



भारत सरकार

Government of India

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change

एकीकृत क्षेत्रीय कार्यालय, जयपुर
Integrated Regional Office, Jaipur



कैम्प कार्यालय, केन्द्रीय भवन, पंचम तल, सेक्टर-एच, अलिगंज, लखनऊ-226024
Camp Office, Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow-226024, Telefax-2326696
Email: rocz.lko-mef@gov.in, goimcoefrolko@gmail.com

पत्र संख्या-8बी/राज0/06/24/2015/एफ.सी/57

दिनांक: 18.01.2021
19

सेवा में,

शासन सचिव(वन),
सिविल सचिवालय,
राजस्थान शासन,
जयपुर, राजस्थान।

Online Proposal No: FP/Rj/Road/7127/2014

विषय: Diversion of 1.14 ha. of forest land in favour of PWD for construction of BT road from Mamli Lakshmipura to Patpadi inder RRSMP scheme in Rajasthan.

सन्दर्भ: संयुक्त शासन सचिव, राजस्थान का पत्रांक-प.1(49)वन/2015, जयपुर, दिनांक-30.12.2020.

महोदय,

उपरोक्त विषयक ऑनलाईन प्रस्ताव सं0 FP/RJ/Road/7127/2014 का आशय ग्रहण करने का कष्ट करें। जिसमें वन (संरक्षण) अधिनियम, 1980 की धारा (2) के अन्तर्गत भारत सरकार की स्वीकृति माँगी गयी थी।

प्रश्नगत प्रकरण में इस कार्यालय के समसंख्यक पत्र दिनांक 14.09.2020 द्वारा विभिन्न बिन्दुओं पर चाही गयी जानकारी उपरोक्त संदर्भित पत्र द्वारा प्रेषित की गयी है। प्रस्तुत अनुपालना के परीक्षणोपरान्त मुझे आपको यह सूचित करना है कि केन्द्र सरकार उपरोक्त विषयांकित परियोजना हेतु 1.14 हे0 वनभूमि के प्रत्यावर्तन की सैद्धान्तिक स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over an area of 1.14 ha. Non Forest land Khasra no. 138 of Bilandi, Tehsil Anta, District-Baran at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record.
5. 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.
6. The State Government shall charge the Net Present Value (NPV) for the 1.14 ha. forest area to be diverted under this proposal from the User Agency as per the orders 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.

Pmo

7. 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 be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
8. State Government shall charge Penal NPV as per FCA guidelines from the user agency for area in which violation has occurred.
9. State Government will 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 Government of India.
10. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
11. Strip plantation on both sides and central verge of the road shall be raised at the cost of user agency as per the IRC norms in compliance of order dated 16-11-2015 passed by Hon'ble NGT, Central zone, Bhopal in I.A. No. 27/2015(Babulal Jaju V/s Rajasthan Government).
12. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.
13. The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.
14. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
15. The layout plan of the proposal shall not be changed without prior approval of Central Government.
16. No labour camp shall be established on the forest land.
17. 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.
18. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
19. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
20. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
21. The forest land shall not be used for any purpose other than that specified in the project proposal.
22. 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.
23. 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.
24. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
25. 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/>).
26. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

After receipt of compliance report on fulfilment of all of the above conditions from the State Government, proposal will be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980, by this office.

The order for transfer of forest land to user agency shall not be issued by the State Government till final approval order for diversion of forest land is issued by Government of India.

भवदीया

(प्राची गंगवार)

उप वन महानिरीक्षक (केन्द्रीय) /
क्षेत्रीय अधिकारी, जयपुर

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु :-

1. मुख्य वन संरक्षक(वन संरक्षण) एवं नोडल अधिकारी, वन विभाग, अरण्य भवन, झालाना इस्टिट्यूशनल एरिया, जयपुर, राजस्थान।
2. उप वन संरक्षक, बारां वन मण्डल, बारां, राजस्थान।
3. अधिशासी अभियंता, सा0निर्माण विभाग खण्ड शाहबाद, बारां, राजस्थान।
4. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, लखनऊ को वेबसाइट पर अपलोडिंग हेतु/आदेश पत्रावली।

P. S.
18.01.2024

(प्राची गंगवार)
उप वन महानिरीक्षक [केन्द्रीय]/
क्षेत्रीय अधिकारी, जयपुर