

कार्यालय उप वन संरक्षक धौलपुर

क्रमांक:- एफ15 () एफसीए/उ.व.सं./2024/ 7541

दिनांक:-

निमित्त,

स्मरण पत्र

30/16/12/24

अधिकाारी अभियन्ता

सार्वजनिक निर्माण विभाग

खण्ड बाडी जिला धौलपुर

विषय:- construction of bt road from sirmathura jhiri road 9/0 to mallpura village, under RRSMP scheme funded by the world bank in state of rajasthan (FP/RJ/ROAD/15972/2015)

संदर्भ:- इस कार्यालय के पत्रांक 4705 दिनांक 06.07.2022 , 758 दिनांक 22.08.2022, 3058 दिनांक 10.06.2024 एवं पत्रांक 3550 दिनांक 09.07.2024 के क्रम मे।

महोदय,

उपरोक्त विषयान्तर्गत लेख है कि सन्दर्भित पत्रों द्वारा आपसे पालना रिपोर्ट चाही गई थी, जो कि आज दिनांक तक अप्राप्त है। आपको पुनः इस पत्र के साथ अतिरिक्त प्रधान मुख्य वन संरक्षक , प्रोटेक्शन एवं नोडल अधिकारी , एफसीए राजस्थान जयपुर के पत्र क्रमांक एफ 14 () 2015 /एफसीए /1058-59 दिनांक 20.03.2020 एवं भारत सरकार पर्यावरण मंत्रालय नई दिल्ली के पत्रांक एफ नं0 11-42/2017-एफ सी दिनांक 29.01.2018 की छायाप्रति संलग्न कर भिजवायी जा रही है। उक्त पत्र एव संलग्न छायाप्रति के अनुसार पालना रिपोर्ट प्रेषित करें ताकि इसमे अग्रिम कार्यवाही की जा सके।

संलग्न:- उपरोक्तानुसार

(वी. चेतन कुमार)
उप वन संरक्षक
धौलपुर

क्रमांक:- एफ15 () एफसीए/उ.व.सं./2024/ 7542

दिनांक:- 16/12/24

प्रतिलिपि:- निम्नांकित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. श्रीमान मुख्य वन संरक्षक , भरतपुर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है ।

उप वन संरक्षक
धौलपुर

कार्यालय प्रधान मुख्य वन संरक्षक (HoFF) राजस्थान, जयपुर

दिनांक:

क्रमांक: एफ14()2015/एफसीए/प्रमुवसं/

मुख्य वन संरक्षक
भरतपुर।

विषय:—Diversion of 4.2703 ha. of forest land in favour of Executive Engineer, Public Works Department, Bari, Dholpur for construction of BT Road from Sone ka Gurja road km 16/100 to Indora village, Tehsil Sirmathura, District-Dholpur (Rajasthan). Under RRSMP scheme funded by the World Bank.

संदर्भ:—भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय (मध्यक्षेत्र) लखनऊ का पत्र क्रमांक 8 वी/ राज/06/05/2020/एफसी/563 दिनांक 20.02.2020

महोदय,

उपरोक्त विषयान्तर्गत संदर्भित पत्र की प्रति संलग्न प्रेषित कर लेख हैं कि चाही गई सूचना अपने उप वन संरक्षक, धौलपुर एवं अधिशासी अभियंता, सार्वजनिक निर्माण विभाग, खण्ड-बाड़ी से प्राप्त कर शीघ्र ही इस कार्यालय को भिजवायें, ताकि वांछित सूचना भारत सरकार को भिजवायी जा सकें।

संलग्न:—उक्तानुसार।

भवदीय,

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(डॉ. गोविन्द सागर भारद्वाज)
अति० प्रधान मुख्य वन संरक्षक,
प्रोटेक्शन एवं नोडल अधिकारी एफसीए,
राजस्थान, जयपुर

क्रमांक: एफ14()2015/एफसीए/प्रमुवसं/ 1058-59

दिनांक: 20-3-20

प्रतिक्रिया:—निम्नांकित को उक्त संदर्भित पत्र की प्रति सहित सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:—

1. उप वन संरक्षक, धौलपुर।
2. अधिशासी अभियंता, सार्वजनिक निर्माण विभाग, खण्ड-बाड़ी।

संलग्न:—उक्तानुसार।

(पी. सी. कुमावत)

उप वन संरक्षक (एफ.सी.ए.)
अरण्य भवन, जयपुर



भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
क्षेत्रीय कार्यालय (मध्य)
Ministry of Environment, Forest and Climate Change
Regional Office (Central Region)



