

F. No 8-55/2017-FC
Government of India
Ministry of Environment Forests & Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jor Bagh Road
New Delhi-110003
Dated: 13 April, 2018

To

The Principal Secretary (Forests),
Department of Environment & Forests,
Government of Rajasthan,
Jaipur

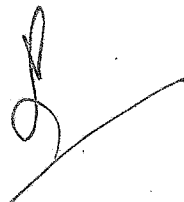
Sub: Diversion of 120.4062 ha of forest land in favour of Executive Engineer, Public Works Department Jhalawar, Rajasthan for Extension of Kolana Air Strip of Existing run way from 1700 meter to 3000 meter in Jhalawar District, Rajasthan State.

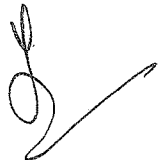
Sir,

I am directed to refer to the State Government of Rajasthan's letter No. P.1 (56) VAN/2004 part Jaipur dated 17.10.2017 on the subject mentioned above 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 aforesaid 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 120.4062 ha of forest land in favour of Executive Engineer, Public Works Department Jhalawar, Rajasthan for Extension of Kolana Air Strip of Existing run way from 1700 meter to 3000 meter in Jhalawar District, Rajasthan State, subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) **Compensatory afforestation shall be raised over equal the diverted forest land diverted and at least 1000 plants per hectare (120.40 hectares x 1000 = 120400 plants) shall be planted over identified non-forest land with provision for ten years on subsequent maintenance.**
- (iii) **Penal CA will be raised on equivalent degraded forest land for violation.**
- (iv) **25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA and penal CA land.**
- (v) **Adequate Measures for protection and conservation of the water bodies located near the proposed Airport complex should be taken up at the project cost by the user agency.**
- (vi) **Adequate greenery by planting trees will be done around the airport within the Airport keeping in view the safety measure for running the Airport.**
- (vii) **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 till the deposits is made. Since it is a public utility projects of the government the penalty shall be 20 % of the penalty computed.**
- (viii) **The status of the cases registered against the officials of the State Government responsible for willful violation will be informed to the central government to bring**



- to its logical decision in the appropriate Court. The APCCF, Regional office, Lucknow will report the action taken under section 3A/3B against the officers as reported by the State Government.
- (ix) User agency responsible for violation shall be prosecuted under local Act of the state for unauthorized use of forest land without the permission of state authority.
 - (x) No commercial activities such as shopping mall, hotels, recreational centres etc. will be constructed. The forest land shall be used exclusively for the purpose of operation of the airport as per the plan approved from the competent authority. The land use will not be changed without the approval of the central government.
 - (xi) The forest land will not be sub-leased without the prior approval of the central government.
 - (xii) The state Government will ensure complete compliance of Forest Right Act 2006.
 - (xiii) The Forest clearance will be for a period co terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document;
 - (xiv) The User Agency shall transfer the cost of raising and maintaining the 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;
 - (xv) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, 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. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
 - (xvi) The user agency should 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;
 - (xvii) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance and the said non-forest land as identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;
 - (xviii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986;
 - (xix) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds 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.
 - (xx) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
 - (xxi) The user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/concern Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones;
 - (xxii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
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- (xxiii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxiv) No labour camp shall be established on the forest land;
- (xxv) 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;
- (xxvi) The user agency will abide by the applicable recommendations of the State Government including State Forest/Wildlife Departments;
- (xxvii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxviii) 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;
- (xxix) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxx) 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;
- (xxxi) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxii) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Rajasthan, Jaipur.
2. The Addl. PCCF (Central), Regional Office, Lucknow.
3. The Nodal Officer (FCA), O/o the PCCF, Government of Rajasthan, Jaipur.
4. User Agency (Water Resource Department, Government of Rajasthan, Jaipur).
5. Monitoring cell, FC Division, MoEF, New Delhi.
6. Guard File.

(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests