

कार्यालय प्रधान मुख्य वन संरक्षक, छत्तीसगढ़

अरण्य भवन, सेक्टर-19, नार्थ ब्लॉक, कैपिटल कॉम्प्लेक्स, अटल नगर, रायपुर - 492002

(अपर प्रधान मुख्य वन संरक्षक - भू-प्रबंध)

दूरभाष: 0771 - 2512840

ई - मेल: apccf-lm.cg@gov.in

क्र०/भू-प्रबंध/विविध/115-737/ 762

रायपुर, दिनांक 18/03/2019

प्रति,

अपर मुख्य सचिव
छत्तीसगढ़ शासन, वन विभाग
मंत्रालय, महानदी भवन
अटल नगर, रायपुर

विषय: - Diversion of 24.585 ha. of forest land in favour of NHAI, Bilaspur for Rehabilitation and Upgrading to 4 - lane with Paved Shoulder Configuration of Bilaspur - Katghora Section of NH-111 in Bilaspur District in the State of Chhattisgarh-reg.

पंजीयन क्रमांक - FP/CG/ROAD/28920/ 2017

संदर्भ:- यूजर एजेंसी, भारतीय राष्ट्रीय राजमार्ग प्राधिकरण का पत्र दिनांक 11.03.2019

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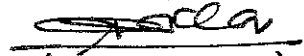
कृपया संदर्भित पत्र का अवलोकन करने का अनुरोध है (छाया प्रति संलग्न)।

पत्र के साथ क्षेत्रीय कार्यालय नागपुर द्वारा जारी प्रथम चरण की स्वीकृति का पत्र दिनांक 14.02.2019 यूजर एजेंसी द्वारा प्रेषित किया गया है। प्रथम चरण की स्वीकृति का पत्र छ.ग. शासन, वन विभाग को संबोधित है। इस पत्र को शीघ्र कार्यवाही हेतु मुख्य वन संरक्षक, बिलासपुर तथा वन मंडलाधिकारी, बिलासपुर को शर्तों के पालन हेतु इस कार्यालय से प्रेषित किया जाना है। अतः इस पत्र को छ.ग. शासन वन विभाग से प्रधान मुख्य वन संरक्षक कार्यालय को आगामी कार्यवाही हेतु ई.डी.एस सहित शीघ्र प्रेषित किये जाने का अनुरोध है।

वेब पर प्रथम चरण की स्वीकृति क्षेत्रीय कार्यालय द्वारा प्रदर्शित नहीं की गई है। अ.प्र.मु.व.सं (भू-प्रबंध) के पत्र दिनांक 22.12.2018 को राज्य शासन को पृष्ठांकित करते हुए राज्य शासन को जो ई.डी.एस दिनांक 24.12.2018 को किया गया था वह राज्य शासन द्वारा दिनांक 22.01.2019 को वापस इस कार्यालय में क्षेत्रीय कार्यालय के पत्र दिनांक 26.09.2018 को अपलोड करते हुए ई.डी.एस किया गया था।

चूंकि प्रकरण में प्रथम चरण की स्वीकृति प्राप्त हो चुकी है अतः अब क्षेत्रीय कार्यालय नागपुर के प्रथम चरण स्वीकृति की दिनांक 14.02.2019 के पूर्व के पत्रों पर कोई कार्यवाही की आवश्यकता नहीं है। वर्तमान में वेब पर ई.डी.एस प्रधान मुख्य वन संरक्षक, छत्तीसगढ़ के स्तर पर लंबित है जिसे राज्य शासन को दिनांक 14/3/19 को ई.डी.एस कर दिया गया है। टाईम लाईन की 01 पृष्ठीय छाया प्रति भी संलग्न है। क्षेत्रीय कार्यालय नागपुर को ई.डी.एस किये जाने जाने का अनुरोध है ताकि क्षेत्रीय कार्यालय नागपुर के द्वारा प्रथम चरण की स्वीकृति वेब पर प्रदर्शित की जा सके।

संलग्न:- संदर्भित पत्र एवं टाईम लाईन की छाया प्रति 13 पृष्ठीय


(अतुल कुमार शुक्ला)
अ.प्र.मु.व.सं (भू - प्रबंध/व.सं.अ)
छत्तीसगढ़



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

(Ministry of Road Transport & Highways, Govt. of India)

क्षेत्रीय कार्यालय, रायपुर, Regional Office, Raipur

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BHARATMALA
ROAD TO PROSPERITY

11606/RO-Raipur/Bilaspur-Pathrapali/Forest & Environment/2662

11.03.2019

To,

Shri Sanjay Shukla, IFS,
Nodal Officer,
& Land Management
Govt. of Chhattisgarh, Aranya Bhavan,
North Block, Sector-19, Atal Nagar,
Dist. Raipur, Chhattisgarh, India - 492015

Sub: Bilaspur-Pathrapali road project compliance of observation raised by RO, MoEF, Nagpur regarding stage-I clearance for diversion of 24.585Ha. Revenue forest land is still pending with DFO, Bilaspur.

