



भारतसरकार
GOVERNMENT OF INDIA
एकीकृतक्षेत्रीयकार्यालय
INTEGRATED REGIONAL OFFICE
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
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No. 3-MZ C 015/2022-SHI/ 669-70

15th June, 2023

To,

Principal Secretary,
Government of Mizoram,
Environment, Forests & Climate Change Department,
Aizawl-796001.

Sub : Proposal for diversion of 11.17 ha of forest land for construction of 132 KV Line Bairabi to West Phaileng via Mamit by Department of Power And Electricity, Government of Mizoram.

Sir,

I am directed to reference to the Government of Mizoram's letter No. G. 20015/3/2019-FST dated 28.03.2022 on the subject mentioned above seeking prior approval of the Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Regional Empowered Committee (REC) constituted by the Central Government under Section-6 of the aforesaid Act.

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the Regional Empowered Committee, and its acceptance by the competent authority in the Ministry, the **In-principle / Stage-I ex-post facto approval** of the Central Government is hereby accorded for diversion **11.17 ha** of forest land for construction of 132 KV Line Bairabi to West Phaileng via Mamit by Department of Power And Electricity, Government of Mizoram, subject to fulfillment of the following conditions:

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

i. Compensatory Afforestation

- The Compensatory Afforestation (CA) has been proposed over identified over 22.4 degraded forest land in 2 patches near Teirei Forest Village under Teirei RRF of Saithah Range i.e. 17.4 ha & 5 ha.
- 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 user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provisions for anticipated cost increase for works scheduled for subsequent years.

ii. 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 maximum up to five (5) times of NPV plus 12 % simple interest till the deposits is made.

In this case, 20% of the above penalty shall be imposed, as this proposal is for public utility project of the Government and **compliance shall be submitted before submission of compliance to Stage-II approval for intimation to Ministry, New Delhi.**

- iii. The State Government shall submit Action Taken Report under 3A or 3B of the Forest (Conservation) Rule 2003 n against the Forest officers/officials concerned as per Rules / Laws for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India **and compliance shall be submitted before submission of compliance to Stage-II approval for intimation to Ministry, New Delhi.**
- iv. 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 in accordance with the MoEF&CC guidelines dated 06.01.2022 read with guidelines dated 19.01.2022.
- v. The user agency shall transfer the cost of raising dwarf plantation with the State Forest Department;
- vi. All the funds received from the User Agency under the project shall be transferred /deposited in then account of National Authority only through e-portal (<https://parivesh.nic.in>). Amount deposited through other modes will not be accepted as compliance of the Stage- clearance.
- vii. The cost for boundary demarcation of the diverted forest land shall be shall be deposited by the User Agency with the State Forest Department.
- viii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- ix. The complete compliance of the FRA, 2006 shall be ensured by the State Government.
- x. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>).
- xi. As per Ministry's letter No 11-30/96-FC(Pt) dt 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt for more than 5(five) years, the in-principle approval would be summarily be revoked considering that the user agency is no longer interested in the project;

B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of the diverted forest land shall remain unchanged;
2. The Compensatory Afforestation shall be raised over 22.4 ha in degraded forest land identified in 2 patches near Teirei Forest Village under Teirei RRF of Saithah Range i.e. 17.4 ha & 5 ha.
3. The dwarf plantation shall be raised and maintained by the State Govt as per scheme prepared and fund deposited by the user agency.
4. All other clearances / NOCs under different rules / regulations / local laws and under Forest Dwellers (Recognition of Forest Rights) Act, 2006 as required vide MoEF, New Delhi guideline No. 11-9/98-FC(Pt) dated 05.02.2013 shall be complied with.
5. **The User Agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.**
6. **The User Agency shall comply with the guidelines for laying transmission through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.**
7. The User Agency shall obtain the mandatory Environment Clearance as per the provision of Environment (Protection) Act 1986, if required.
8. 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.

9. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
 10. The forest land shall not be used for any purpose other than that specified in the project proposal. Thus, the State Govt, shall ensure that the forest land shall be used exclusively for the purpose of transmission line as per the plan approved from the competent authority.
 11. The State Government will ensure complete compliance of Forest Rights Act, 2006.
 12. No labour camp shall be established on the forest land and the 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.
 13. No damage to the flora and fauna of the adjoining area shall be caused.
 14. The user agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly.
 15. Any other condition that the Ministry of Environment, Forests & Climate Change, IRO, Shillong may stipulate, with prior approval of the competent authority in the interest of conservation, protection and development of forests & wildlife.
 16. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
 17. 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.
3. After receipt of the compliance report from the State Government on fulfillment of the conditions mentioned above, final approval will be issued in this regard. Formal transfer of forest land shall not be effected by the State Govt till final approval is granted by the Central Government.

This is issued with approval of Deputy Director General of Forests (C).

भवदीय,

(Mrs. L. J. Syiemiong)

वनउपमहानिरीक्षक (केंद्रीय) /Deputy Inspector General of Forests (C)

Copy to:

- ✓ 1. Additional Principal Chief Conservator of Forests & Nodal Officer (FC), Govt. of Mizoram, Department of Environment, Forests & Climate Change Department, Aizawl.

वनउपमहानिरीक्षक (केंद्रीय) /Deputy Inspector General of Forests (C)