

कार्यालय मुख्य वन संरक्षक/नोडल अधिकारी, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र०, लखनऊ।

पत्रांक:- 1665 / 11-सी-FP/UP/Disp/49674/2020, लखनऊ, दिनांक: नवम्बर 11, 2022

सेवा में,

अपर मुख्य सचिव,
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग,
उ०प्र० शासन, लखनऊ।

विषय:- जनपद-सोनभद्र के रेनुकूट वन प्रभाग के अंतर्गत पिपरी रेंज में नगर पंचायत रेनुकूट द्वारा जोकाही वन ब्लॉक, मुर्घवा दक्षिणी बीट कं०नं० 14अ में अस्पताल, विद्यालय, सामुदायिक भवन, पेयजल आपूर्ति हेतु पानी टंकी, आर०ओ० एवं शौचालय निर्माण हेतु प्रस्तावित 0.9594 हे० आरक्षित वनभूमि के गैर वानिकी प्रयोग एवं बाधक 65 वृक्षों के पातन की अनुमति के संबंध में।

संदर्भ:- उ०प्र० शासन का पत्रांक-2670 / 81-2-2022-800(15) / 2022टीसी, दिनांक 01.11.2022

महोदय,

उपरोक्त संदर्भित पत्र का अवलोकन करने की कृपा करें। उ०प्र० शासन के उपरोक्त संदर्भित पत्र के द्वारा विषयगत प्रकरण में भारत सरकार, पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय के दिशा-निर्देश सं०-11-9/98-एफसी, दिनांक 13.05.2011 वर्तमान में संभवतः प्रभावी नहीं है, के संबंध में प्रश्नगत प्रस्ताव की पोषणीयता/वैधानिकता के संबंध में संगत दिशा-निर्देश के साथ आख्या उपलब्ध कराने की अपेक्षा की गयी है।

उक्त के क्रम में अवगत कराना है कि उपरोक्त भारत सरकार का पत्र दिनांक 13.05.2011 एवं वन (संरक्षण) अधिनियम 1980 के अंतर्गत भारत सरकार, नई दिल्ली द्वारा दिनांक 28.03.2019 को निर्गत Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines & Clarifications) गाइडलाइन में LWE Districts से सम्बन्धित पैरा नं०-4.4 वर्तमान में प्रभावी नहीं है, किन्तु हैण्ड बुक के पैरा नं०-4.3 (छायाप्रति संलग्न) में निम्न उल्लेख किया गया है:-

4.3 Critical development initiatives for public:-

General approval for diversion of forest area for the development of following critical public utility and welfare projects undertaken by the Government:

- a. Schools/Educational Institutes;
- b. Dispensary/hospital;
- c. Electric and telecommunication lines;
- d. Drinking water;
- e. Water/rainwater harvesting structures;
- f. Minor irrigation canal;
- g. Non-conventional sources of energy;
- h. Skill up-gradation / vocational training center;
- i. Power sub stations;
- j. Communication posts;
- k. Construction/widening of roads including approach road to roadside establishments
- l. Upgradation/strengthening/widening of existing bridges by BRO
- m. Police establishments like police stations /outposts /border outposts /towers in sensitive areas (identified by Ministry of Home Affairs)
- n. Government approved community toilets partly or fully in forest lands involving not more than one-hectare subject to approval by GP in rural areas and urban bodies in urban areas, and
- o. Water mills

4.3.1 This approval, (in addition to general conditions mentioned above in para – 4.1) is subject to following conditions:

- (a) Area not more than one hectare, in each case.
- (b) The area shall not involve felling of more than 50 trees per/ha. In case the area to be diverted is less than 1 ha, then permissible tree felling limit, within the area to be diverted, shall be worked out proportionately. In any case, if the number of trees to be felled is less than 10, irrespective of the area to be diverted, within the limit of 1 ha, general approval will be applicable.
- (c) Monthly report by the Nodal Officer (Forest Conservation) shall be submitted to the concerned Regional Office by 5th of every month. In the event of failure, the exercise of power by the State/UT Government to grant such permission may be suspended by the Central Government for a specified period of time or till the information is submitted.
- (d) User Agency shall plant and maintain ten times the number of trees felled on the diverted land to maintain the green cover at the project cost. Planting site for the purpose will be identified by the State Forest Department (preferably in the surrounding area of the project). Indigenous forest tree species shall be used for such plantations. Trees, if planted on the diverted area, will not be felled without the permission of the State Forest Department. Trees, planted in surrounding area, will belong to State Forest Department.