Sir,

| Project Name Project Cost Posted by Posted on | Sponsoring Ministry | Description | Issues (Recipient)-Created Date Recipients Comments Decisions & Minutes |
|---|--------------------------------------|--|---|
| Bilaspur- Pathrapali INR 1025.21 Crores jsroads 22-01-2019 | Road Transport and Highways | 4-laning of Bilaspur- Pathrapali from 0.00 to 53.300 | Issue (Environment and Forests) -25-01-2019 Stage I Clearance order issues on 14/02/2019 but Proposal is not locked online. |

| S.no. | Date | Status |
|-------|--|---|
| 1 | 17.09.2018 | Proposal submitted for Stage-I clearance of 24.585 Ha. area by State Forest department to Regional Officer, MOEF Nagpur. |
| 2 | 26.09.2018 | Regional Officer, MOEF Nagpur vide letter dated 26.09.2018 raised 14 point observation & sought clarification. |
| 3 | 05.10.2018 | Compliance to observations raised by RO MOEF is complied by PIU Bilaspur that was subsequently forwarded by CCF, Bilaspur to APCCF, Raipur & then to Regional Officer, MOEF Nagpur on 16.10.2018. |
| 4 | 16.10.2018 | REC Meeting is conducted in Regional Office Nagpur on 17.10.2018 & Presentation is made by PIU Bilaspur. Further vide REC Meeting Agenda new observations were raised. |
| 5 | 13.11.2018 | PIU Bilaspur vide letter dated 13.11.2018 submitted reply to observations to DFO, Bilaspur that was again forwarded by CCF, Bilaspur to APCCF, Raipur on 16.11.2018. |
| 6 | 18.10.2018 (received on 24.11.2018) | In between RO, MOEF, Nagpur vide letter dated 18.10.2018 received in this office on 24.11.2018 through CCF, Bilaspur vide which 7 observations was forwarded. |

कॉर्पोरेट कार्यालय : जी - 5 एवं 6, सेक्टर - 10, द्वारका, नई दिल्ली - 110 075, वेबसाइट : <http://www.nhai.gov.in>

Corporate Office : G-5 & 6, Sector-10, Dwarka, New Delhi - 110075, Website : <http://www.nhai.gov.in>

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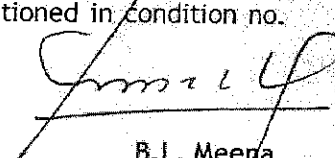
| | | |
|-----|------------|---|
| 7 | 29.11.2018 | PIU Bilaspur vide letter dated 29.11.2018 again submitted pointwise reply of the same to DFO, Bilaspur. DFO, Bilaspur vide letter dated 07.12.2018 forwarded compliance the observations to CCF, Bilaspur. CCF, Bilaspur forwarded the same to Nodal Officer, Raipur for further necessary action on 14.12.2018 |
| 8 | 24.12.2018 | Nodal Officer, Raipur submitted compliance to RO, MOEF, Nagpur on 24.12.2018. |
| 9 | 21.01.2019 | Regional Officer, MOEF vide their letter dated 21/01/2019 raised 4 observations pertaining to Forest Proposal. |
| 10. | 25.01.2019 | <p>However, 4 Observations were raised by Regional Officer, MOEF but REC committee for Forest proposal listed our project in Agenda for REC meeting dated 25/01/2019. Our proposal is discussed in REC meeting dated 25/01/2019 & REC committee circulated Minutes of Meeting on MOEF website www.parivesh.nic.in (copy attached).</p> <p>Para 5, Minutes of Meeting dated 25/01/2019 says: <i>"After detailed discussion and examination of the proposal, the Committee decided to approve the project under the Forest (Conservation) Act, subject to fulfilment of general and standard conditions and following additional conditions:</i></p> <ol style="list-style-type: none"> <i>State Government shall take appropriate action against the violation as per the provision of MoEF&CC's guideline dated 29.01.2018 and penal NPV shall be charged accordingly. A detailed report in this regard shall be submitted along with the compliance report.</i> <i>The Existing Carriageway in the forest area, in the patches corresponding to re-alignments, shall be dismantled and land shall be handed over back to the State Forest Department. A reclamation plan by planting suitable species of tress be prepared in consultation with the Forest Department and the amount so required will be deposited with the Forest Department by the user agency for taking up reclamation of the area. Exact extant of area to be recovered may be reported. A copy of plan so prepared shall be submitted to Regional Office, Nagpur."</i> <p>As per above MOM, It appears that Proposal is approved in Principle i.e. Stage-I clearance and later on Stage-I clearance letter is issue on 14/02/2019. Copy attached.</p> <p>Following is submitted for kind consideration:-</p> <ol style="list-style-type: none"> Initially 4 observations were given by letter dated 21/01/2019 (Copy attached) & this office submitted reply to DFO Bilaspur on 12/02/2019. It is further to mention that giving reply to observations is just a formality as on date in order to forward proposal to Regional Officer Nagpur for online locking the same, because Stage I clearance is already given duly incorporating these observations. Further, |

