

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

APPEAL NO.29 OF 2021

IN THE MATTER OF:

Citizens for Green Doon

...Appellant

Versus

Union of India & Ors.

...Respondents

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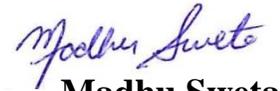
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RESPONDENT No.3

THROUGH



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APPEAL NO.29 OF 2021

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REPLY ON BEHALF OF RESPONDENT NO.3/NATIONAL HIGHWAYS AUTHORITY OF INDIA TO APPEAL UNDER SECTION 16(e) OF NATIONAL GREEN TRIBUNAL ACT, 2010 AND SECTION 2A OF THE FOREST (CONSERVATION) ACT, 1980

MOST RESPECTFULLY SHOWETH:

- A.** The present Reply is being filed on behalf of Respondent No.3/National Highways Authority of India (**“answering Respondent”**) to the appeal filed under Section 16(e) of the National Green Tribunal Act, 2010 and Section 2A of the Forest (Conservation) Act, 1980. At the outset, the contents of the Appeal filed by the Appellant are denied as wholly false, incorrect and misleading. The averments and submissions made by the Appellant are vehemently denied, unless they are admitted expressly hereunder.
- B.** The answering Respondent vehemently denies the various allegations raised by the Appellant in the present appeal which are wholly bald and unsubstantiated. The Appellant is misleading this Hon'ble Tribunal as in fact, all the requisite approvals have been issued by the statutory authorities after conducting detailed project specific survey

manually, as well as using camera and also data base available with them. The Proposal was processed after scrutinization and recommendation at various level of State Govt., Central Govt. and approval was granted on the recommendation of the quasi judicious bodies e.g. Regional Empowered Committee (REC), State Board for Wildlife (SBWL) and Standing Committee of National Board for Wildlife (NBWL). The anticipated impacts as per site condition were duly taken care as per respective acts, rules, provisions and guidelines issued by regulatory bodies to safeguard any kinds of ecological (Flora, Fauna and Land in question) damage.

- C. The present appeal has been filed by the Appellant challenging the order for working permission dated 27.08.2021 issued by the Divisional Forest Officer (“DFO”), Shivalik Forest Division on the erroneous premise that the same has been issued in violation of the Forest (Conservation) Act, 1980 as well as the Rules. In this respect, it is submitted that the said working permission was obtained as per the due procedure and thereafter uploaded on the Saharanpur District Website on 25.11.2021. Moreover, as per the Forest (Conservation) Act, 1980, the State Government has also issued the final order dated 27.11.2021 under Section 2 for permitting the use of land for the proposed project alongwith the conditions and safeguards imposed by the Central Government while according the Stage-I and Stage-II clearance. True copy of final order dated 27.11.2021 issued by the State Government, and screen shot uploaded on Saharanpur District Website is annexed and marked as **Annexure R-1 (Pg.42-50)**.

D. Salient Features of the Project

1. The present project is a part of Bharatmala Pariyojana which is the umbrella program for National Highway development focusing on improving the efficiency of road freight and passenger movement across the country by bridging critical infrastructure gaps in the highway infrastructure enabling economic development and prosperity of the Nation. The first phase of the flagship program was approved by the Cabinet Committee on Economic Affairs in 2017 for development of world class corridors of length 35,800 km at a total capital cost of INR 5.35 lakh crore. Out of total 34800 km, main arterial roads are Expressways and Economic Corridors across the Country totalling to 9800 km. Delhi Dehradun is an important economic corridor identified under 9800 km.

The proposed Delhi-Dehradun Expressway of 210 KM which is being developed to provide seamless connectivity between Dehradun (Capital of Uttarakhand State) to Akshardham in the National Capital New Delhi, namely *“Improvement, Up-gradation & Construction of Ganeshpur-Dehradun Road (NH-72 A) in the State of Uttar Pradesh (K.M. 0.0 to K.M. 16.160) & Uttarakhand (K.M. 16.160 to K.M. 19.785) to Four/Six Lane Configuration”*. That in the present appeal, the issue pertains to upgradation and expansion of the existing 20 KM stretch of NH-72A.

2. The answering Respondent being the User Agency i.e. National Highways Authority of India is constituted under Parliament Act has awarded the project into three segments – two segments each of 8 km within the State of Uttar Pradesh (around 16 km) and the rest falling within the State of Uttarakhand. This stretch of the NH-72A passes through the reserved forest of Shivalik Forest Division of Uttar

Pradesh State and Dehradun Forest Division of Uttarakhand State. These areas are wildlife rich as per report WII and data base available with concerned forest division. This is close to Rajaji National Park. The proposal envisages improvement and development of existing Intermediate / 2 Lane road into a 4 - lane road within restricted Right of Way (RoW) of 25-metres which is bare minimum requirement for project development. Project also involves 12 km long elevated corridor, 340m tunnel along with its approaches, 2 nos. of Elephant Under passes (2x200m) along with 6 underpasses for other animals for bare minimum tree felling, safeguard of animals and also conservation of their habitats.

3. That out of 20 km section from Ganeshpur to Dehradun, 18.5 km is forest area and out of this forest area, 15 km falls in UP and 3.5 km falls in Uttarakhand. True copy of the Map is annexed and marked as **Annexure R-2 (Pg.51)**.
4. In view of the existing road 20 KM (Ganeshpur to Dehradun) falling in Eco-sensitive zone (ESZ) of Rajaji National Park (“**RNP**”) and at a few stretches close with the boundary of Rajaji National Park, the answering Respondent preferred to conduct study for Wildlife mitigation from expert body Wildlife institute of India (“**WII**”), Dehradun during initial stage of project planning and also consulted with State and Central Govt. regarding applicability of all statutory clearances. NHAI designed the road as per suggestion and recommendations of Statutory Organizations including Wildlife Institute of India. This study was conducted by Scientist Dr. Vibhas Pandav, Department of Endangered Species Management, WII,

Dehradun and the detailed report was submitted by WII on 04.08.2020.