विषयगत प्रकरण उपरोक्त हैण्ड बुक के पैरा-4.3 में दिये गये क्रियाकलापों के अंतर्गत प्रस्तावित है। अतः उपरोक्तानुसार आख्या सूचनार्थ एवं इस अनुरोध के साथ प्रेषित है कि कृपया विषयगत प्रकरण आवश्यक अग्रेत्तर कार्यवाही करने की कृपा करें।

संलग्नक: उपरोक्तानुसार।

भवदीय,


(अनुपम गुप्ता)

मुख्य वन संरक्षक/नोडल अधिकारी,
उ०प्र०, लखनऊ।

पत्रांक:- 1665 /11-सी-FP/UP/Disp/49674/2020, दिनांकित।

प्रतिलिपि:- निम्नलिखित अधिकारियों को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. मुख्य वन संरक्षक, मीरजापुर क्षेत्र, मीरजापुर।
2. प्रभागीय वनाधिकारी, रेनुकूट वन प्रभाग, रेनुकूट।
3. अधिशासी अधिकारी, नगर पंचायत, रेनुकूट-सोनभद्र।


(अनुपम गुप्ता)

मुख्य वन संरक्षक/नोडल अधिकारी,
उ०प्र०, लखनऊ।



- No tree felling is involved for the proposed work
- After completion of the project the area under RoW should be reclaimed suitably.
- UA agrees to make good any loss to Forest/Environment.
- The UA will seek permission from the local FD for carrying out any maintenance.
- In case, the proposed area falls in the RoW of the road passing through National Parks and Wildlife Sanctuaries, General Approval is subject to requisite permissions from the State Board for Wildlife shall be obtained.
- In case, the proposed area falls in the RoW of the road passing through Tiger Reserves, General Approval is subject to requisite permissions from the National Board for Wildlife/NTCA shall be obtained.

4.3 Critical development initiatives for public

General approval for diversion of forest area for the development of following critical public utility and welfare projects undertaken by the Government:

- a. Schools/Educational Institutes;
- b. Dispensary/hospital;
- c. Electric and telecommunication lines;
- d. Drinking water;
- e. Water/rainwater harvesting structures;
- f. Minor irrigation canal;
- g. Non-conventional sources of energy;
- h. Skill up-gradation / vocational training center;
- i. Power sub stations;
- j. Communication posts;
- k. Construction/widening of roads including approach road to roadside establishments
- l. Upgradation/strengthening/widening of existing bridges by BRO
- m. Police establishments like police stations /outposts /border outposts /towers in sensitive areas (identified by Ministry of Home Affairs)
- n. Government approved community toilets partly or fully in forest lands involving not more than one-hectare subject to approval by GP in rural areas and urban bodies in urban areas, and
- o. Water mills

4.3.1 This approval, (in addition to general conditions mentioned above in para – 4.1) is subject to following conditions:

- (a) Area not more than one hectare, in each case.
- (b) The area shall not involve felling of more than 50 trees per/ha. In case the area to be diverted is less than 1 ha, then permissible tree felling limit, within the area to be diverted, shall be worked out proportionately. In any case, if the number of trees to be felled is less than 10, irrespective of the area to be diverted, within the limit of 1 ha,

general approval will be applicable.

- (c) Monthly report by the Nodal Officer (Forest Conservation) shall be submitted to the concerned Regional Office by 5th of every month. In the event of failure, the exercise of power by the State/UT Government to grant such permission may be suspended by the Central Government for a specified period of time or till the information is submitted.
- (d) User Agency shall plant and maintain ten times the number of trees felled on the diverted land to maintain the green cover at the project cost. Planting site for the purpose will be identified by the State Forest Department (preferably in the surrounding area of the project). Indigenous forest tree species shall be used for such plantations. Trees, if planted on the diverted area, will not be felled without the permission of the State Forest Department. Trees, planted in surrounding area, will belong to State Forest Department.

4.4 Public infrastructure in LWE districts

4.4.1 Following 14 categories of public infrastructure works undertaken by the State Government in LWE affected districts, as notified by the Ministry of Home Affairs (MHA) from time to time, not falling in PAs, are given general approval in forest land upto 40 ha under Section – 2 (ii) of the FCA, 1980:

- a. Schools/Educational Institutes,
- b. Dispensaries/Hospitals,
- c. Electrical and Telecommunication Lines,
- d. Drinking Water,
- e. Water/Rain Water Harvesting Structures,
- f. Minor Irrigation Canal,
- g. Non-Conventional Sources of Energy,
- h. Skill up Gradation/Vocational Training Center,
- i. Power Sub-stations,
- j. Public roads (including quarrying of materials to be used),
- k. Communication Posts,
- l. Police establishments like Police Stations / Outposts / Border Outposts / Watch Towers in sensitive area (identified by Ministry of Home Affairs); and
- m. Underground optical fiber cables, telephone lines & drinking water supply lines.
- n. Setting up Medical Colleges by Government Departments

4.4.2 This General Approval is also applicable to projects in the LWE districts, identified by the MHA, requiring diversion of forest land not located within Protected Areas for construction of two-lane public roads irrespective of area of the forest land involved.

4.4.3 CA is applicable for all such proposals involving area upto 40 ha except for proposals upto 5 ha with less than 50 tree per ha. (For areas upto 5ha with less than 50 trees the provisions of planting as detailed in Section 3 of Chapter 2 shall be applicable).

4.4.4 However, all such proposals involving more than 5 ha and up to 40 ha and/or having more than 50 trees per ha shall be placed before the following Committee to be constituted by respective State Governments: