



File No. FC-II/IROCH-18/2023/1325

Date: 24/03/2023

To,

Additional Chief Secretary (Forests),
Government of Chhattisgarh,
Forest Department, Mantralaya,
Mahanadi Bhavan, Nava Raipur, Atal Nagar (CG).

Sub: Diversion of forest land for non-forest purpose under forest conservation 1980, Rehabilitation and Upgradation of Dharamjaigarh – Kapu Road area 10.465 ha, District Raigarh, Chhattisgarh-Reg.

Sir,

Kindly refer to the letter no. F-5-27/2022/10-2 dated 07.03.2023 of State Government and letter no. LM/Misc.-1/115-844/311 dated 09.02.2023 of APCCF, Nodal Officer (FCA), Chhattisgarh, on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. It is to say that the said proposal has been examined in the Integrated Regional Office in light of the relevant provisions of the Forest (Conservation) Act, 1980 and Guidelines issued thereunder and approved by the Regional Empowered Committee constituted under Section -4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords '**In-principle**' under Section -2 of the Forest (Conservation) Act, 1980 for "diversion of forest land for non-forest purpose under forest conservation 1980, Rehabilitation and Upgradation of Dharamjaigarh – Kapu Road area 10.465 ha, in Forest Division Dharamjaigarh, District- Raigarh" in the State of Chhattisgarh subject to the fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. **Compensatory Afforestation:**
 - a) Compensatory afforestation shall be taken up by the User Agency carried out over 23.049 ha Orange Forest land in Khasra No. 36/1 (16.699 ha) and 69/1 (06.358 ha) at Village – Kudhrikhar and Kerakona, Range- Chhal, Dist- Raigarh. 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;
 - b) The Orange Forest land shall be transferred and mutated in favour of the State Forest Department before Stage-II clearance.
- 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 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;

- iv. **NPV:**
- a) The State Government shall charge the Net Present Value (NPV) for the 10.465 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, letter No. 5-2/2006- FC dated 03/10/2006, letter No. 5-3/2007-FC dated 05/02/2009, letter No. 5-3/2011- FC (Vol-I) dated 06.01.2022 and letter No. 5-3/2011-FC(Vol-I) dated 22.03.2022 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;
- v. The User Agency in consultation with State Forest Department shall minimize the felling of trees and retain maximum numbers of trees in outer RoW. A detailed report in this regard shall be submitted to IRO, Raipur, MoEF&CC.
- vi. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portai (<https://parivesh.nic.in/>);
- vii. The State Government of Chhattisgarh/ Nodal Officer (FCA), Forest Department of Chhattisgarh shall ensure settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (No. 2 of 2007) before issuing an order for handing over of forest land to the User Agency as per Rule- 9 (6) (b) (ii) of Forest (Conservation) Rules, 2022 dated 28.06.2022;
- viii. The User Agency in consultation with State Forest Department shall construct wildlife passages in the form of underpasses (box culverts of approximately 3 x 4 mtrs) at regular interval in forest land as well as in non-forest areas, where there is traditional route of wildlife movement, for smooth movement of wildlife and cattle as suggested by Wildlife Institute of India in manual entitled "Eco-friendly Measures to Mitigate Impacts of Linear Infrastructure on Wildlife, published in 2016. Hume Pipe Culverts should be avoided in Forest land as far as possible;
- ix. The State Forest Department shall ensure that the proposed road project poses no threat to Elephant movement or disturbance to elephants in the future. It will identify critical zone of movement and provide speed breakers, embankment and elephant movement sign boards at appropriate intervals and take up other suitable measurements along the road passing through the proposed forest area. Details of the same shall be submitted at the time of Stage- I compliance;
- x. State Forest Department shall undertake avenue plantation of tall plants as per IRC norms at the cost of User Agency. The State forest department shall prepare the plantation proposal giving preference to the native forest tree species including fruit-bearing tree species. Details of the same shall be submitted at the time of Stage- I compliance;
- xi. The User agency shall take up the soil conservation measures in consultation with the State Forest Department, wherever necessary. Details of the same shall be submitted at the time of Stage- I compliance;
- xii. The existing carriageway in the forest area, which will not be used after re-alignment, shall be dismantled and the land shall be handed over back to the State Forest Department;
- xiii. 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, forward and back bearing and distance from pillar to pillar;

- xiv. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- xv. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xvi. The muck generated while construction of road shall not be kept inside forest area and same shall be deposited in designated place outside the forest area;
- xvii. No labour camp shall be established on the forest land;
- xxiii. 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;
- xix. The forest land shall not be used for any purpose other than that specified in the proposal;
- xx. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xxi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- 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 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;
- xxiv. 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;
- xxv. 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;
- xxvi. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of a satisfactory compliance report from the State Government in respect of condition no. ii, iii, iv (a), v, vii, viii, ix, x, xi, and undertakings, duly authenticated by the competent authority and fulfillment of all other conditions by the State Government formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980.

Yours faithfully,

Chubey
24/3/23
Chaturbhuja Behera, NFS,
Inspector General of Forests.

Copy to:-

1. The PCCF (HoFF), Government of Chhattisgarh, Aranya Bhawan, Sector-19, Nava Raipur, C.G
2. The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh, Aranya Bhawan, Nava Raipur, Chhattisgarh.
3. The Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi- 110003.
4. User agency.
5. Guard file.

Chubey
24/3/23
Inspector General of Forests,