5. As stated above, the project falls in two states namely State of Uttar Pradesh (**UP**) and State of Uttarakhand (**UK**). Ministry of Environment, Forest and Climate Change (MoEF&CC) granted In-principle approval under Section 2 of Forest Conservation Act (FCA), 1980 on 29.9.2020 for diversion of forest land from Dehradun Forest Division, State of Uttarakhand for the stretch (km 16.160 - km 19.785) (Package 3). True translated copy of the letter dated 29.09.2020 is annexed and marked as **Annexure R-3 (Pg.52-57)**.
6. The In-principle approval (Stage I) for the stretch (km 00.00 - km 16.160) falling under Shivalik Forest Division, Uttar Pradesh (Package 1 & 2) has been granted by MoEF&CC on 23/24.12.2020 under the Forest (Conservation) Act, 1980. True translated copy of the letter dated 23/24.12.2020 is annexed and marked as **Annexure R-4 (Pg.58-65)**.
7. On 31.12.2020, DFO Shivalik issued a letter communicating Stage-I approval dated 23/24.12.2020 of the UP portion to the answering Respondent/NHAI. True copy of the letter dated 31.12.2020 is annexed and marked as **Annexure R-5 (Pg.66-69)**.
8. On 05.01.2021, the 60th meeting of the Standing Committee of the National Board for Wildlife was held and after due deliberation, the Wildlife clearance was granted by the Standing Committee for project road (including both sections i.e. Road section located in Uttarakhand & Uttar Pradesh) for Package 1, 2 & 3. True copy of 60th meeting

dated 05.01.2021 of the Standing Committee of the National Board for Wildlife enclosed with letter dated 22.01.2021 issued by Ministry of Environment, Forest & Climate Change (“MoEF&CC”) is annexed and marked as **Annexure R-6 (Pg.70-92)**.

9. On 07.01.2021, the answering Respondent sought working permission from DFO, Dehradun, Uttarakhand and annexed the compliance of all the conditions stipulated in Stage-I clearance letter. True copy of the letter dated 07.01.2021 is annexed and marked as **Annexure R-7 (Pg.93-105)**.
10. On 22.04.2021, the answering Respondent apprised DFO, Shivalik Forest Division, Saharanpur, UP that all the compliance stipulated under Stage-I have been done and accordingly requested to grant working permission as per guidelines dated 27.09.2017 issued by MoEF&CC. True copy of the letter dated 22.04.2021 issued by the answering Respondent to DFO, Shivalik Forest Division, Saharanpur, UP is annexed and marked as **Annexure R-8 (Pg.106-158)**.
11. On 20.07.2021, the MoEF&CC issued Stage-II final approval under Section 2 of the Forest (Conservation) Act, 1980 for the UP stretch, granting permission for tree felling of total no. of 8588 trees and plants (5354 trees and 3234 plants). True translated copy of the letter dated 20.07.2021 issued by MoEF&CC are annexed and marked as **Annexure R-9 (Pg.159-165)**.
12. On 10.08.2021, Divisional Logging Manager, UP Forest Corporation Meerut wrote a letter to answering Respondent demanding Rs.45.54 lakh for cutting of trees in the UP stretch. In response, the answering

Respondent vide its letter dated 13.08.2021 wrote to Divisional Logging Manager intimating the deposition of Rs.45.54 lakh for cutting of trees.

True translated copy of letters dated 10.08.2021 issued by Divisional Logging Manager, UP Forest Corporation, Meerut to answering Respondent is annexed and marked as **Annexure R-10 (Pg.166-170)** and the answering Respondent 's letter dated 13.08.2021 issued to Divisional Logging Manager is annexed and marked as **Annexure R-11 (Pg.171-173)**.

13. On 27.08.2021, the Office of DFO, Shivalik Forest Division, Saharanpur, vide letter no. 506/14-10 granted permission to start work for the UP stretch of the project to Project Director, PIU-Vasant Vihar, Dehradun. True translated copy of letter No. 506/14-10 dated 27.08.2021 is annexed and marked as **Annexure R-12 (Pg.174-178)**.
14. On 27.08.2021, the DFO, Shivalik Forest Division, Saharanpur vide letter no.509/14-10 also intimated to Divisional Logging Manager, UP Forest Corporation, Meerut that the answering Respondent has already deposited the amount of demand raised for the purpose of logging and transportation and directed to start the work of logging of trees with utmost priority considering the importance of the project. True translated copy of letter No. 509/14-10 dated 27.08.2021 is annexed and marked as **Annexure R-13 (Pg.179-180)**.

E. Statutory Scheme for grant of Forest Clearance

15. It is submitted that the diversion of forest land for non-forest purpose is provided under Section 2(ii) of Forest Conservation Act, 1980. The

non-forest purpose is divided in two categories of activities, i.e. Linear projects and Localized/Non-linear projects.

- (i) Linear projects: Rule 2 (cd) of Forest (Conservation) Rules 2003 defines linear projects as all projects involving strip / linear diversion of forest land for purposes such as roads, railways lines, pipelines, transmission lines etc. This type of project involves marginal area forest land and major area of non-forest (Private & Govt. land).
- (ii) Localized/Non-linear projects: wherein diversion of major forest area from one or two/three forest divisions as per activity and requirement of the project which involves all the felling of trees for the proposed diversion area, hence, impact is appreciable extant for that area. Similarly, the impact on wildlife, if any, is also major concern.

The present project falls under the Linear project category as the proposed highway alignment from Ganeshpur to Dehradun of 20 km is carefully chosen near river bed and designed as *Elevated highway* (approx. 12 km long) to minimize footprint on ground. In this 12 km section passing in river bed/close to river bed, the cross slope across the project highway is about 5% which is far less than 25% and hence, is classified as plain terrain.

16. It is stated that the power for grant of approval for non-forest purpose for the linear project has been delegated to regional offices of MoEF&CC vide Gazette Notification dated 10th October, 2014, in order to expedite the linear infrastructure of the country for sustainable development. Thereafter, MoEF&CC simplified the procedure for linear activities under Forest (Conservation) Act, 1980

in view of the order dated 07.11.2012 passed by Hon'ble NGT in the case of *Vimal Bhai & Anr. vs. Union of India & Ors., Appeal No.7/2012.*

17. It is stated that in supersession of guidelines dated 07.05.2015, MoEF&CC vide notification dated 28.08.2015 issued fresh guidelines for diversion of forest land for non-forest purpose under Forest (Conservation) Act, 1980 wherein a simplified procedure is detailed for grant of permission for felling of trees standing on forest land to be diverted for execution of linear project. The relevant para 2 is extracted hereunder-

“2. Accordingly, in supersession of this Ministry’s, said letter/guidelines of even number dated 7th May, 2015, I am directed, to say as below:

(i) With a view to facilitate speedy execution of projects involving linear diversion of forest land such as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines etc., in-principle approval under the Forest (Conservation) Act, 1980 (FC Act) issued by the Central Government may be deemed as the working permission for tree cutting and commencement of work, if the required funds for compensatory afforestation, net present value (NPV), wildlife conservation plan, plantation of dwarf species of medicinal plants, and all such other compensatory levies specified in the in-principle approval are realised from the user agency and where necessary, for compensatory afforestation, transfer and mutation of non-forest/ revenue forest land in favour of State Forest Department is affected;

(ii) After the afore-mentioned compensatory levies specified in the in-principle approval are realised from the user agency and where necessary, for compensatory afforestation, transfer and mutation of non-forest /revenue forest land in

favour of State Forest Department is affected, the State Government or a Senior Officer not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Government, shall pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year. The Central Government may extend the permission for one more year subject to submission of reasonable progress report from the State Government as regards to the steps taken to comply with the remaining conditions stipulated in the in-principle approval.