[Signature]

| | | |
|--|--|---|
| | | <p>Proposal must be locked by Regional Office, MOEF online so that payment to CAMPA fund may be made through online payment portal of MOEF. Till date proposal is also not locked at RO MOEF level. This office is facing a lot of problem in getting file moved through DFO Bilaspur because of his ignorance to such important work. This office pursued for continuous 14 days but no result to avail. Proposal needs to be locked online as early as possible. Both the observations related to Forest department. It is very surprising that Forest department is asking for reclamation of Forest land plan from User agency which is a job of Forest department. It is forest department to reclaim there land if any & prepare a plan, How can NHAI prepare a plan of forest department. At the end, it is also informed that Foundation stone for Bilaspur Pathrapali project is laid by Honourable Prime Minister of India on 22/09/2018.</p> |
|--|--|---|

2. It is submitted that condition to handing over site/forest land to Concessionaire M/s Adani Entreprises still pending on the part of NHAI/State Govt. so per day penalty is arriving on the head of NHAI @ about Rs 11.50 Lakh per day since 24.01.2019.
3. You are requested to issue necessary direction to DFO, Bilaspur/CCF, Bilaspur/Nodal Officer, Naya Raipur for submit the compliance of observation mentioned in condition no. (xxiii) MoEF, Nagpur letter no. 4979 dated 14.02.2019.

Thanking you,


B.L. Meena,
Regional Officer, Raipur (C.G.)

Encl.: As above.



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE

Regional Office (WCZ)
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apccfcentral-ngp-mef@gov.in

F.No. FC-II/CH-39/2018-NGP/4773

Dated: 14th February, 2019

To

The Principal Secretary (Forests),
Government of Chhattisgarh,
Forest Department,
Mantralaya, Mahanadi Bhavan,
New Raipur (CG)

Sub: Diversion of 24.585 ha of forest land in favour of NHAI, Bilaspur for Rehabilitation and Upgrading to 4- Lane with Paved Shoulder Configuration of Bilaspur - Katghora Section of NH-111 in Bilaspur District in the State of Chhattisgarh - regarding.

Sir,

I am directed to refer to the State Government of Chhattisgarh's letter no. F-5-31/2018/10-2 dated 18.09.2018 on the above subject seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 and Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh's letter no. Bhu. Prabandh/Vivadh/115-737/3462 dated 12.10.2018, Bhu. Prabandh/Vivadh/115-737/4218 dated 22.12.2018 and forwarding additional information as desired by Regional Office vide letters of even number dated 26.09.2018 and 18.10.2018 to say that the said proposal has been examined and approved by the Regional Empowered Committee constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords in-principle approval under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 24.585 ha of forest land in favour of NHAI, Bilaspur for Rehabilitation and Upgrading to 4- Lane with Paved Shoulder Configuration of Bilaspur - Katghora Section of NH-111 in Bilaspur District in the State of Chhattisgarh, subject to the fulfilment of the following conditions:

- Legal status of the diverted forest land shall remain unchanged;
- Compensatory afforestation over the degraded forest land, twice in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency 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 in this regard;
- At the time of payment of 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;
- All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred CAMPA through e-challan in the Savings Bank Account pertaining to the State concerned;

