

I/5894/2021



भारत सरकार / GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
एकीकृत क्षेत्रीय कार्यालय, गांधीनगर
INTEGRATED REGIONAL OFFICE, GANDHINAGAR



File No. 6-GJB 079/2021-BHO/

Dated : 27/09/2021

To

The Additional Chief Secretary (Forest)

Govt. of Gujarat

Block No. 14, 8th Floor, New Sachivalaya

Gandhinagar, Gujarat.

Sub: In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for diversion of 4.0788 ha Protected Forest land for widening of existing road no.5 & 'K' road in favour of Assistant Engineer, Capital Project Division-26 in Gandhinagar District of Gujarat-reg.

Sir,

This refers to letter No. FCA-1021/7-42/21/SF-25/F dated 10/08/2021 of the State Government, of Gujarat on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest and Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government the "in-principle approval of Central Government, is hereby conveyed for diversion of 4.0788 ha Protected Forest land for widening of existing road no.5 & 'K' road in favour of Assistant Engineer, Capital Project Division-26 in Gandhinagar District of Gujarat, subject to the following conditions and stipulations :

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

- (1) The cost of compensatory afforestation on the degraded CA land (9.00 ha) DFL, at the prevailing wage rates as per compensatory afforestation scheme (including the cost of survey, demarcation and erection of permanent pillars etc. as required for securing the land against encroachment) shall be deposited in advance with the State 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.
- (2) The State Government shall charge the Net Present Value (NPV) for the 4.0788 ha forest area to be diverted under this proposal from the User Agency as per the order 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 and chapter 3 of FCA Handbook, 2019 in this regard.
- (3) 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/>).
- (4) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (5) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of Comprehensive Guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.
- (6) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

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- (7) The KML files of the area to be diverted, the CA areas, the proposed SMC work, the proposed Catchment Area Treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be.

B: Conditions which need to be strictly complied on field after handing over of forest land to the User Agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

- (1) Legal status of the forest land shall remain unchanged.
- (2) Compensatory afforestation shall be taken up by the Forest Department over 9.00 ha degraded-forest land at Survey No. 43 Pt, Village-Aral, Taluka-Kapadwanj, District-Kheda at the cost of the user agency. As far as possible, a mixture of local native species shall be planted and monoculture of any species, especially non-native species should be avoided.
- (3) 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 also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- (4) User Agency shall restrict the felling of trees upto 34/ minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- (5) 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.
- (6) The User Agency shall raise strip plantation on both sides of the road as per the IRC norms.
- (7) The layout plan of the proposal shall not be changed without prior approval of Central Government.
- (8) No labour camp shall be established on the forest land.
- (9) The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- (10) The period of diversion under this approval shall be co-terminus with the period of the project life.
- (11) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (12) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of Central Government.
- (13) User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- (14) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas
- (15) Sufficient firewood, preferably 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.
- (16) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (17) The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, guidelines, NGT order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

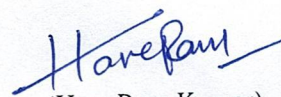
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- (18) Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forest & wildlife.

2. After receipt of the compliance report regarding fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land to user agency should not be given effect to by the State Government till formal order approving diversion of forest land is issued by the Central Government. To facilitate speedy execution of this project involving diversion for the project, the in-principle approval may be deemed as the permission for commencement of works, if the required funds for CA, NPV and other compensatory levies specified in the in-principle approval are realized from the user agency and accordingly the State Government, by passing an order, may allow the commencement of work of the linear project in forest land for a period of one year (The detail guideline issued vide Ministry letter No. 11-306/2014-FC, dated 28.08.2015 may be referred).

This has been issued with the approval of the Competent Authority.

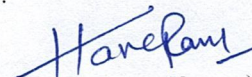
Yours faithfully,



(Hare Ram Kumar)
Technical Officer (Forestry)

Copy to:-

1. The DIG(F), RO(HQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi – 110 003.
2. The APCCF-cum-Nodal Officer (FCA), Arayan Bhavan, Block No. A/3, Sector-10A, Gandhinagar, Gujarat.
3. The Dy. Conservator of Forests, Gandhinagar Forest Division, Gandhinagar, Gujarat.
4. The Assistant Engineer, Capital Project Division-26, Gandhinagar, Gujarat.
5. Guard File.



(Hare Ram Kumar)
Technical Officer (Forestry)

Signed by Hare Ram Kumar

Date: 28-08-2021 14:12:21

Reason: Approved