(iii) No non-forest activity in the forest area that is covered under Section 2 of the FC Act would be permitted and carried on in any manner whatsoever unless an order specified in para (ii) above has been passed by the competent authority of that State Government and is placed in the public domain by putting it on its website and all other requirements in accordance with law are complied with;”

True copy of notification dated 28.08.2015 issued by MoEF&CC is annexed and marked as **Annexure R-14 (Pg.181-184)**

18. It is pertinent to mention that the DFO is empowered on behalf of State Government of UP to grant working and tree felling permission for linear projects, after realization of funds from the user agencies in favour of ADHOC CAMPA account of the State Government, which is in compliance to the conditions stipulated in the In-principle approval (Stage-I) granted by MoEF&CC. Hence, in the instant case, Govt. of UP vide Order dated 16.07.2015 empowered all the DFOs in the State of Uttar Pradesh to grant working/tree felling permission on behalf of State Government. True translated copy of the order dated

16.07.2015 issued by State Government of UP is annexed and marked as **Annexure R-15 (Pg.185-188)**.

19. Reference is also made to MOEF&CC Circular F.No.11-158/2017-FC dated 27.09.2017 by which power was granted to DFO (authorized by State Government) to issue working permission and order for felling of trees once the conditions stipulated in Stage-I FC are complied by the User Agency. The relevant extract is as under-

“2. In this regard it is clarified that as per the above referred guidelines read together the in-principle approval under FC Act may be deemed as the working permission for tree cutting and commencement of work if the required funds for Compensatory Afforestation, NPV, Wildlife Conservation Plan and all such compensatory levies specified in the in-principle approval are realized from the user agency and the transfer and mutation of non-forest land/ revenue forest land in favour of State Forest Department has been given effect to.

3. Such working permission and order for felling of tree will be issued by the Divisional Forest Officer, if authorised by the State Government by an order, once the conditions stipulated in Stage — I FC are complied by user agency and required compensatory levies specified in the in-principle approval are realised from the user agency and the transfer and mutation of non-forest land/ revenue forest land in favour of State Forest Department is effected.”

True copy of MOEF&CC Circular F.No.11-158/2017-FC dated 27.09.2017 is annexed and marked as **Annexure R-16 (Pg.189-190)**

20. The statutory scheme for granting of forest clearance was further detailed in the Handbook of Guidelines issued by MoEF&CC on 28.03.2019 for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980. The said guidelines have been issued in supersession of all guidelines issued by

MoEF&CC in the past, and provides a procedure of three stage approval for the grant of forest clearance as under:

- i. In-principal approval (Stage-I)
- ii. Final approval (Stage-II)
- iii. State Govt. Order under Section 2 of Forest (Conservation) Act, 1980 incorporating all the conditions stipulated by Central Govt. on the recommendation of State Govt.

True copy of the Handbook of guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980 issued by MoEF&CC dated 28.03.2019 is annexed and marked as **Annexure R-17 (Pg.191-323)**.

21. That the relevant provisions of 2019 guidelines are detailed below-
 - i. **Part-A/Para 6** of Forest (Conservation) Rules, 2003 amended upto August, 2017 the guidelines deals with *Submission of proposal seeking approval of the Central Government under section 2 of the Act*. It clearly stipulates step-by-step procedure for diversion of forest land and felling of trees for non-forest purpose under Section 2 of the Forest (Conservation) Act, 1980.
 - ii. **Part-A/Para 7** of the guidelines deals with *Processing of proposals received by the Central Government*. It provides the procedure for processing, appraisal and grant of clearance by the Central Government
 - iii. **Chapter No. I/Para 1.4 & 1.5/Pg.38-39** of handbook clearly stipulates that the approval for non-forest purpose will be granted by the Central Government and subsequently the State of UP Government will issue the diversion order. Basically,

three steps are involved namely Stage-I, Stage-II and State Government Order.

Para 1.4 and 1.5 are extracted below-

“1.4. Approval in two stages: MoEF&CC accords prior approval on proposals of the State/UT Government in two stages: first In-principle or Stage-I approval, and second on compliance to the conditions of the in-principle approval, final or Stage-II approval. Thereafter, as and when the State Government decides to permit the use of the forest land for non-forest purpose, it has to pass order to that effect along with the conditions and safeguards imposed by the Central Government while according Stage-I and Stage-II clearance (Ref: NGT principal bench order dated 7th November 2012 in appeal no. 7 of 2012).

1.5. No additional condition after Centre issues final approval: While issuing the diversion order, the State/UT government shall not impose any additional condition over and above the conditions stipulated by the Central government in their approval. However, subsequent to approval granted by the Central Government under FC Act, if the State/UT Government feels exceptional/unforeseen circumstances warrant imposition of additional condition(s), prior approval of the Central Government must be sought by the concerned State/UT Government justifying imposition of such additional condition(s).”

- iv. The MoEF&CC directed States/UT for granting working permission and felling of trees after realization of all the levies from User Agencies in ADHOC CAMPA Fund of the concerned State Government account online. The DFO or any senior official of the State Government only can issue working permission of tree felling after realization of funds (**Chapter 11/Pg.84**). The relevant para 11.2 is extracted hereunder-

“11.2 Any proposal for linear projects such as roads, railway line, transmission lines, etc. need to be processed in their entirety for comprehensive assessment of requirement of forest land and consequences if approval for any forest land is not granted. No work on forest land shall be taken up unless diversion of forest land is ordered by the concerned State /UT Government after obtaining approval of the Central Government under the Forest (Conservation) Act, 1980.

Provided that consequent to grant of Stage I approval in respect of linear projects such as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines etc. by the Central Government under FCA, the State Government or a Senior Officer not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Government can pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year.

Such orders shall be passed only after full realization of funds for compensatory afforestation, Net Present Value (NPV), wildlife conservation plan, plantation of dwarf species of medicinal plants, and all such other compensatory levies, specified in the Stage I (in-principle) approval from the UA, and wherever applicable, transfer and mutation of non-forest/ revenue forest land in favour of State Forest Department.”

