

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

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi - 110003
Dated: 31st May, 2022

To

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

Sub: Diversion of 79.912 ha of Forest Land for construction of Kaith Medium Irrigation Project in favour of Water Resources Department, Sagar District, Madhya Pradesh State (Online No. FP/MP/IRRIG/28669/2017) -reg.

Madam/Sir,

I am directed to refer to the Government of Madhya Pradesh letter No. F-3/83/2017/10-11/12/840 Bhopal dated 21.03.2018 on the above mentioned subject, seeking prior approval of Central Government under Section-2(ii) of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act, '*In-principle /Stage – I*' approval to the proposal was accorded vide this Ministry's letter of even number dated **30.10.2018** subject to fulfillment of certain conditions prescribed therein. 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-3/83/2017/10-11/12/1125 dated 25.03.2022 and letter No. F-3/53/2016/10-11/5/1762 dated 20.05.2022 '*Final/Stage-II approval*' of the Central Government is hereby accorded under Section -2(ii) of the Forest (Conservation) Act, 1980 for diversion of 79.912 ha of Forest Land for construction of Kaith Medium Irrigation Project in favour of Water Resources Department, Sagar District, Madhya Pradesh State subject to fulfillment of the following conditions:

A: Conditions which need to be complied prior to handing over of forest land to user agency by the State Govt.:

- i. 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;


31/05/22

- ii. 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;
- iii. The State Government shall ensure that proposed forest land i.e. 79.912 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;
- iv. The State Government shall upload the KML files of the area under diversion and the accepted area for raising compensatory afforestation in the E-Green Watch portal of FSI, before handing over forest land to the user agency;

B: Conditions which need to be complied after handing over of forest land to the user agency by the State Govt.:

- i. Legal status of the forest land shall remain unchanged;
- ii. Compensatory Afforestation shall be done over identified non -forest land (NFL) equal 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 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;
- iii. The non-forest land transferred and mutated in favour of the State Forest Department for raising Compensatory Afforestation shall be notified as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act. The Nodal officer must report compliance within period of 6 month from the date of grant of final approval and send a copy of the notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927 or under the relevant section of the local Forest Act as the case may be, to this Ministry for information and record;
- iv. The State Government shall ensure that approved Catchment Area Treatment (CAT) Plan shall be implemented at the cost of user agency;
- v. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- vi. 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;
- vii. The User Agency shall ensure that forest area nearby shall not be encroached upon due to implementation of the project;
- viii. 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;
- ix. The User Agency shall take up afforestation activities all along the Reservoir/ Dam/ Canal in consultation with the Forest Department;
- x. 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;
- xi. No labour camps shall be set up inside the forest area. Labour management plan


31/05/22

should be implemented with emphasis that no labour camp be set up in the close vicinity of the eco-fragile and sensitive areas;

- xii. 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;
- xiii. 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;
- xiv. 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 the consultation of the State Forest Department;
- xv. 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;
- 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. 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;
- xviii. 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;
- xix. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xx. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xxi. 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;
- xxii. No damage to the flora and fauna of the area shall be caused;
- xxiii. The Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the para 1.21 of comprehensive guidelines issued vide this Ministry F. No.5-2/2017-FC dated 28th March, 2019;
- xxiv. 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;
- xxv. The State Government and User Agency shall ensure compliance of all conditions


11/05/22

stipulated in the Stage-I approval letter of even number dated 30.10.2018 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)

Assistant Inspector General of Forests

Copy to: -

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