



GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
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अहो है हरियाली ।
वहो है सुरक्षा ।

No. FP/JH/TRANS/17225/2015/2362

Dated 29th June, 2018

To

The Additional Chief Secretary,
Department of Forests, Environment & Climate Change,
Government of Jharkhand,
Nepal House, Ranchi.

Sub: Diversion of 5.6322 ha forest land for construction of 11KV Transmission Line from Chouparan to Chordaha under Rajiv Gandhi Gramin Vidyutikara Yojna in favour of Jharkhand Bijli Vitran Nigam Limited in Hazaribagh district of Jharkhand.

Sir,

I am directed to refer to letter No.Van Bhumi-32/2016-1830/Va.Pa. dated 8.05.2018 of the State Government 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 and on the basis of decision of Regional Empowered Committee held on 27.06.2018, the Central Government, hereby conveys "in-principle" approval for diversion of 5.6322 ha forest land for construction of 11KV Transmission Line from Chouparan to Chordaha under Rajiv Gandhi Gramin Vidyutikara Yojna in favour of Jharkhand Bijli Vitran Nigam Limited in Hazaribagh district of Jharkhand, subject to the fulfillment of the following conditions.

1. Legal status of forest land proposed for diversion shall remain unchanged.
2. The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be 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 05.02.2009 in this regard.
3. Additional amount of NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India, shall be charged by the State Govt. from the user agency.
4. The State Govt. shall charge the penal Net Present Value (NPV) for violation, which is equal to 20% of the 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 times the NPV plus 12% simple interest till the deposits is made.

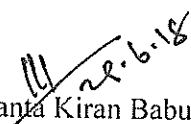
5. Compensatory Afforestation over the degraded forest land twice in extent to the forest land being diverted shall be raised and maintained by the State Forest Department at the cost of the user agency. The user agency shall transfer the cost of plantation and its maintenance for 10 years (revised as on the date to incorporate the existing wage structure) to State Forest Department.
6. The State Government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
7. 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.
8. REC recommended that to prevent death of animals like elephant etc. in the forest areas due to electrocution by the distribution lines in the forest area, the User Agency shall preferably use ABC cable in both forest & non-forest land.
9. For laying of transmission line, RCC poles of 9 meters should be used as recommended by the REC.
10. The boundary of the forest land proposed for diversion, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, forward and back bearing and distance from adjoining pillars etc.
11. No labour camp shall be established on the forest land.
12. 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 for collection of firewood for their use.
13. It will be the responsibility of the User Agency to ensure that the labourers, staff engaged in construction activity do not damage the nearby forest flora and fauna.
14. The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area.
15. Width of Right of Way for the Transmission Line shall be limited to 7 m.

16. The User Agency shall install circuit breakers at suitable places besides maintaining necessary ground clearance to prevent electrocution of wild animals like elephant.
17. To minimize the felling of trees for construction of Transmission Line, User Agency shall comply with the following guidelines:
 - a) The normal width clearance below each conductor or conductor bundle in case of 11 KV line will be 3 m only. The trees on such strips may be felled but after stringing work is completed, the natural regeneration will be allowed to come up.
 - b) Outer strip may be left clear to permit maintenance of the Transmission Line.
 - c) In the remaining width of Right of Way felling/ pollarding/ pruning of trees will be done with the permission of the local Forest Officer whenever necessary to maintain the electrical clearance. Trees shall be allowed to be felled or lopped to the extent required, for preventing electrical hazards by maintaining the minimum 2.6 meter clearance between conductors and trees. The maximum sag and swing of the conductors are to be kept in view while working out the minimum clearance mentioned as above.
 - d) The Scheme for creation and maintenance of plantation of dwarf species (preferably Ber, sharifa) in Right of Way under the Transmission Line, as prepared by the State Forest Department shall be implemented from the funds provided by the User Agency and a scheme for this shall be submitted.
 - e) In case a portion of the Transmission Line to be constructed is located in hilly areas, where adequate clearance is already available, trees shall not be felled.
18. The lay out plan of the proposed forest land shall not be changed without prior approval of the Ministry of Environment, Forests and Climate Change.
19. The forest land proposed for diversion shall under no circumstances be transferred to any other agency, department or person without prior approval of the Ministry of Environment, Forest and Climate Change.
20. The forest land shall not be used for any purpose other than that specified in the proposal.
21. The State Government shall ensure that settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, has been complete in accordance with the Guidelines issued by the MoEF&CC in this regard.

22. The user agency and the State Government shall ensure compliance of provisions of all the Acts, Rules, Regulations and Guidelines, for the time being in force, which are applicable to the project.
23. Any other condition that the Ministry of Environment, Forests and Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.

After receipt of the compliance report on 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 effected by the State Government till formal order approving diversion of forest land is issued by the Central Government. To facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realised 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 20.08.2015 may be referred).

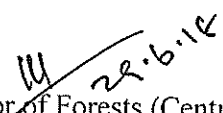
Yours faithfully,


(Vasanta Kiran Babu)

Dy. Conservator of Forests (Central)

Copy to:-

1. The Director, RO(HQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests, Forest Department, Govt. of Jharkhand, Doranda, Ranchi.
3. The PCCF & Nodal Officer, Forest Department, Govt. of Jharkhand, Doranda, Ranchi.
4. The Divisional Forest Officer, Hazaribagh West Forest Division, Hazaribagh.
5. The Electric Executive Engineer, Electric Supply Division, Hazaribagh - 825301.
6. Guard File.


Dy. Conservator of Forests (Central)