketch of 41.725 ha of non-forest land identified by the State Govt. in village Biswanathpur under Hemgir Tehsil of Sundargarh district as proposed for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The State Forest Department/User Agency shall submit the DGPS reading of each demarcated pillar giving the latitude and the longitude.
- (x) 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.
- (xi) 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.
- (xii) The user agency shall use fly ash for the embankment construction and for filling up of void created due to soil borrows which will be followed by compaction and spreading of top soil over it; in case the thermal power plant is located within 100 Km radius of the proposed diversion as per Fly Ash Notification and amended in 2003, No. S.O. 979 dated 27<sup>th</sup> August, 2003.
- (xiii) The user agency shall submit an undertaking to ensure that flanks of roads should be filled by transported soil and not with soil dug from side of the roads.
- (xiv) For the wildlife areas / wildlife crossings, if any, adequate under pass shall be provided by the user agency for the safe movement of wildlife.
- (xv) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- (xvi) No labour camp shall be allowed in the forest area.
- (xvii) The user agency shall provide fuelwood, preferably alternate fuel, to labourers working at the site to avoid damage/tree felling.
- (xviii) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- (xix) The forest land shall not be used for any purpose other than that specified in the proposal.

- (xx) The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without prior approval of Ministry of Environment, Forest & Climate Change.
- (xxi) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- (xxii) The user agency shall not collect toll tax, if any, from the Forest Department vehicles.
- (xxiii) The user agency will obtain clearance under the provision of ST&OTFD (Recognition of Forest Rights) Act, 2006 before final approval of the project and will submit certificate towards settlement of all claims and rights over the proposed forest land as per the Guidelines of Ministry communicated vide letter No.11-9/1998-FC (Pt) dated 03.08.2009 read with guidelines dated 28.10.2014.
- (xxiv) Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, which shall be complied by the user agency.
- (xxv) The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the report on compliance to the conditions stipulated above, from the State Government of Odisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. **Transfer of forest land to user agency should not be affected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forests & Climate Change.** However, the State Govt., if it so desires, may allow the user agency for commencement of work as per Ministry guideline issued vide letter No.11-306/2014-FC (pt.) dated 28.08.2015.

Yours faithfully,



(S. Mohapatra)

Conservator of Forests (Central)

Copy to:-

1. The Inspector General of Forests (FC), Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Director, ROHQ, Ministry of Environment, Forests & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
3. The Principal Chief Conservator of Forests, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar.
4. The Addl. PCCF & Nodal Officer (FC), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar.
5. The Divisional Forest Officer, Sundargarh Forest Division, Sundargarh, Odisha.
6. The Executive Engineer, R & B Division, Govt. of Odisha, Sundargarh, Odisha.
7. Guard file.

Conservator of Forests (Central)