

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jor bagh Road
New Delhi- 110003
Dated:22-11-2024

To

The Principal Secretary (Forests),
Department of Environment and Forests,
Government of Himachal Pradesh.
Shimla.

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 1.3711 ha. of forest land in favour of Himachal Pradesh Public Work Department for construction of link road from Barayali Buddo Stoti Shiv Nagar 0/00 to 4/150 within the jurisdiction of Kunihar Forest Division, District- Solan in the State of Himachal Pradesh (Online Proposal No. FP/HP/Road/153206/2022)- regarding.

Sir/Madam,

I am directed to refer to Government of Himachal Pradesh's online proposal No. FP/HP/ROAD/153206/2022 dated 22.03.2023 on the above mentioned subject, seeking prior approval of Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, and to say that the said proposal has been examined by the Advisory Committee (AC) constituted by the Central Government under Section- 3 of the aforesaid Act.

2. After careful consideration of the proposal of the Government of Himachal Pradesh and on the basis of the recommendations of the Advisory Committee (AC), the Central Government hereby agrees to **accord Stage-I / In-principle** approval Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 1.3711 ha. of forest land in favour of Himachal Pradesh Public Work Department for construction of link road from Barayali Buddo Stoti Shiv Nagar 0/00 to 4/150 within the jurisdiction of Kunihar Forest Division, District- Solan in the State of Himachal Pradesh, subject to the following conditions:-

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The Compensatory afforestation over an area of 2.75 ha. double in extent in survey sheet number/compartments no. 53A/15 of U-13 of Kandhar Beat, Kandhar Block of Darlagaht forest Range, Tehsil Arki, District- Solan, Himachal Pradesh, shall be initiated by the State Forest Department at the project cost within two years from the date of grant of Stage- II approval;
- iii. 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 provision for anticipated cost increase for works scheduled for subsequent years, into the account of National Authority, CAMPA managed by the State Govt.;

- iv. The KML files of diverted area and the CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to Stage- II approval;
- v. 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 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 06.01.2022 read with 22.03.2022 through online portal of CAMPA account of the State Concerned;
- vi. 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;
- vii. The Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of National Authority, CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
- viii. The 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 as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023;
- ix. The complete compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);
- x. ***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 the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made;***
- xi. ***The State shall submit a detailed violation report along with Stage-I compliance report;***
- xii. ***The State Government shall provide details of officers of the User***

- Agency responsible for the violation of the Adhinyam. The Regional Office shall complete action against them under Section 3A/ 3B of the Adhinyam and submit a report for consideration of Stage-II approval;**
- xiii. **As the katcha road is already exists, the State Government shall ensure that the felling of trees be kept to the barest minimum;**
 - xiv. **In addition to Compensatory Afforestation, the State Government shall carry out a roadside plantation wherever possible of the extent of diverted area at the cost of the user agency;**
 - xv. **State shall also intimate the action taken against the erring officials who could not take appropriate action against those involved in the violation as per laid down statutory provisions;**
 - xvi. 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;
 - xvii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
 - xviii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - xix. 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;
 - xx. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
 - xxi. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS coordinates;
 - xxii. 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;
 - xxiii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
 - xxiv. The forest land shall not be used for any purpose other than that specified in the project proposal;
 - xxv. 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;

- xxvi. No damage to the flora, fauna or the environment of the adjoining area shall be caused; Adequate measures to ensure no damage to the adjoining areas should be taken by the User Agency at the project cost;
- xxvii. 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;
- xxviii. 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 shall be carried with by the State Government and User Agency;
- xxix. 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; and
- xxx. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 issued in 29.12.2023.

After receipt of compliance report and fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

faithfully,

Yours

Sd-
(S. Sundar)

Assistant Inspector General of Forests

Copy to: -

1. The Principal Chief Conservator of Forests & HoFF, Government of Himachal Pradesh, Shimla.
2. The DDGF (C), Regional Office, Chandigarh of MoEFCC.
3. The Nodal Officer, Government of Himachal Pradesh, Shimla.
4. Monitoring Cell, FC Division, MoEF & CC, New Delhi for uploading.
5. User Agency.