F. Benefits for conceptualizing this project

22. Delhi Dehradun Highway including NH-72A is an important highway connecting Delhi, Haryana and Western UP to Dehradun and higher reaches of Himalayas through Dehradun. Hence, the capacity augmentation of this highway is not only important for connecting

State Capital of Uttarakhand with National Capital, but is also vital for Strategic defence purpose for timely and seamless movement of Army/ warheads to higher reaches of Himalayas in Country Northern border.

23. The present stretch carries traffic more than 20,000 equivalent passenger car units (PCUs) per day which is much beyond the 2 lane capacity of 10500 PCU, necessitating urgent upgradation of highway capacity. As a result, the travel time between the two cities on the existing Highway (NH-72A) currently is 6-7 hours in the Non Peak Hours and more than 8 hours during the Peak Hours. The average travelling time between Ganeshpur to Dehradun (20.7KM Stretch) is 45 – 60 mins during Tourist/Yatra season, which extends to 2 hours leading to frequent traffic jams, resulting in significant increase in Air & Sound pollution in the area and also safety hazards to road users. Longer Travel time of vehicles in forest zone means longer time of disturbance to wildlife also.
24. Another major reason necessitating the development of the project site is the poor geometrics of the existing road which leads to occurrence of road accidents in this stretch. There are total 120 horizontal curves & about 50% of them are deficient in terms of geometrics as per NH standards, catering for less than 30 KM/hour speed.
25. Presently, there is no safe passage for wild animals to cross the road as both side of existing road is forest, and due to presence/movement of wild animals on the road, they are vulnerable to accidents and several animals are killed from the vehicles while crossing the road.

However, the proposed 12 km long elevated highway in the instant case is the longest wildlife corridor, not in India but in Asia too, is an example of co-existence of development and vis a vis preserving nature.

26. With the present proposed development of the site, the travel time from Ganeshpur to Dehradun would be seamless and would also ensure safety of wild animals. With ease of traffic movement due to project highway, there would be reduction in carbon emission in forest area along with disturbance to wildlife.

G. Study by Wildlife Institute of India (WII) for Wildlife

27. The answering Respondent has carried detailed study of the Project area between Ganeshpur to Dehradun after extensive interaction with WII, Forest and wildlife Authorities of State of Uttar Pradesh and Uttarakhand and also with Central Govt. Based on the survey, a proposal was made of elevated structure in substantial length of the project (12 km) along river bed with sufficient vertical clearance for animals considering the opening required for largest species present in this landscape (Asian elephants) as per guidelines of MoEF&CC **“Eco-friendly measures to mitigate impacts of Linear Infrastructure on Wildlife”**. The alignment was so chosen was to avoid any part of the Rajaji National Park and to minimize cutting of trees.
28. WII, Dehradun conducted a detailed scientific study during 25.04.2020 to 04.07.2020 to identify all the animal trails on both sides of the project road and submitted a report dated 04.08.2020. To

conduct the study, 81 camera traps were deployed along the identified trails to detect wild animals using the area and crossing events. Detailed study was carried out in the entire 20 KM stretch of NH-72 between Ganeshpur to Dehradun. The road in this 20 km stretch has been classified into three distinct zones based on their geographical features and sensitivity of fauna. Site specific zoning map prepared by WII is enclosed.

- Zone I (Length: 4.9 km) from Ganeshpur to Mohand, it is a flat terrain and lies entirely in Shivalik Forest Division (Uttar Pradesh).
- Zone II (Length 13.3 km) Mohand (U.P.) to Asarodi Police Checkpost in Uttarakhand.
- Zone III (Length 1.8 km) Asarodi police checkpost upto the edge of Mohbewala settlement in Doon valley, Dehradun.

29. The findings of Wildlife Institute of India are that 25 different Wild species were reported to be crossing this highway at different locations. The result of all the wildlife animals which are crossing in this zone are furnished on Page No.7 of the report of WII. True copy of the Report of WII is annexed and marked as **Annexure R-18 (Pg.324-382)**.

30. The Proposed mitigation measures are furnished at internal Page No.19 of the report of Wildlife Institute of India. After detailed study of different wildlife crossings, Wildlife Institute of India proposed a total length of openings/elevated structures in a length of 10.3 km in the stretch falling in UP portion & at least 2 openings of minimum 200 m length each in the State of Uttarakhand. However, NHAI has

provided more length & number of openings over and above the suggestions of WII.

31. It was envisaged to construct one 2 lane tunnel in the project highway to facilitate the free movement of animals over it. The tunnel will be adjacent to existing 2 lane tunnel in 340m length near Daat ki devi Temple located on the border of UP / Uttarakhand. The approach to tunnels (approx. 2.16 km putting together either side of the tunnel) have to be taken along hill cutting as per topography of the area and engineering requirement for tunnel. It is pertinent to state that except tunnel and its approaches, nowhere else the topography along proposed highway comes under category of mountainous terrain.
32. The length of section after the end of approach to tunnel towards Dehradun side is about 2.8 km, which passes through Plain/rolling terrain. Whereas 2 Elephant Underpasses & 3 animal underpasses are designed to enable free and safe passage of animals including elephants beneath the Highway. The elevated highway will prove to be a safe passage for Asian Elephants to cross the road, since presently due to heavy traffic there is more scope for the animal man conflict.
33. That for construction of elevated corridor or at ground road except at curves & cutting section, 25m width of land is required. Hence, in both the conditions, almost same number of tree felling shall be needed. To minimize the number of trees cutting, the approaches of the EUPs have been proposed on the Retaining Earth walls as against the general practice of sloping embankments.

34. As per the WII report, it was suggested to have an 850m integrated structure with at least two openings of 200m each at designated sites in Uttarakhand. In compliance to this suggestion, from km 17.940 to km 19.785 (Total length 1.885 KM) is raised including 2 Elephant Underpasses along with its approaches. Therefore, out of the 3.5 km section in Uttarakhand, 1.88 km has already been planned to be raised above natural ground level. In the remaining portion of 1.6 km of the highway, 3 Animal Underpass, 3 Minor bridges, 5 Box culverts & 8 Pipe culverts have also been provided which shall be used by different animals and reptiles etc. for crossing beneath the highway.
35. It is pertinent to mention that the entry in Uttarakhand is proposed through a tunnel. The geometry of the highway after tunnel is sloping towards Dehradun. The project has already been designed on limiting gradient for elevation profile. Any further increase in elevation will result in extending the approaches towards Dehradun city inside.
36. The said WII Report (internal page 20) mentions presence of wild animal species in the larger landscape including Haryana Himanchal Pradesh & Uttarakhand area. The species identified by the Answering Respondent as per Schedule-I of the Wild Life (Protection) Act, 1972 are '*Common Leopard, Leopard Cat, Kalij Pheasant, Peafowl and Rusty Spotted Cat*'. It is pertinent to mention that species present in and around the project area as per said report seems not to be categorized under endangered as per definition of International Union for Conservation of Nature (IUCN). The International Union for Conservation of Nature is an international organization working in the field of nature conservation and sustainable use of natural

resources. (Copy of Classification / Categorization of Endangered Species as per IUCN.)