CSB/nc

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- vii. State Government shall take appropriate action against the violation as per the provisions of MoEF&CC's guideline dated 29.01.2018 and penal NPV shall be charged accordingly. A detail report in this regard shall be submitted along with the compliance report.
- viii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- ix. The boundary of the diverted forest land 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 and distance from pillar to pillar.
- x. The user agency shall arrange to raise strip plantation on either side of the road and central verge at project cost as per IRC specification, with maintenance of 7-10 years.
- xi. Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
- xii. The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.
- xiii. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
- xiv. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
- xv. The User Agency shall prepare and implement a comprehensive Soil Conservation Plan in the forest area being in consultation with the State Forest Department at the project cost. A Plan on the same shall be submitted along with the compliance report of the Stage-I approval.
- xvi. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water logging, and also does not hamper movement of wild animals.
- xvii. No labour camp shall be established on the forest land.
- xviii. The User Agency shall provide fuels, preferably 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.
- xix. The forest land shall not be used for any purpose other than that specified in the proposal.
- xx. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xxi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
- xxii. No damage to the flora and fauna of the adjoining area shall be caused.
- ✓ xxiii. The existing carriageway in the forest area in the patches corresponding to re-alignments shall be dismantled and land shall be handed over back to the State Forest Department. A reclamation plan by planting suitable species of trees be prepared in consultation with the Forest Department and the amount so required will be deposited with the forest department by the user agency for taking up reclamation of the area. Exact extent of area to be recovered may be reported. A copy of plan so prepared shall be submitted to Regional Office, Nagpur.
- xxiv. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- xxv. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna whose nesting trees are to be cleared in this project. Bird's nests

Change

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artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

- xxvi. Complete compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 shall be submitted in accordance with the provisions of the MoEF&CC's Guidelines dated 5.07.2013 and documentary evidences in support of settlement of rights as stipulated in clause (a) of the Form-I annexed to the MoEF&CC's advisory dated 5.07.2013 viz. copies of records of meetings and consultations with the Forest Rights Committee(s), Gram Sabha(s), Sub-Divisional Level Committee shall be submitted before Stage-II approval.
- xxvii. The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;
- xxviii. The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year;
- xxix. 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;
- xxx. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project; and
- xxxi. Grant of working permission to the extant proposal may be considered by the State Government in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 28.08.2015.

After receipt of a satisfactory compliance report from the State Government in respect of conditions no (iii), (iv), (vi), (vii), (xv), (xxiii), (xxv), (xxvi) and undertakings in respect of all other conditions, duly authenticated by the competent authority in the State Government, the proposal will be considered for grant of Stage-II approval under the Forest (Conservation) Act, 1980.

Yours faithfully,



(Dr. E. Arockia Lenin)
Scientist 'C'

Copy to:

1. The PCCF, Government of Chhattisgarh, Raipur
2. The Nodal Officer (FCA), O/o of the PCCF, Government of Chhattisgarh, Raipur
3. Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi
4. User Agency.
5. Guard File.



(Dr. E. Arockia Lenin)
Scientist 'C'



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority Of India

(Ministry of Road Transport and Highways, Govt. of India)

कार्यालय परियोजना निदेशक, परियोजना कार्यान्वयन इकाई, बिलासपुर

Office of Project Director Project Implementation Unit, Bilaspur

डी-81, एच.आई.जी-1, अभिलेख परिसर, जवाहर स्टेशन के पीछे बिल्डिंग, बिलासपुर (ए.ए.)

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भारतमाला
कर्मि के बाप का कर्म

13013/3/2018/PD-BSP/BSP-KATGHORA/FOREST/328]

Date: 12/02/2019

To,

Divisional Forest Officer
Bilaspur

Sub.- 4-laning of Bilaspur to Pathrapali from Km.0+000 to Km.53+300 (Package-I) section of NH-111 (New NH-130) in the State of Chhattisgarh in the State of Chhattisgarh under Hybrid Annuity Mode - Diversion of Forest Land in the Bilaspur Forest Division for Rehabilitation and Upgrading to 4- Lane with paved shoulders configuration of Bilaspur- Katghora Section of NH-111 in the State of Chhattisgarh - Compliance to observation Reg.

Ref.- 1. Regional Office, MOEF, Nagpur letter No.4804 dated 21/01/2019.

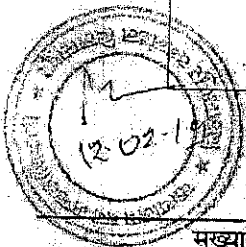
2. MOM for Item No 02 uploaded on Ministry of Environment, Forests & Climate Change website for 44th REC Meeting held on 25/01/2019.

