



सत्यमेव जयते

भारत सरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FOREST  
& CLIMATE CHANGE

क्षेत्रीय कार्यालय, पश्चिम क्षेत्र,  
Regional Office, Western Region,  
"केन्द्रीय पर्यावरण भवन" \*  
लिंक रोड नं-3, Link Road No. 3  
E-5, रविशंकर नगर/Ravi Shankar Nagar  
भोपाल (मध्य प्रदेश)/Bhopal-462016 (M.P.)  
Phone No. 0755- & 2466525, 2465496  
फैक्स नं./ Fax No. 0755-2463102  
अणुडाक /E-mail: rowz.hpl-mef@nic.in

No.6-MPC056/2018-BHO/ 693

To,

The Addl. Chief Secretary (Forests)  
Govt. of Madhya Pradesh,  
Vallabh Bhawan, Bhopal  
Madhya Pradesh.

Date 20/09/18

Sub: Diversion of 8.6 ha Protected Forest land for construction of Bichhli Nala Tank Irrigation Scheme in favour of Executive Engineer, Water Resources Division in Shahdol District of MP.

Ref: Minutes of Meeting of REC letter No. 6-REC 10/2014-BHO/Part-I/ 677 dated 12/09/2018.

Sir,

I am directed to invite a reference to APCCF (LM) and Nodal Officer, MP letter No. F-3/69/2017/10-11/13/2531 dated 21/8/18 on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was duly considered and approved by the Regional Empowered Committee in its meeting held on 12/09/2018 for issuance of In-principle approval. Therefore, the undersigned, on behalf of the Central Government conveys In-principle approval for diversion of 8.6 ha Protected Forest land for construction of Bichhli Nala Tank Irrigation Scheme in favour of Executive Engineer, Water Resources Division in Shahdol district subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land shall be handed over to the User Agency only after the User Agency has got possession on non-forest land, if any, required for the project.
3. Compensatory afforestation:
  - a) Revised Compensatory afforestation area details free from all incumbencies in Non-forest land along with all required details shall be submitted and uploaded on e. portal for proposal to be considered for Stage-II approval.
  - b) The non-forest land shall be transferred and mutated in favour of Forest Department.
  - c) The non-forest land which is 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, Government of Madhya Pradesh must report compliance within a period of 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;
  - d) The land identified for the purpose of CA shall be clearly depicted on a Survey of India Toposheet of 1:50, 000. The bearing of each corner point and distances between successive points shall be recorded along with GPS reading of Geo-Coordinates (Latitudes & Longitudes).

8.6 ha

WRD, Shahdol

20/09/18

Page 1 of 3

4. 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.
5. NPV:
  - a) The State Government shall charge the Net Present Value(NPV) for the 8.6 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.
  - 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 be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect. Add
6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e.portal.
7. The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project.
8. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
9. User agency shall undertake afforestation along the periphery of the reservoir.
10. The User Agency shall provide water to the State Forest Department for the forestry related projects at the rate fixed by the Govt. of Madhya Pradesh.
11. The layout plan of the proposal shall not be changed without prior approval of Govt. of India.
12. No labour camp shall be established on the forest land.
13. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourers after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
14. The boundary of the diverted forest land shall be demarcated on ground at the project cost.
15. It will be the responsibility of the User Agency to ensure that the labourers and staff engaged in construction activity do not damage forest flora and fauna.
16. Siltation of the reservoir and canal shall be kept under check and desiltation of reservoir shall be carried out regularly.
17. Muck disposal, if required, shall be taken up as per the scheme approved by the Forest Department.
18. Soil conservation measures, if required, shall be taken up by the user agency.
19. Proposed labour camps outside the forest area are to be dismantled and removed. The labourers shall be sent back immediately after the completion of the work.
20. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
21. The User Agency shall ensure that because of this project, no damage is caused to the Wildlife.

22. 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.
23. The forest land shall not be used for any purpose other than that specified in the project proposal.
24. 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.
25. Relevant directions contained in various notifications issued by the Govt. of India under the provisions of the Environment (Protection) Act, 1986 and Environment (Protection) Rules, 1986 made thereunder and amended from time to time regarding use of fly ash shall be fully complied with.
26. 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.
27. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting tree are to be cleared in this project. Bird's nests artificially made out of eco- friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
28. The User Agency shall submit compliance report as on 1st January to the Nodal Officer of the State.
29. The State Government shall monitor compliance of the conditions of the Forest Clearance and shall submit in this regard yearly report as on 1st July of every year.
30. The User Agency and the State Government shall ensure compliance of the provisions of all Acts, rules, regulations and guidelines for the time being in force as applicable to the project.
31. The compliance report shall be uploaded on e.portal (<http://forestsclearance.nic.in/>).

After receipt of compliance report on fulfillment of the condition nos. 3(a & b), 4, 5, 6 & 31 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 done by the State Government till **Formal approval/ Stage-II** approval for diversion of forest land is issued from this office.

Yours faithfully,

(B. Abhay Bhaskar)

Dy. Conservator of Forests (Central)

Copy to :-

1. Director, (ROHQ), Ministry of Environment and Forests and Climate Change, Govt. of India, Agni, C-wing, 3rd Floor, Indira Paryavaran Bhawan, Jor Bagh Road, Aliganj, New Delhi - 110003.
2. The Addl. Principal Chief Conservator of Forests(LM) and Nodal Officer, Govt. of M.P., Satpura Bhawan, Bhopal.
3. The Divisional Forest Officer, Forest Division North Shahdol, District-Shahdol, MP.
4. The Executive Engineer, Water Resources Division No. 2 Shahdol, District-Shahdol, MP.
5. Order file.

8.6 h  
WRD, Shahdol

(B. Abhay Bhaskar)

Dy. Conservator of Forests (Central)