

F. No. 8-22/2019-FC
Government of India
Ministry of Environment, Forest and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Jor bagh Aliganj Road,
New Delhi – 110003.

Dated: 15th November, 2019

To

The Principal Secretary (Forests),
Department of Environment & Forests,
Government of Kerala,
Thiruvananthapuram.

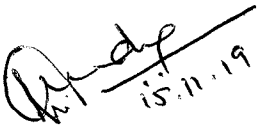
Subject: Diversion of 57.02 ha. of Forest land in favour of M/s KERALA FOREST DEPARTMENT for Elephant Rescue and Rehabilitation Centre at Kottoor in Thiruvananthapuram District in Kerala.

Sir,

I am directed to refer to the State Government's letter No. C2/73/2019/F&WLD dated 03.07.2019 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *In-principle approval/Stage-I Clearance* of the Central Government is hereby granted for diversion of 57.02 ha. of Forest land in favour of M/s KERALA FOREST DEPARTMENT for Elephant Rescue and Rehabilitation Centre at Kottoor in Thiruvananthapuram District in Kerala State subject to the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. NPV for 15% of the total area proposed to be diverted shall be paid by the UA. Thus, the User Agency shall transfer Net Present Value (NPV) of 15% of the entire area of 57.02 ha. of Forest land, as per the orders 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, through online portal of Ad-hoc CAMPA account of the State Concerned;
- iii. Normally for CA, non-forest land equal to 15% of the total area of Elephant Rescue and Rehabilitation Centre should have been identified. Since the state is proposing to take up CA over more area, the Ministry accepted the proposal of CA.
- iv. The identified non-forest land is to be notified as RF/PF prior to Stage-II clearance.


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- v. Compensatory Afforestation shall be raised over 149.64 ha. identified land in Wayanad North Division (57.07 ha. Non-forest.), ABP Territorial Range (55.57 ha.: open degraded) in Thiruvananthapuram Wildlife Division and Mannarappara Forest Range in Konni Forest Division (37 ha.: open degraded) land within three years from the date of Stage –II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency;
- vi. Permanent diversion under non -forestry use shall not be more than 15 per cent of the total area sought for diversion;
- vii. Before establishing the Elephant Rescue and Rehabilitation Centre, the necessary clearance from Central Zoo Authority shall be obtained before seeking Stage-II clearance, if not already taken;
- viii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- ix. The User Agency shall transfer the cost of raising and maintaining the admissible compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- x. 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;
- xi. User Agency shall ensure that the Compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- xii. User agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xiii. No labour camp shall be established on the forest land and User agency shall provide firewood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
- xiv. Forest land shall not be used for any purpose other than that specified in the proposal;
- xv. The layout plan of the Elephant Rescue and Rehabilitation Centre shall not be changed without the prior approval of the Central Government;
- 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 as prescribed by this Ministry in it's letter No. 11-9/1998-FC (pt.) dated 3rd August 2009 read with 05.07.2013, in support thereof;
- xvii. 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;
- xviii. 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 every year regularly;


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- xix. Any other condition that the concern Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife; and
- xx. 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.

After receipt of the compliance report on fulfillment of the above conditions from the State Government, formal approval will be considered under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,



(Brijendra Swaroop)

Dy. Inspector General of Forest-cum-
Dy. CEO, CAMPA

Copy to:

1. The Principal Chief Conservator of Forests (HoFF), Government of Kerala, Thiruvananthapuram.
2. The Dy. Director General (Central), Regional Office, MoEF&CC, Bangalore.
3. The Nodal Officer (FCA), Forest Department, O/o the PCCF, Government of Kerala, Thiruvananthapuram.
4. The user agency.
5. Monitoring Cell of FC Section.
6. Guard File.