37. Presently the species crossing the existing ground level road causes human-animal conflict. In the proposed project, the road is either elevated or raised along with tunnel and its approaches which will ensure minimal human wildlife conflict.

H. Preliminary steps undertaken by answering Respondent before commencing work

38. Normally in Hills, answering Respondent opt for widening of Highways through cutting of hills, requiring huge cutting of earth/rock and trees. However, in the present project, the answering Respondent initially opted for elevated highway from Mohand (6 km from Ganeshpur) till the approach to tunnel at Dat ki devi, i.e. in about 8 km. Since, WII has suggested to provide elevated road from start of forest till Mohand also to enable crossing of animals beneath the highway in this 4.5 km section. The answering Respondent agreed with the proposal and provisioned for elevated highway from start of forest till the approach to the tunnel i.e. in 12 km length. Sufficient clearance has been kept all along the elevated highway to cross the animals including Asian Elephant beneath the highway in entire 12 km.
39. After tunnel approach end towards Dehradun, the highway is kept above ground level to provide 2 elephant underpasses of 200m each and other 3 animal passes. All animal passages are designed as per suggestions and recommendations of WII, State Government and Central Government.

40. The proposed road has saving of about 30,000 trees, saving of about 9 lakh tons of earth/rock cut as compared to widening of existing road in hills. Further, animals are free to move beneath the highway avoiding complete man animal conflicts. Further, noise barriers have been provisioned in elevated section along the highway to avoid disturbance of animals from vehicle noise. The proposed 20 km project comprising of elevated road and tunnel is about Rs.1500 Cr. as against about Rs.500 Cr. for widening of existing road in hills in normal case.
41. The Highway section between Ganeshpur to Dehradun is environment and Wildlife friendly, requiring least felling of trees and least hill slope cut, because of which the capital cost towards the project is very high. Instead of adopting the traditional approach of widening of existing road in hills resulting into massive cutting of hills and trees at quite lesser cost and with no respite to animals crossing at grade, the Answering Respondent has adopted the design principle which is conducive to Forest, Environment, Wildlife and Road users. All suggestions from WII Dehradun, Forest and wildlife Authorities of UP & Uttarakhand and also from the Central Govt. have been duly incorporated in project design elements to protect the entire landscape and ecology in and around the project corridor.
42. It is submitted that in the said project, all the proceedings for the Compensatory Afforestation are being followed as per chapter 2, Part B of Handbook of guidelines for effective and transparent implementation of the provisions of Forest Conservation Act, 1980

issued by Government of India, Ministry of Environment, Forest and Climate Change. That as the said project is covered under clause 2.5 of the said chapter, which deals with “Special provisions for CA for certain categories of projects”, therefore in lieu of 9.6224 ha of forest land proposed for diversion, compensatory afforestation has been proposed on 20 hectare of degraded Forest land which is twice in extent of area of diverted forest land. This 20 hectare patch for compensatory afforestation has been proposed in Carbary compartment of Malhan Range in Dehradun Forest Division. As per the norms of planting 2000 plants per hectare under compensatory afforestation, total 40000 (Forty Thousand) plants will be planted on proposed Compensatory Afforestation site against 2572 number of trees (including Sal trees) proposed to be felled, for single tree to be felled, 15 new saplings will be planted.

43. It is submitted that the Forest Division, Dehradun is responsible for the maintenance of the Sal trees. The replanting of Sal trees will not be carried out as artificial regeneration of Sal trees has not been successful due to various biotic and anthropogenic factors. Thus, there will be planting of local native species under compensatory afforestation scheme. Further, the plantation activities will not be carried out in Rajaji National park in fact, it will be done in the Degraded Forest land situated at Carbary compartment of Malhan Range in Dehradun Forest Division of Dehradun district only. The proposed planting site is located at an aerial distance of approx 6 km from outer boundary of Rajaji National Park and 6.012 Km from the site where trees are to be felled.

44. It is evident from above that answering Respondent has taken utmost care in deciding project elements considering concerns of flora and fauna in consultation with expert Wildlife Institute, RNP and State Government Forest/Wildlife officials of both the States, which has resulted in cutting of lesser no. of trees, avoiding cutting of hills to great extent, enabling crossing of animals beneath the highway. This stretch of Highway is setting an example of co-existence of development and preserving nature, in fact highway would be complementing the Wildlife as compared to existing highway.

45. **Presence of Wildlife species**

The abundance of Wildlife in and round the project corridor is found as per report of WII. The listed species as per WII report and the site inspection report of concerned forest officials, implies that the wildlife does not seem to fall under category of endangered species as per classification/categorization of species mentioned above.

It is submitted that Site inspection was carried out by the DFO (Saharanpur, UP) on 09.11.2020 who did not found any endangered species during inspection, which is in consonance with the study carried out by WII. It may be noted that the Conservator of Forest (UP) also did not find any endangered species during the site inspections dated 11.11.2020. Hence, as per procedure, in the Form A (para “8 v”) filled by concerned DFO for grant of forest clearance, the DFO has mentioned that no endangered species is found though the area has an abundance of wildlife. It is pertinent to mention that while recommending the proposal for approval, the DFO has mentioned therewith the list of wildlife species which is found in this area.

Considering the report of Wildlife Warden and the project design elements, State wildlife Boards of UP and Uttarakhand have recommended the proposals to National Board of Wildlife (NBWL) and, Central Government had also accorded approval on the recommendation of NBWL.

It is pertinent to mention that with the planning of road as elevated and tunnel, all species of animals including endangered can freely pass beneath the elevated road/ over the tunnel, without the danger of hitting with vehicles, thus avoiding complete man-animal conflict.

