

F. No. 8-70/2018-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi - 110 003
Dated: 30th January, 2019

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

Sub: Diversion of 40.5084 ha. of forest land in favour of ADM- cum- Dy. DIR ADMN C/o ADM Office Bilaspur for the construction of proposed AIIMS at Kothipura, within the jurisdiction of Bilaspur Forest Division, District Bilaspur, State of Himachal Pradesh (Online Proposal No. FP/HP/DISP/35397/2018)-regarding.

Sir,

I am directed to refer to the PCCF (HoFF), Himachal Pradesh's letter No. Ft.48-3781/2018 (FCA) dated 16.08.2018, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Himachal Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord **"stage-I / In-principle"** approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 40.5084 ha. of forest land in favour of ADM- cum- Dy. DIR ADMN C/o ADM Office Bilaspur for the construction of proposed AIIMS at Kothipura, within the jurisdiction of Bilaspur Forest Division, District Bilaspur, State of Himachal Pradesh, subject to the following conditions:-

- i.** Legal status of the diverted forest land shall remain unchanged;
- ii.** *The User Agency shall manage the unused area within the diverted forest area as green cover, planting with local species in consultation with the State Forest Department;*
- iii.** *After dumping is completed, the proposed dumping sites shall be reclaimed in a phased manner and shall be kept as green cover at the cost of the user agency;*
- iv.** The Compensatory Afforestation shall be done over double degraded forest land to the forest area proposed to be diverted within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved plan in consultation with the State Forest Department at the cost of the user agency. At least 1000 saplings per hectares shall be planted over 82.00 ha.



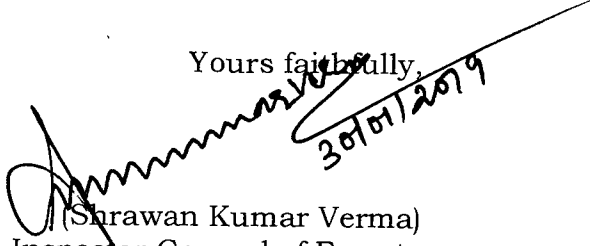
- v. The User Agency shall provide additionally 25% of the CA cost towards Soil and Moisture Conservation measures in the proposed CA area as per site requirement and the said amount may be deposited in the account of Ad-hoc CAMPA of the concerned State through **online e-portal only**;
- vi. The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- vii. 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;
- viii. 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;
- ix. **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;**
- x. At the time of payment on the Net Present Value (NPV) at the then prevailing 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;
- xi. The User agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- xii. Layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xiii. The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person;
- xiv. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xv. State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013 in support thereof;



- xvi.** The user agency shall provide 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;
- xvii.** Boundary of the forest land proposed to be diverted 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, distance from pillar to pillar and GPS co-ordinates;
- xviii.** 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;
- xix.** The user agency shall submit the annual self-compliance report in respect of the above conditions to the State Government, concerned Regional Office and this Ministry by the end of March of every year regularly; and
- xx.** The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, relevant Hon'ble Court Order (s) and National Green Tribunal (NGT) Order(s), if any, pertaining to this project for the time being in force, as applicable to the project.

3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Himachal Pradesh, final/stage-II approval for diversion of the proposed forest land under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the proposed forest land to the user agency shall not be effected by the State Government of Himachal Pradesh till final/stage-II approval for its diversion is issued by this Ministry.

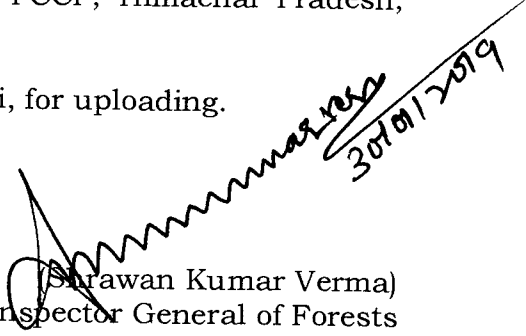
Yours faithfully,


(Shrawan Kumar Verma)

Dy. Inspector General of Forests

Copy to:-

1. The PCCF, Govt. of Himachal Pradesh, Shimla.
2. The Addl. PCCF (Central), Regional Office (North Central Zone), Dehradun.
3. The Nodal Officer (FCA), Forest Department O/o PCCF, Himachal Pradesh, Shimla.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.
6. Guard File.


(Shrawan Kumar Verma)

Dy. Inspector General of Forests