Sir,

Please take reference of Regional Office, MOEF, Nagpur letter No.4804 dated 21/01/2019 & 44th REC Meeting Minutes uploaded on Ministry of Environment, Forests & Climate Change website www.parivesh.nic.in. On going through the same, it is noted that 4 observations were initially raised & further 2 observations related to FRA & CB analysis is dropped in MOM.

2. Accordingly, Point-wise reply to observations raised vide Regional Office, MOEF, Nagpur letter dated 21/01/2019 is produced as below:-

| Sl no | Observation | Reply |
|-------|---|--|
| (i) | It has been observed that old road has been laid after the commencement of FCA, 1980 and without the prior approval of Central Government; hence the instant case may be considered as violation of FCA, 1980 and accordingly State Government may asked for submission of chronological details of construction/upgradation of instant road. | This office has enquired into detail with PWD & PWD (NH Wing) to know when the Road was actually laid for the first time. On Enquiry from PWD it is noted that Road existed on the section since 1932 i.e from British time. During scrutiny of documents, detailed design of culverts/bridges was found to be as old as 1932. Further Regional Officer, NHAI & PIU Bilaspur vide their letters dated 17/01/2019 & 21/01/2019 asked whether the road was laid prior to 1980 or after 1980. Executive Engineer vide letter no 692 dated 23/01/2019 informed that The Road is bituminous overlaid even before 1980 & is presently a National Highway. Executive Engineer of PWD is an Officer who generally is Head of Field units & Signing Authority and is competent & delegated with enough powers to make such comments. Hence, There is no such violation of Forest Conservation Act 1980. The area under existing road is taken into account just because it is still reflected as revenue forest land in records & something that has been left unchanged in records either due to mistake or negligence does not mean this office will do the same. NHAI acted very honestly by applying for converting all such land left out/not converted to construction prior to 1980. Further, removing them from list will cause financial loss to MoEF. |



Signature

मुख्यालय : जी-5 एवं 6, सेक्टर-10 द्वारका, नई दिल्ली - 110075, दूरभाष : 011-25074100 / 200

H.Q. : G-5&6, Sector-10 Dwarka, New Delhi-110075, Telephone No. : 011-25074100 / 200

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| | | |
|-------|---|---|
| | | <p>in terms of CA & NPV. This settles the issue of construction of road & timeline thereof. Details attached as Annexure-I.</p> |
| (ii) | <p>It has been mentioned that realignments are proposed over 6 places and total area under realignment is 4.586 ha. The reclamation plan of left out 4.586 ha may be asked from the State Government.</p> <p>Later on this observation is modified to :- The Existing Carriageway in the forest area, in the patches corresponding to re-alignments, shall be dismantled and land shall be handed over back to the State Forest Department. A reclamation plan by planting suitable species of trees be prepared in consultation with the Forest Department and the amount so required will be deposited with the Forest Department by the user agency for taking up reclamation of the area. Exact extent of area to be recovered may be reported. A copy of plan so prepared shall be submitted to Regional Office, Nagpur.</p> | <p>As per opinion of this office, Existing carriageway in Realignment parts can not be dismantled because it will directly affect right to road access for local public residing on the sides of existing Road. State government is duty bound to provide road access to these people. Details of all such people alongwith their locational chain age, name(s) & contact information is hereby attached as Annexure-II.</p> |
| (iii) | <p>Examination of revise submitted compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 revealed that Gram Sabha Resolutions/Forest Rights Committee (s) proceedings has been submitted for 17.4688 ha area under 12 Gram Sabhas. Gram Sabha Resolutions/Forest Rights Committee (s) proceedings for entire 24.585 ha needs to be submitted.</p> | <p>In this regard, Please take reference of MOEF circular dated 05/02/2013 vide which it is conveyed that "Accordingly, I am directed to say that proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for projects like construction of roads, canals, laying of pipelines/ optical fibres and transmission lines etc. where linear diversion of use of forest land in several villages are involved, unless recognised rights of PTG/ PAC are being affected, are exempted from the requirement of obtaining consent of the concerned Gram Sabha(s) as stipulated in Clause (c) read with Clause (b), (e) and (f) in second para of this Ministry's said letter dated 03.08.2009."</p> <p>Hence, In case of linear projects Concerned District Magistrate checks whether recognized rights of PAC/PTG on Forest patches is affected or not. If not then, A certificate from District Collector is sufficient to meet the requirement of Forest Rights Act 2006.</p> <p>In our case, Due to lack of knowledge of this circular, this office carried out Gram Sabha(s) hence keep on forwarding the same.</p> <p>It is to inform District Magistrate alongwith other Zila Panchayat Members, Commissioner Tribal has already recorded in meeting dated 13/08/2018 (copy enclosed) vide para 5 that No forest rights certificate is issued to affected survey number of revenue forest. Thereafter a</p> |