REPLY ON MERITS

I. Parawise Reply to the grounds in the Appeal

I. Forest clearance granted based on wrong, incorrect, false and misleading information by DFO in Site Inspection dated 09.11.2020

The aforesaid allegations is denied as wholly false, misleading and baseless. It is reiterated that Wildlife clearance involves rigorous process of scrutiny, discussion and interaction amongst Country Experts in the field of Wildlife conservation. These experts have immense knowledge of Wildlife and biodiversity of the entire Country. After scrutiny of Wildlife proposal from officers of State Wildlife, the proposal is recommended by State Board of Wild life (SBWL) which is chaired by Hon'ble Chief Minister of the concerned State, expert of Wildlife from other deptt, one expert from eminent educational institute and atleast one Non official members and Chief wildlife warden being member secretary. After recommendation by SBWL, the proposal is to be considered

and approved by National Board of Wildlife (NBWL). NBWL is Chaired by Hon'ble Minister, MoEF&CC, members from National Tiger Conservation Authority, Wildlife Institute of India, eminent educational institute along with 3-5 non official members & State Chief Wild Life Warden and Inspector General or ADG of MoEF&CC being the member Secretary. Similarly, forest diversion proposal also involves rigorous scrutiny, discussion and interaction. After considering the proposal, the same is recommended to MoEF&CC for issuance of approval. REC is chaired by Additional Principal Chief Conservator of Forest (APCCF) along with nodal officer of State and 3 non official members and one member from Revenue Department of the State. Hence, the allegation raised by the Appellant is wholly presumptive and based on conjectures.

It is reiterated that the abundance of wildlife species in and round the project corridor is detailed in the report of WII (at internal Page No.7). The listed species as per WII report and the site inspection report of concerned forest officials implies that the wildlife does not seem to fall under the category of endangered species. It is reiterated that the Site inspection was carried out by the DFO (Saharanpur, UP) on 09.11.2020 who did not found any endangered species during inspection, which is in alignment with the study carried out by WII. It may be noted that the Conservator of Forest (UP) also did not find any endangered species during the site inspections dated 11.11.2020. Hence, as per procedure, in the Form A (para "8

v”) filled by concerned DFO for grant of forest clearance, the DFO has mentioned that no endangered species is found though the area has an abundance of wildlife. It is pertinent to mention that while recommending the proposal for approval, the DFO has mentioned therewith the list of wildlife species which is found in this area.

The above-mentioned site inspection report has been uploaded on the Parivesh Portal and displayed immediately below the Site inspection report by DFO which is in question. True copy of the screen shot taken from the Parivesh Portal is annexed and marked as **Annexure R-19 (Pg.383-384)**.

Both the Forest and Wildlife proposal of both the States of UP and Uttarakhand has been discussed, deliberated upon during processes of appraisal and approval which include subject experts. Keeping in view the project need and planning of project with principle of co-existence of development and environment/wildlife, the project got all statutory clearances.

With respect to the allegations regarding the presence of the endangered species, reliance is also placed on the submissions made in para 36 of the present reply. Hence the Appellant is baldly submitting that forest clearance granted is based on false and misleading information which is denied as completely baseless and misleading.

II. Ecological impact and value has not been considered while granting approval by Regional Empowered Committee (REC) in its meeting dated 15.12.2020

It is submitted that the said ground is denied as wholly false, unsubstantiated and devoid of any merits. The Appellant is raising allegations which is in the nature of fishing and roving enquiry inspite of the fact that the answering Respondent has duly complied with various guidelines diligently for calculating the Impact of the proposed project on the Ecology, Ecosystem, fragmentation of habitat of wildlife etc.

It is pertinent to highlight that the detailed flora and fauna in and around project corridor was duly examined by the Hon'ble Committee Member of Regional Empowered Committee as per the information furnished by State Govt. and DGPS Map of the project corridor. Further, Decision Support System (DSS) software developed by Forest Survey of India (FSI), Dehradun was used to examine the present scenario of landscape including vegetation through satellite. The Appellant is merely alleging that the REC did not examined the implication of the proposed widening of the area and acted in a mechanical manner.

It is pertinent to state that all the conditions under Forest (Conservation) Act, 1980 have been duly taken care as per law while recommending the proposal, in order to compensate the ecological loss as per density & eco-class of forest cover and legal status of forest land in question. In addition, the cost benefit analysis was also done as per MoEF&CC guidelines dated 01.08.2017 after giving due consideration to the Ecosystem losses, loss of fodder, loss of public facilities, possession value of forest land (30% of NPV), cost of

suffering of oustees, Habitat fragmentation Cost, Compensatory afforestation and soil moisture conservation cost, increase in productivity, benefits to the economy, population benefitted, economic benefits due to employment and compensatory afforestation.

True copy of Cost-benefit analysis for Uttar Pradesh section and Uttarakhand section is annexed and marked as **Annexure R-20 (Pg.385-391)** and **Annexure R-21 (Pg.392-398)**.

III. The approval given by MoEF is contrary to the National Forest Policy, 1988

The aforesaid ground is denied as wholly false, incorrect and misleading as inasmuch as the approval given by MoEF&CC is strictly as per the law of Forest (Conservation) Act, 1980 which is covered under the guidelines of the National Forest Policy, 1988. It is pertinent to mention that all the recommendation made in Para 4.4 of the policy for 'Diversion of Forest Lands for Non-forest purposes' have been strictly complied to by the Respondents. The Appellant is vaguely making allegation having no basis whatsoever. It is further denied that the REC nor MoEF has not considered the National Forest Policy while granting the approval. It is pertinent to highlight that the detailed flora and fauna in and around project corridor was duly examined by the Hon'ble Committee Member of Regional Empowered Committee as per the information furnished by State Govt. and DGPS Map of the project corridor. Further, Decision Support System (DSS) software developed by Forest Survey of India (FSI),

Dehradun was used to examine the present scenario of land scape including vegetation through satellite. True copy of the relevant extract of National Forest Policy 1988 attached as **Annexure R-22 (Pg.399-408)**

The reliance placed by the Appellant on the judgment passed by the Hon'ble Supreme Court in the case of *Lafarge Umiam Mining Pvt. Ltd.* is denied as irrelevant and inapplicable to the present matter as the Respondents have duly complied with the various applicable guidelines and hence the grant of forest clearance in the present case is not in violation of the judgment.

IV. The cost benefit analysis is erroneous and is intended to undermine the ecological cost of felling and exaggerates the benefit arising out of the proposed plantations

The aforesaid ground is denied as wholly bald, false and untenable as the Cost benefit analysis has been done strictly as per the Guidelines & parameters given in the Handbook for Forest Conservation Act-1980.