केन्द्रीय भवन, पंचम तल, सेक्टर-एच, अलीगंज, लखनऊ-226024
Kendriya Bhawan, 5th Floor, Sector-H, Allganj, Lucknow- 226024, Telefax: 2326696, 2324340, 2324047, 2324025
Email: (Env.) m_env@rediffmail.com, (Forest) goimoefroiko@gmail.com

File No. SB/Raj/06/05/2020/FC/563

Date: 20-02-2020

सेवा में,

शासन सचिव(वन),
राजस्थान सरकार,
जयपुर, राजस्थान।

Online Proposal No: FP/Rj/Road/16024/2015

विषय: Diversion of 4.2703 ha. of forest land in favour of Executive Engineer, Public Works Department, Bari, Dholpur for construction of BT Road from Sone ka Gurja road km 16/100 to Indora village, Tehsil-Sirmathura, District-Dholpur (Rajasthan). Under RRSMP scheme funded by the World Bank.

सन्दर्भ: शासन सचिव (वन), राजस्थान का पत्रांक-प.1(53)वन/2019, जयपुर, दिनांक-14.11.2019.

महोदय,

उपरोक्त विषय पर संदर्भित पत्र का आशय ग्रहण करने का कष्ट करें जिसके माध्यम से राज्य सरकार द्वारा विषयांकित प्रस्ताव पर केन्द्र सरकार की वन (संरक्षण) अधिनियम, 1980 की धारा(2) के तहत स्वीकृति माँगी गयी है।

प्रस्ताव पर विचारोपरान्त मुझे आपको सूचित करने का निर्देश हुआ है कि राज्य सरकार निम्न बिन्दुओं पर आवश्यक सूचना प्रस्तुत करें-

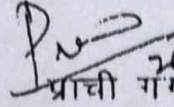
- 1- State Government should submit valid reasons and exceptional circumstances apt to justify condonation.
- 2- The penalty for violation shall be calculated as per the guidelines dated 29-01-2018.
- 3- Since the proposal involves construction of a new road, CA needs to be done on equivalent non forest land. Accordingly, revised CA scheme and all othe related documents needs to be submitted.

भवदीया

प्राची गंगवार,
उप वन महानिरीक्षक (केन्द्रीय)

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित-

1. मुख्य वन संरक्षक (वन संरक्षण) एवं नोडल अधिकारी, वन विभाग, अरण्य भवन, झालाना इंस्टिट्यूशनल एरिया, जयपुर, राजस्थान।
2. प्रभागीय वनाधिकारी, धौलपुर, राजस्थान।
3. अधिशासी अभियंता, पी०डब्ल्यू०डी० डिवीजन, धौलपुर, राजस्थान।
4. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय, लखनऊ को वेबसाइट पर अपलोडिंग हेतु/आदेश पत्रावली।


20/07/2021

प्राची गंगवार,
उप वन महानिरीक्षक (केन्द्रीय)

89/

F. No. 11-42/2017 - FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryaravan Bhawan,
Aliganj, Jorbhagh Road,
New Delhi - 110003

Dated: 27th January, 2018

To
The Principal Secretary (forests)
All States/Union Territory Governments

Sub: Activities which constitutes violations of provisions of Forest Conservation Act 1980 and rules made thereof and guidelines issued in this behalf, by user agencies and quantum of penalty to be imposed -regarding common guideline to be followed by FAC/REC while considering the proposal under FC Act 1980.

Sir,

I am directed to invite your kind attention that the Forest Advisory Committee (FAC), constituted under Section 3 of the Forest Conservation Act 1980, while discussing proposals submitted under FC Act 1980, in its meeting held on 25.04.2017 noted with great concern somewhat inconsistent approach adopted by different Regional Empowered Committees of MoEF&CC and FAC itself in case of violations committed by user agencies of forest land in contravention of the provisions of Forest Conservation Act, 1980 and consequently recommending monetary penalty such as penal CA and penal NPV etc. in addition to mandatory compensatory levies. It was observed that the decisions to classify certain activities undertaken by the user agencies as violation and quantum of penalty imposed therein for the similar offence are different on different occasions due to absence of common guidelines.

2. It was, therefore, decided by the FAC to constitute a Committee of APCCF (central) Regional Offices, MoEF&CC and a member of the FAC to examine various aspects and different situations and activities which will constitute violations of provisions rules and guidelines issued under Forest Conservation act 1980 and suggest penalty in various situations, if the activities are treated as violation and thus as offence so as to dissuade the user agencies from committing such violations in future and compensate the loss caused due to such violation.

3. Accordingly on the recommendation of FAC, the following Committee was constituted vide this Ministry's letter of even number dated 05.06.2017.