proceeds

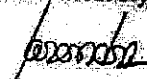
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| | | <p>certificate in the format prescribed by MOEF is issued by District Magistrate on 14/08/2018. (copy enclosed). Further, MOEF vide letter dated 03/12/2018 exempted from completion of settlement of Forest Rights as pre-condition for In Principle approvals. This settles the issue of FRA 2006. Details attached as Annexure-III.</p> |
| (iv) | <p>Revised CB analysis has been submitted and examination of same revealed that benefits in terms of no. of population benefited due to project have not converted in monetary term.</p> | <p>MOEF vide circular dated 01/08/2017 issued detailed guidelines for CB analysis wherein the observation raised i.e. no. of population benefited due to project have not converted in monetary term is reflected in Table C. Table C clearly indicates, what is supposed to be converted to monetary term & what no. For eg SI no 1 & 2, 4 & 5 clearly indicates/asks of monetary terms/economic benefits but in si no 3, it is written that no. of population benefited due to project. On plain reading it just asks for Number of Population benefited, Not financial/monetary benefits to such populations. Further SI no 1 & 2, 4 & 5 detailed methodology for calculation is also given but there is nothing like it for SI no 3. Further, For a Government project for Public benefit, Point No 3, subsumes benefits for all other points at SI no 1 & 2, 4 & 5 i.e. Financial benefits due to SI no 3 = Financial benefits due to sum of SI no 1 & 2, 4 & 5. That makes point no 3 redundant, repetitive in nature. Further, Even if it is desired then it may be treated as NIL by default because we have not added any financial value for this segment. Further, Our CB analysis clearly shows that whether we add any further economic benefits or not, it is not going to affect CB analysis as it already greater than 4. Which makes project viable/towards benefits because value of benefit for si no 3 can not be less than Zero so it will just add up to the project benefit side which is already much more than the requirement. This settles the issue of CB analysis. MoEF circular attached as Annexure-IV.</p> |

3. Above is submitted for your kind information & necessary action.

Thanking you.

Enclosures:- As above.

Yours sincerely,



Project Director
PIU, Bilaspur

Copy for information & necessary action to:-

1. Nodal Officer/APCCF (Land Management), Aranya Bhavan, State Forest Department, Raipur.
2. Regional Officer, Raipur, Chhattisgarh, NHAI.



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE

unofficial copy

Regional Office (WCZ)
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apccfcentral-ngp-mef@gov.in

F. No. FC-WCH-89/2018-NGP/4804

Dated: 21st January, 2019

To,
The Principal Secretary (Forests),
Government of Chhattisgarh,
Forest Department,
Mantralaya, Mahanadi Bhavan,
New Raipur (CG).

Sub: Diversion of 24,585 ha of forest land in favour of NHAI, Bilaspur for Rehabilitation and Upgrading to 4-Lane with Paved Shoulder Configuration of Bilaspur - Katghora Section of NH-111 in Bilaspur District in the State of Chhattisgarh - regarding.

Sir,

I am directed to refer to the Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh's letter no. क्र. ३१-प्रबंध/विविध/115-737/4218 dated 22.12.2018 forwarding additional information as desired by Regional Office vide letter dated 18.10.2018 and to say that examination of compliance report dated 22.12.2018 in Regional Office (WCZ), Nagpur following has been revealed:

- It has been observed that old road has been laid after the commencement of FCA, 1980 and without the prior approval of Central Government; hence the instant case may be considered as violation of FCA, 1980 and accordingly State Government may asked for submission of chronological details of construction/upgradation of instant road.
- It has been mentioned that realignment is proposed over 6 places and total area under realignment is 4,586 ha. The reclamation plan of left out 4,586 ha may be submitted by the State Government.
- Examination of revise submitted compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 revealed that Gram Sabha Resolutions/Forest Rights Committee (s) proceedings has been submitted for 17,4688 ha area under 12 Gram Sabhas. Gram Sabha Resolutions/Forest Rights Committee (s) proceedings for entire 24,585 ha needs to be submitted.
- Revised CB analysis has been submitted and examination of same revealed that benefits in terms of no. of population benefited due to project have not been converted in monetary term. Revised CB analysis duly converting all parameters in to monetary terms may be submitted by State Government.

