

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
 Jor Bag Road, Aliganj,
 New Delhi – 110003
 Dated: 31st January, 2024

To,

The Principal Secretary (Forests),
 Government of Madhya Pradesh,
 Bhopal.

Subject: Proposal for diversion of 530.85 ha (instead of 505.5 ha) of forest land for Construction of Banda Irrigation project in favour of M/s Water Resources Department in Sagar District, Madhya Pradesh State (Online No. FP/MP/IRRIG/33882/2018) – regarding.

Madam/Sir,


I am directed to refer to the Additional Principal Chief Conservator of Forests (Land Management) & Nodal Officer, FCA, Govt. of Madhya Pradesh's letter No. F-3/97/2018/10-11/12/868 dated 03.03.2020 and letter No. F-3/97/2018/10-11/12/332 dated 20.01.2021 on the subject mentioned above seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid act. After careful consideration of the proposal by the Advisory Committee and with due approval of the Hon'ble Minister, Environment, Forest and Climate Change *Stage-I/In-principle* approval for the above mentioned proposal was granted vide this Ministry's letter of even no. dated 28.07.2021, subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the *in-principle* approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Madhya Pradesh vide letter No. F-3/97/2018/10-11/12/4010 dated 02.12.2021, letter no. F-3/97/2018/10-11/12/2232 dated 31.05.2023, letter No. F-3/97/2018/10-11/12/3485 dated 02.08.2023, letter No. F-3/97/2018/10-11/12/4449 dated 05.10.2023, letter no. F-3/97/2018/10-11/12/5218 dated 08.12.2023, letter No. F-3/97/2018/10-11/12/121 dated 05.01.2024 and letter No. F-3/97/2018/10-11/12/206 dated 09.01.2024 '**Stage-II/Final approval**' of the Central Government is hereby accorded under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 530.85 ha (instead of 505.5 ha) of forest land for Construction of Banda Irrigation project in favour of M/s Water Resources Department in Sagar District, Madhya Pradesh State, subject to the fulfillment of following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. In order to minimize the extent of forest land diversion arising out of the fact due to shifting of transmission lines, the State Govt. will ensure that the requirement of forest land should be bare minimum. State Government will also ensure that the '*fait accompli*' diversion proposal for shifting of transmission lines should not be passing over the non-forest land (NFL) pledged for Compensatory Afforestation;
- iii. The number of transmission lines shall not be more than four as proposed by the State government. Further, the forest land within the RoW of the transmission lines proposed


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- to be abandoned due to submergence (outside the submergence area, if any) shall be handed over back to the forest department once the transmission lines are shifted;
- iv. In order to prevent encroachment in the fringe forest areas of the rim of the reservoir and to reduce siltation of reservoir, the user agency with State Forest Department work out a mechanism of protection which will include appropriate afforestation of species which can tolerate water inundation in the fringe areas of the reservoir;
 - v. The user agency under guidance of Department of Forest, Madhya Pradesh shall take up adequate steps for the plantation of bamboos and development of Agroforestry in the villages surrounding the reservoir. Funds under the schemes of MoAFW, Govt of India may be utilized for the purpose;
 - vi. User agency shall ensure water discharge in downstream of the project to maintain minimum 'environmental flow';
 - vii. Compensatory Afforestation shall be raised over identified non-forest land 530.85 ha (which has been notified as Protected Forest under the relevant provisions of the Indian Forest Act-1927 by the State Government against this proposal vide notification no. F-25-07-2019-X-3 dated 10.05.2019, F-25-16-2019-X-3 dated 29.04.2019, F-25-20-2019-X-3 dated 29.04.2019, F-25-8-2019-X-3 dated 06.04.2019, F-25-17-2019-X-3 dated 30.04.2019, F-25-11-2019-X-3 dated 30.04.2019, F-25-19-2019-X-3 dated 22.04.2019, F-25-14-2019-X-3 dated 22.04.2019, F-25-18-2019-X-3 dated 13.05.2019, F-25-18-2019-X-3 dated 13.05.2019) within a period of three years with effect from the date of issue of Stage-II approval and maintained thereafter in accordance with the approved Plan in consultation with the Forest Department at the cost of the user agency. As far as practicable a mixture of local indigenous species will be planted and mono-culture of a species has to be avoided;
 - viii. The State Government shall ensure that the user agency implements the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones;
 - ix. The State Government shall ensure that compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard, before handing over of forest land to the user agency;
 - x. The State Government shall ensure that proposed forest land i.e. 530.85 ha shall be handed over to the user agency only when the user agency has acquired the required non-forest land, if any, for the project;
 - xi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
 - xii. The State Government shall ensure that the forest land located between FRL and the FRL-4 meters shall be afforested by planting appropriate indigenous tree species;
 - xiii. The User Agency shall ensure that forest area nearby shall not be encroached upon due to implementation of the project;
 - xiv. The User Agency shall ensure that during lean season (in reservoir draw-down condition) the forest areas diverted for submergence will not be used for agriculture;
 - xv. The User Agency shall take up afforestation activities all along the Reservoir/ Dam/Canal in consultation with the Forest Department;
 - xvi. The user agency shall ensure that water required for forestry activities in command area of the project will be provided to the State Forest Department free of charge;
 - xvii. No labour camps shall be set up inside the forest area. Labour management plan should be implemented with emphasis that no labour camp be set up in the close vicinity of the eco-fragile and sensitive areas;
 - xviii. The forest land shall not be used for any purpose other than that specified in the project proposal and under no circumstances be transferred to any other agency, department or person;
 - xix. Boundary of the forest land proposed to be diverted shall be demarcated on ground at


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- 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;
- xx. Felling of trees, if unavoidable on the forest land being diverted shall be reduced to the bare minimum and trees should be felled under strict supervision of the State Forest Department. Moreover, it shall be ensured that wherever possible maximum marked trees for felling should be translocated in consultation with the State Forest Department;
 - xxi. The User Agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
 - xxii. 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;
 - xxiii. The State Government shall maintain the character of the projects as an irrigation project and to ensure continued benefit to the farmers in the command area, no more diversion of water from the project for industrial projects will be permitted in future;
 - xxiv. The user agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
 - xxv. The layout plan of the proposal shall not be changed without prior approval of Central Government;
 - xxvi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work; 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;
 - xxvii. No damage to the flora and fauna of the area shall be caused;
 - xxviii. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the Consolidated Guidelines and Clarifications on Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 as issued by this Ministry's letter dated 29.12.2023;
 - xxix. 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 shall be carried out by the State Government and User Agency;
 - xxx. The State Government and User Agency shall ensure compliance of all conditions stipulated in the Stage-I approval letter of even number dated 28.07.2021 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, pertaining to this project for the time being in force, as applicable to the project.

Yours sincerely,


(Suneet Bhardwaj) 21/01/24

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Madhya Pradesh, Bhopal;
2. The Dy. DGF (Central), Regional Office, MoEF&CC, Bhopal;
3. The Nodal Officer (FCA), Department of Forest, Government of Madhya Pradesh, Bhopal;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi for uploading on PARIVESH portal.