- | | |
|---|----------|
| i. Dr. Tejinder Singh, APCCF, Regional Office, Bhopal; | Chairman |
| ii. Dr. Sanjay Deshmukh, Member, FAC; | Member |
| iii. Sh. Kanwarjit Singh, APCCF, Regional Office, Nagpur; | Member |
| iv. Sh. MRG Reddy, APCCF, Regional Office, Chennai; | Member |

4. The Committee submitted its recommendations to the Ministry on 15.05.2017 and the same was discussed in the Ministry and the final recommendation of the Committee was placed before the Forest Advisory Committee in its meeting dated 26.10.2017. The recommendation of the Committee was accepted and recommended by the FAC. The recommendations of FAC was placed before the competent authority in the Ministry. The

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competent authority has accepted the report of the Committee on the recommendation of the FAC.

3. Accordingly, this Ministry has decided to adopt following guidelines while imposing penalty in various cases, on the recommendations of FAC/REC after due deliberation in its meeting, for use of forest land for non-forestry purposes in violation of the provisions of the Forest (Conservation) Act 1980, Rules made thereof and guidelines issued from time to time to implement FC Act and Rules:

A. In cases where the proposal under FC Act has not been submitted and forest land is diverted without FC:

- i. Diversion of forest land for non-forestry purposes without the prior approval of the competent authority in the state will be dealt under the provisions of Indian Forest Act 1927 or State Forest Acts or any other State act dealing with such land as the case may be. The land in question will not be considered as diverted under FCA 1980 and the status of land shall continue to be Forest.
- ii. If the permission for use of forest land for non-forestry purposes have been granted by the state authority without the prior approval of the central government under section 2 of the Forest Conservation Act 1980 then action under section 3A and /or 3B of FC Act, as may be applicable shall be taken against the authority causing the diversion. A report with full details of violation shall be submitted by the State Government on the recommendation of the Forest Department of the State to the Ministry of Environment, Forests & Climate Change Government of India, New Delhi and formal enquiry shall be conducted by the Regional Office of the MoEF & CC.

B. In cases where the proposal under FC Act is under consideration and forest land is diverted before grant of FC:

- i. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest till the deposits is made.
- ii. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (i) above.
- iii. State government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
- iv. User agency responsible for violation shall be prosecuted under local Act of the state for unauthorized use of forest land without the permission of state authority.

C. Violation /non-compliance of any conditions imposed while granting approval under FC Act:

In such cases the penalty will be imposed on the recommendation of the APCCF Regional office in whose jurisdiction the alleged violation has occurred. The violation will be reported to REC/FAC and the committee will give time to comply the conditions within stipulated time:

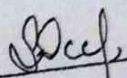
D. Violation on account of change of land use in the approved mining plan:

- i. No penalty is to be imposed for such violation if the change is as per change in mining plan duly approved by competent authority. User agency shall intimate all approvals related to change in mining plan to the regional office within one month of approval. In other cases, change in land use plan shall not be carried out without prior approval of MoEF&CC under the provisions of FCA 1980.
- ii. Any violation of change in land use (other than mining operations), penalty of two times the NPV plus simple interest 12 per cent from the date of actual violation committed will be imposed.
- iii. In case the approved change in mining plan is not intimated within one month of the approval the same fine shall be imposed as in para D(ii).

E. In cases where 'Forest land' has been changed to 'non forest land' in government records: If the violation is not attributable to the user agency, no penalty shall be imposed.

This issue with the approval of the Competent Authority.

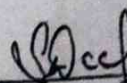
Yours faithfully,


29.1.18
(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. Prime Minister's Office
2. Secretary, Ministry of Mines/Coal/Steel/Power, Government of India.
3. Principal Chief Conservator of Forests, All States/UTs.
4. Nodal Officers, the Forest (Conservation) Act, 1980 All States/UTs.
5. All Regional Offices, Ministry of Environment, Forests and Climate Change.
6. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, New Delhi.
7. PS to Hon'ble Minister of Environment, Forests and Climate Change and Minister of State for Environment, Forests and Climate Change.
8. Chairman, State Environment Impact Assessment Authority, All States/UTs.
9. Member Secretary, State Environment Impact Assessment Authority, All States/UTs
10. All Directors/Assistant Inspector General of Forest in Forest Conservation Division of MoEF&CC.
11. All Advisors/Directors/Dy Directors in Impact Assessment Division of MoEF&CC.
12. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
13. PPS to the Secretary for Environment, Forests and Climate Change, New Delhi.
14. PPS to the Director General of Forests & Special Secretary, MoEF&CC, Gol.
15. PPS to the Addl. Director General of Forests (Forest Conservation), MoEF&CC, Gol.
16. PPS to the Inspector General of Forests (Forest Conservation), MoEF&CC, Gol.
17. Guard File.


29.1.18
(Sandeep Sharma)

Assistant Inspector General of Forests