In view of the above, the State Government is requested to submit the complete information as mentioned above, to this Ministry for further necessary action in the matter.

Yours faithfully,

(NK Dimri)
(NK Dimri)

Technical Officer (Gr-I)

Copy to:

- The PCCF, Government of Chhattisgarh, Raipur.
- The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh, Raipur.
- User agency.
- Guard file

(NK Dimri)

(NK Dimri)

Technical Officer (Gr-I)

- ix. Committee further noted that Regional Office vide letter dated 8.01.2019 requested information of certain shortcomings from the State Government and reply of same is awaited. Committee further opined that reply should be submitted to Regional Office and same may be placed before Committee after examination.
2. The Committee, after detailed examination and discussion, decided that proposal may again be placed before the Committee, after receipt of reply from the State Government on the observation of the Regional Office vide letter dated 8.01.2019.

AGENDA ITEM No. 2

FC-III/CH-89/2018-NGP

Sub: Diversion of 24.585 ha of forest land in favour of NHAI, Bilaspur for Rehabilitation and Upgrading to 4- Lane with Paved Shoulder Configuration of Bilaspur - Katghora Section of NH-111 in Bilaspur District in the State of Chhattisgarh.

1. The Committee considered the above mentioned proposal and various facts related to proposal as presented in the factsheet prepared by the Regional Office and in the proposal submitted by the State Government. The representatives of the User Agency were also present in the meeting.
2. Committee further noted that proposal was earlier placed before the REC in its meeting held on 16.10.2018 and the Committee decided that project should be again placed before Committee after receipt of information on shortcomings noted by the Committee in meeting dated 16.10.2018.
3. Committee further noted that, as per the information submitted by the State Government, the area under existing road has also been included in the proposed diversion area. As the old road has been laid after the commencement of FCA, 1980 and without the prior approval of Central Government, the Committee observed that the instant case should be considered as violation of FCA, 1980 and accordingly, Committee advised that State Government should take action as per the MoEF & CC advisory dated 29.01.2018 against the violations.
4. Committee further noted that realignments are proposed over 6 places and total area under realignments is 4.586 ha. Committee further opined that the left out forest area of old road due to realignment should be dismantled and rehabilitated at cost of User Agency and a reclamation plan of left out area under old road should be submitted by State Government, along with the exact extent of the area.
5. After detailed discussion and examination of the proposal, the Committee decided to approve the project under the Forest (Conservation) Act, subject to fulfilment of general and standard conditions and following additional conditions:
 - i. State Government shall take appropriate action against the violation as per the provisions of MoEF&CC's guideline dated 29.01.2018 and penal NPV shall be

Kamraj Singh

(11)

charged accordingly. A detail report in this regard shall be submitted along with the compliance report.

- ii. The existing carriageway in the forest area, in the patches corresponding to re-alignments, shall be dismantled and land shall be handed over back to the State Forest Department. A reclamation plan by planting suitable species of trees be prepared in consultation with the Forest Department and the amount so required will be deposited with the forest department by the user agency for taking up reclamation of the area. Exact extent of area to be recovered may be reported. A copy of plan so prepared shall be submitted to Regional Office, Nagpur.

AGENDA ITEM NO. 3

FC-III/CH-36/2018-NGP

Sub: Prospecting of Minerals from 63 bore holes over 1017.363 ha. Forest land in Kerwa Coal Block in favour of Chhattisgarh Mineral Development Corporation Ltd., Raipur in the State of Chhattisgarh.

1. The Committee considered the above mentioned proposal and various facts related to proposal as presented in the factsheet prepared by the Regional Office and in the proposal submitted by the State Government. The representatives of the User Agency were also present in the meeting. After examination of the proposal and interaction with the representatives of the User Agency, the Committee noted as under:
 - i. Committee noted that proposal envisages prospecting of minerals from 63 bore holes over 1017.363 ha of Forest land in favour of Chhattisgarh Mineral Development Corporation Ltd., Raipur in the State of Chhattisgarh. The total forest area proposed for prospecting is 1017.363 ha. Further, it has been mentioned that 63 bore holes are proposed for prospecting.
 - ii. Committee considered the proposal in lights of provisions of MoEF&CC's revised guidelines dated 24.12.2018, issued for stipulating the norms for Prospecting of ores/minerals in forest land.
 - iii. Representative of User Agency apprised Committee that previously area has been explored in 1998-2000 by Geological Survey of India, Kolkata.
 - iv. Committee further noted that total area of mining lease is 1112.936 ha, out of which 1017.346 ha is Forest Land and 95.573 ha is non forest land. Further, representatives of User Agency apprised Committee that legal status of 331.190 ha is Protected Forest and 686.174 is un-surveyed area and considered as forest land. Committee however noted that in online submitted Part-II the legal status of forest land has only mentioned as Protected Forest, further, Committee desired comments from State Government in this regard.