It is pertinent to state that all the conditions under Forest (Conservation) Act, 1980 have been duly taken care as per law while recommending the proposal, in order to compensate the ecological loss as per density & eco-class of forest cover and legal status of forest land in question. In addition, the cost benefit analysis was done as per MoEF&CC guidelines dated 01.08.2017 with due consideration of Ecosystem losses, loss of fodder, loss of public facilities, possession value of forest land (30% of NPV), cost of suffering of oustees, Habitat

fragmentation Cost, Compensatory afforestation and soil moisture conservation cost, increase in productivity, benefits to the economy, population benefitted, economic benefits due to employment and compensatory afforestation. Hence, the allegations regarding the incorrect calculation of the NPV in the cost benefit analysis is wholly denied as false and misconceived. Without prejudice to the said above, it is pertinent to mention that in the event of any increase in the evaluation of the NPV for any reason, the answering Respondent has also given undertakings with DFO Shivalik and DFO Dehradun stating that if the NPV increases, then as per the direction of the Hon'ble Supreme Court of India in the case of *T.N. Godavarman Thirumulpad vs. Union of India & Ors. (2006) 1 SCC 1*, the amount shall be deposited by the answering Respondent in the ADHOC CAMPA Fund of the concerned State Government. True copy of Undertakings dated 07.01.2021 & 22.04.2021 is annexed and marked as **Annexure R-23 (Pg.409-410)**

V. The compensatory afforestation scheme proposed has unrealistic targets and involves planting trees in areas which are not degraded

The aforesaid ground is wholly misleading, bald and is denied as untenable. It is reiterated that as per Chapter 2, Part B of Handbook of guidelines for effective and transparent implementation of the provisions of Forest Conservation Act, 1980 issued by MoEF&CC dated 28.03.2019 (Annexure R-17), the land was identified for proposed compensatory

afforestation after due visits of concerned forest officials who demarcated the land with coordinates, so that monitoring can be done through satellite for every instant from the time of site preparation to an indefinite period to ascertain the growth, health, survival and periodic maintenance. It may be mentioned that as per guidelines and law, DSS analysis were carried out to check the suitability of the land being proposed for Compensatory afforestation at State Level, Central Level and also by the Hon'ble Committee Member of the REC during appraisal of the project. It ensured site specific comprehensive afforestation plan with maintenance of 10 years. There is a provision for replacement of casualties to reach the goal of survival at least 85 – 90%. It is vehemently denied that the proposed scheme of compensatory afforestation is erroneous and the lands allotted are not on degraded land. In this respect, it is clarified that the online proposal containing all aspects was submitted to the Ministry and was duly examined and deliberated upon before the approval was granted by the concerned authorities.

VI. No carrying capacity of Doon Valley has been conducted in view of increasing traffic

The aforesaid ground is wholly misleading, bald and hence denied as untenable. It is reiterated that the design of the Highway is done based on the Current Traffic plying on the highway and future traffic projections. It is submitted that as per the current traffic, 4 lane highway is required and considering the increased tourism/commercial activities being

promoted by the State Government in the State of Uttarakhand, there is a requirement for such highways. It is further submitted that the proposed Delhi Dehradun Highway is not merely to serve Doon valley but rather it shall serve entire State of Uttarakhand.

It is pertinent to mention that the traffic studies conducted on the project highway have shown that the traffic on the existing highway is more than 20,000 PCU/day as per Para 2.11.2 Table 2.9 of Indian highway capacity Manual 2012-2017 published by CSIR- CRRI New Delhi. The threshold value suggested for conversion from 2 to 4 lane divided road to ensure enhanced safety and traffic operation is 10,500 PCU/day. The existing traffic on the highway in question is almost double than that suggested for safe traffic operation.

True copy of relevant extract of Para 2.11.2 Table 2.9 of Indian highway capacity Manual 2012-2017 published by CSIR- CRRI New Delhi, is annexed and marked as **Annexure R-24 (Pg.411-413)**.

VII. Environmental Impact Assessment should have been carried out in accordance with EIA Notification, 2006

The aforesaid ground is wholly misleading, bald and denied as untenable. It is submitted that the preparation of EIA / EMP is an integral part of the DPR of all the projects implemented by the answering Respondent in the country, and falls within the standard scope of DPR consultant. Accordingly, the answering Respondent has prepared EIA / EMP of the said project irrespective of the applicability of prior Environmental

Clearance as per EIA notification dated 14th Sep, 2006 and its amendment thereafter till date. It is therefore baldly alleged that no environmental impact assessment has been carried out for the project. It is vehemently denied that that to escape the rigors of the EIA process the user agency is breaking up the project into smaller segments.

It is further submitted that as per MoEF&CC notification dated 22.08.2013, the answering Respondent has been exempted from the requirement of scoping and Environmental Impact Assessment Notification, 2006 or Environment Management Plan for highway expansion. The notification recommended that the expansion of National Highway projects up to 100 KMS involving additional right of way or land acquisition upto 40 Mts on existing alignments and 60 Mts on re-alignments or by-passes may be exempted from the requirement of Environment Clearance.

True copy of MoEF&CC notification dated 22.08.2013 is annexed and marked **Annexure R-25 (Pg.414-416)**.

It is further submitted that the Appellant is erroneously referring to the judgment passed by the Hon'ble Supreme Court in the case of *Deepak Kumar vs. State of Haryana*, which is denied as irrelevant and inapplicable to the present matter as elaborated above.

VIII. Mandatory requirement for Biodiversity Impact Assessment under the Biological Diversity Act, 2002

Contents of the aforesaid ground is wholly misleading, bald and denied as untenable. It is submitted that as per Biological

Diversity Act 2002, there is no mandatory requirement for Biodiversity Impact Assessment. Para 23 of the Act stipulates that the approval of State Bio-diversity board is required for commercial utilization or bio-survey and bio-utilization of any biological resource

As per definitions given in Section 2 of the Act:

“(c) breeding or traditional practices in use in any agriculture, horticulture, poultry, dairy farming, animal husbandry or bee keeping;”

Hence, a perusal of the aforesaid Section 2 (c) read with section 23 of the Act makes it abundantly clear that section 23 is not attracted to the issue at hand as the development of highway by the answering Respondent would essentially fall in the category of developmental activity and not commercial utilization of any biological resource. It is further submitted that as explained above, the reliance placed by the Appellant on the judgment passed by the Hon'ble Supreme Court in the case of *T.N. Godavarman Thirumulpad vs. Union of India & Ors.*, is erroneous and distinguishable in the facts of the present case.

IX. Mitigation proposed is unscientific and contrary to the MoEF's own guidelines on linear projects

The aforesaid ground is wholly misleading, bald and denied as untenable. It is reiterated that the WII, Dehradun conducted a study between 25.04.2020 to 04.07.2020 to identify all the animal trails on both sides of the project road and submitted a report dated 04.08.2020. To conduct the study, 81 camera traps

were deployed along the identified trails to detect wild animals using the area and crossing events. The detailed study was carried out in the entire 20 km stretch of NH-72A between Ganeshpur to Dehradun. The road in this 20 km stretch has been classified in to three distinct zones based on their geographical features.

