

1/7/198/2022



भारत सरकार / GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

एकीकृत क्षेत्रीय कार्यालय, भोपाल/ INTEGRATED REGIONAL OFFICE, BHOPAL

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F. No. 6-MPC 041/2020-BHO/

Date: 31 /01/2022

To,

The Principal Secretary (Forests)

Govt. of Madhya Pradesh,

Vallabh Bhawan

Bhopal.

Sub: **In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for diversion of 10.62 ha Reserved Forest land for construction of Pipariya Jasraj Minor Irrigation Tank Project in favour of Executive Engineer, Water Resources Division in Sagar District of Madhya Pradesh-reg.**

Sir,

This refers to letter No. F-3/95/2018/10-11/12/3480 dated 13/10/20 and even letter No. 4271 dated 21/12/2021 of PCCF(LM), Govt. of Madhya Pradesh 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 decision of Regional Empowered Committee in its 50th REC meeting on 26/10/2020, the **"In-principle approval"** of Central Government, is hereby conveyed for diversion of 10.62 ha Reserved Forest land for construction of Pipariya Jasraj Minor Irrigation Tank Project in favour of Executive Engineer, Water Resources Division in Sagar District of Madhya Pradesh, subject to the following conditions and stipulations.

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

- (1) The cost of compensatory afforestation on the **CA land (10.62 ha NFL)** 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) Non-forest land shall be transferred and mutated in favour of State Forest department and documents shall be submitted.
- (3) *The non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest/Protected Forest under Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. Copy of notification shall be submitted before Stage-II/Final approval.*
- (4) The State Government shall charge the Net Present Value (NPV) for the **10.62 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, 5-3/2007-FC dated 05/02/2009 & 5-3/2011-FC(Vol-I) dated 06/01/2022 in this regard.

- (5) *The State Govt. shall charge NPV as per MoEF&CC, New Delhi guideline No. 5-3/2011-FC(Vol-I) dated 06/01/2022.*
- (6) 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/>).
- (7) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (8) The KML files of diverted area and CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to Stage-II approval.
- (9) 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.
- (10) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

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:

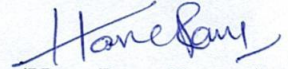
- (1) Legal status of the forest land shall remain unchanged.
- (2) Compensatory afforestation shall be taken up by the Forest Department over **10.62 ha (out of 16.10 ha) non-forest land** at Khasra No. 1334/1, Village-Madkhera Jagir, Tehsil-Sagar, District-Sagar at the cost of the user agency. As far 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) *The felling of trees shall be restricted to FRL-4 meter only 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 layout plan of the proposal shall not be changed without prior approval of Central Government.
- (7) No labour camp shall be established on the forest land.
- (8) 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.
- (9) The period of diversion under this approval shall be co-terminus with the period of the project life.

- (10) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (11) 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.
- (12) 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.

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

Yours faithfully,

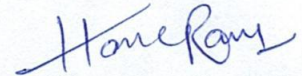


(Hare Ram Kumar)

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 PCCF-cum-Nodal Officer (LM), Forest Department, Satpura Bhawan, Bhopal, M.P.
3. The Divisional Forest Officer, Forest Division South Sagar, District-Sagar, Madhya Pradesh.
4. Executive Engineer, Water Resources Division No.1 Sagar, District-Sagar, Madhya Pradesh.
5. Order file.



(Hare Ram Kumar)

Technical Officer (Forestry)