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TimeLine Details

Proposal received date at each stage of flow.

A. General Details

(i). Proposal No. : FP/CG/ROAD/28920/2017

(ii). Name of Project for which Forest Land is required : Rehabilitation and Upgrading to 4- Lane with paved shoulders configuration of Bilaspur- Katghora Section of NH-111 in the State of Chhattisgarh. Package-I Bilaspur to Pathrapali (0+00 to 53+300)

(iii). Short narrative of the proposal and Project/scheme for which the forest land is required : Rehabilitation and Upgradation to 4-lane with paved shoulders configuration of Bilaspur - Katghora section of NH-111 (New NH-130) (Bilaspur to Pathrapali Package-I) in the state of Chhattisgarh has been taken up. The project corridor forms one of the important arterial highways in the National Highway

(iv). State : Chhattisgarh

(v). Category of the Project : Road

(vi). Shape of forest land proposed to be diverted : Linear

(vii). Area of forest land proposed for diversion(in ha.): 24.585

B. Time Line

| Proposal No. | Submitted by User Agency | Query for Shortcoming(if any) by Nodal Officer | Resubmission of Proposal by User Agency | Query by Nodal Officer for submitting Hard Copies | Uploading by U.A.) of copies of receipt received from DFO & DC | Division | Circle | Nodal Office | State Government | Stage-I Approval on | Stage-II Approval on |
|-----------------------|--------------------------|--|--|---|--|----------------------|------------------------------------|-------------------------|--------------------------|---------------------|----------------------|
| FP/CG/ROAD/28920/2017 | 28/08/2017 | 31/01/2018 01/01/2018 23/11/2017 14/09/2017 | 31/05/2018 24/01/2018 27/12/2017 27/10/2017 | 05/06/2018 | 06/06/2018 | Bilaspur :13/06/2018 | Bilaspur(CG) 28/07/2018 (Bilaspur) | Chhattisgarh 25/08/2018 | Chhattisgarh: 01/09/2018 | | |

C. Essential Details Sought History

| Communication between Regional Office & State Government | Communication between State Government & Nodal Officer | Communication between Nodal Officer & Circle | Communication between Circle & Division | Communication between Division & User Agency |
|--|---|--|--|--|
| Query raised by Regional Office (Nagpur) on: 27/09/2018 | Query raised by State Government (Chhattisgarh) on: 01/10/2018 Replied by Nodal Officer (Chhattisgarh) on: 16/10/2018 Query raised by State Government (Chhattisgarh) on: 16/11/2018 Replied by Nodal Officer (Chhattisgarh) on: 24/12/2018 Query raised by State Government (Chhattisgarh) on: 22/01/2019 | Query raised by Nodal Officer (Chhattisgarh) on: 06/10/2018 Replied by Circle(Bilaspur(CG)) on: 15/10/2018 Query raised by Nodal Officer (Chhattisgarh) on: 24/11/2018 Replied by Circle(Bilaspur(CG)) on: 21/12/2018 | Query raised by Circle (Bilaspur(CG)) on: 03/08/2018 Replied by DFO (Bilaspur) on: 24/08/2018 Query raised by Circle (Bilaspur(CG)) on: 09/10/2018 Replied by DFO (Bilaspur) on: 12/10/2018 Query raised by Circle (Bilaspur(CG)) on: 26/11/2018 Replied by DFO (Bilaspur) on: 14/12/2018 | Query raised by DFO (Bilaspur) on: 27/07/2018 Replied by UA on : 27/07/2018 Query raised by DFO (Bilaspur) on: 28/07/2018 Replied by UA on : 28/07/2018 Query raised by DFO (Bilaspur) on: 22/08/2018 Replied by UA on : 24/08/2018 Query raised by DFO (Bilaspur) on: 09/10/2018 Replied by UA on : 09/10/2018 Query raised by DFO (Bilaspur) on: 29/11/2018 Replied by UA on : 29/11/2018 |

NOTE:- Proposal is pending at Nodal Officer due to EDS raised by Regional Office.

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