



GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE  
REGIONAL OFFICE (RANCHI)  
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No.FP/BR/Canal/36287/2018 /35 10

Dated 17<sup>th</sup> October, 2019

To

**The Principal Secretary,**  
Department of Environment, Forests & Climate Change,  
Government of Bihar, Sinchai Bhawan,  
Secretariat, Patna.

Sub: Diversion of 0.7692 ha forest land for construction of Pandey Bigha Distributary under Tilaya Dhadhar Apsaran Yojna near Bichha village across Bichha Pahar in Gaya District of Bihar.

Sir,

I am directed to refer to letter No.Van Bhumi-56/2019-1400(E)/Pa.Va.Ja.Pa. dated 3.10.2019 of the State Government on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest and Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government, the Central Government, hereby, conveys **"in-principle"** approval for diversion of 0.7692 ha forest land for construction of Pandey Bigha Distributary under Tilaya Dhadhar Apsaran Yojna near Bichha village across Bichha Pahar in Gaya District of Bihar, subject to the following conditions and stipulations.

1. Legal status of the forest land shall remain unchanged.
2. **Compensatory afforestation:**
  - a) Compensatory afforestation shall be taken up by the Forest Department over 1.6 ha. degraded forest land (Site Name - Telheta, Thankuppa Block, Thana – Muffasil-487 under Gaya Forest Division) at the cost of the user agency.
  - b) 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.
3. **NPV:**
  - a) The State Government shall charge the Net Present Value (NPV) for the 0.7692 ha forest area to be diverted under this proposal from the User Agency as per the order 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 also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. 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/>).
5. The User Agency shall submit the FRA certificate as per the Ministry's letter No.11-09/98-FC(pt) dated 28.10.2014 before the issuance of final approval. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
6. Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads segment covered under this approval, in consultation with the State Forest Department at the project cost.
7. The layout plan of the proposal shall not be changed without prior approval of Central Government.
8. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
9. The period of diversion under this approval shall be co-terminus with the period of the project life (existence of the road).
10. a) The forest land shall not be used for any purpose other than that specified in the project proposal.  
b) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of Govt. of India.
11. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
12. Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forest & wildlife.
13. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

After receipt of the compliance report regarding fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land to user agency should not be effected by the State Government till formal order approving diversion of forest land is issued by the Central Government. To facilitate speedy execution of this project involving diversion for the road expansion, the in-principle approval may be deemed as the working permission for tree felling and commencement of works, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realised from the user agency and accordingly the State Government, by passing an order, may allow the commencement of work of the linear project in forest land for a period of one year (The detail guideline issued vide Ministry letter No. 11-306/2014-FC, dated 28.08.2015 may be referred).

Yours faithfully,

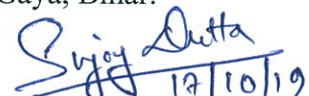
  
(Sujoy Dutta)

Technical Officer (Forestry)

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Copy to:-

1. The Dy. Secretary, RO(HQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests (HoFF), Department of Environment, Forests & Climate Change, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
3. The APCCF-cum-Nodal Officer, Department of Environment, Forests & Climate Change, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
4. The Divisional Forest Officer, Gaya Forest Division, Bihar.
5. The Executive Engineer, Tilaiya Canal Division, Wazirganj, Gaya, Bihar.
6. Guard File.

  
17/10/19

Technical Officer (Forestry)

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