- Zone I (Length: 4.9 km) from Ganeshpur to Mohand, it is a flat terrain and lies entirely in Shivalik Forest Division (Uttar Pradesh).
- Zone II (Length 13.3 km) Mohand (U.P.) to Asarodi police checkpost in Uttarakhand.
- Zone III (Length 1.8 km) Asarodi police checkpost upto the edge of Mohbewala settlement in Doon valley, Dehradun.

Reference is placed on the proposed mitigation measures which are furnished in internal page 19 of report of WII. Hence, in compliance with the mitigation measures, the answering Respondent has planned the project with 12 km of elevated corridor length in UP portion & an integrated elevated structure of length 1.885 km with two openings of 200m each in Uttarakhand in Zone III, which is based on findings of WII, Dehradun which is more and above the suggestion of WII. It is pertinent to mention that these mitigation measures are way higher than the guidelines of MoEF&CC “Eco-friendly measures to mitigate impacts of Linear Infrastructure on Wildlife”. Hence, the present project is an exemplary example for conservation of Wildlife for safe and free passages of wild animals, not in our country but also within Asia. The contents

of the preceding paras F & G are also relied upon in this respect.

X. The REC accepted the mitigation proposed without verifying the efficacy of earlier mitigation measures undertaken by NHAI

Contents of aforesaid ground is wholly misleading, bald and denied as untenable. It is reiterated and denied that there was no independent assessment carried out by REC to assess whether the proposed mitigation measures will be functional or not. Contents of preceding paras 27, 32, 34, 38 to 39 are relied upon in this regard and is not repeated for the sake of brevity. It is reiterated that the Elephant Underpasses of similar nature as proposed in the present project, have been constructed by the answering Respondent on another project of the Dehradun to Haridwar section of NH 7 and NH 34 at Laltappar, Teenpani & Motichur areas. True copy of images of Elephant Underpasses constructed by NHAI is annexed and marked as **Annexure R-26 (Pg.417-418)**.

In this respect, reference is made to another instance where the answering Respondent has recently constructed mitigation measures with the combination of wider underpass of length 1.2 km to 300m of multiple nos., via duct, light and sound barrier, fencing, increased span and heights of minor, major bridges and including culverts, etc. in Pench National Park in the State of Maharashtra and Madhya Pradesh for the four lane road of Nagpur to Seoni section (earlier NH-7). It has been reported that these underpasses is being extensively used by

animals for crossing everyday. The allegations regarding the underpass at Pench National Park is denied as bald and incorrect. It is clarified that the design of all the animal passages of four laning NH-7 from Nagpur to Seoni falls adjoining Pench National Park in the State of Maharashtra and State of Madhya Pradesh is done collectively by the WII, National Tiger Conservation Authority (NTCA), State Government and also Central Government. Accordingly, the answering Respondent constructed all the structures in consultation with the aforesaid authorities. The Regional Office of NTCA, Nagpur and State Government of Maharashtra and Madhya Pradesh is regularly monitoring regarding the usage of all these passages by the animals through camera tracking and manual observation, and it is found that all these passages are being used by the animals extensively. Hence, the allegations of the Appellant is wholly presumptive and devoid of existing facts. In the light of the aforesaid submissions, reliance placed by the Appellant on the judgment passed by the Hon'ble NGT in the case of *Centre for Wildlife and Environment Litigation vs. Union of India & Ors. (OA No.920/2018)*, is wholly erroneous, misplaced and not applicable in the facts of the present case. It is clarified that the said underpass was delayed due to contractual issues and has been opened to traffic since February, 2021. Reference is also made to preceding para in this respect.

REPLY TO GROUNDS IN PARA 58 OF APPEAL

The contents of the grounds in para 58 of the appeal are denied as false, incorrect and repetitive. Contents of the preceding paras in the present reply are relied upon and not reiterated for the sake of brevity. The reliance placed by the Appellant on the various judgment is denied as distinguishable and not applicable in view of the peculiar facts of the present case. It is reiterated that the answering Respondent has complied with all relevant and applicable guidelines as required before initiating the present project, which is being challenged by the Appellant on wholly false, unsubstantiated and presumptive grounds. It is further denied that there is misrepresentation of material facts regarding the wildlife presence in the area. Reliance is placed on the preceding paras to show the benefits which will accrue to the general public on implementation of the said project. The conduct of the Appellant amounts to fishing and roving enquiry inspite of the fact that all adequate safeguards have been complied with considering the objective of preservation of wildlife and flora and fauna of the area after various studies and due deliberation with the expert bodies.

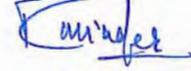
- J.** The answering Respondent further reserves its right to amend/file additional reply to the appeal, if required at a later stage.

In view of the aforesaid submissions and objections, it is most respectfully prayed that the present appeal is totally misconceived and is therefore liable to be dismissed by this Hon'ble Tribunal.

PRAAYER

In light of the submissions made herein above, it is prayed that this Hon'ble Tribunal may graciously be pleased to:

- a. Dismiss the present appeal; and/or
- b. Pass such other or further Order as this Hon'ble Tribunal may deem fit.



रविन्द्र / RAVINDER
महाप्रबंधक(तक) / GM(Tech)
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन और राजमार्ग मंत्रालय)
(RESPONDENT No.3)
जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-75
G - 5 & 6, Sector - 10, Dwarka, New Delhi - 75

THROUGH

 **Madhu Sweta,**
Advocate
Enrl. No. D/601/1997
Singhania & Partners LLP
Solicitors & Advocates
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New Delhi-110016
Mob. 9871650888

Place: New Delhi
Date: 27.11.2021

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI**

APPEAL NO.29 OF 2021

IN THE MATTER OF:

Citizens for Green Doon

...Appellant

Versus

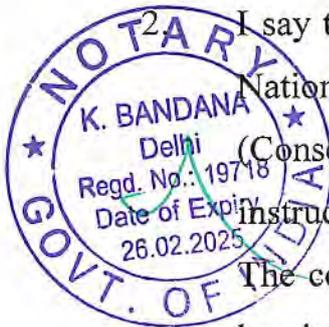
Union of India & Ors.

...Respondents

AFFIDAVIT

I, Ravinder, son of Sh. R.N. Singh, aged 43 years, working as General Manager (Tech) at National Highways Authority of India, G-5 & 6, Sector-10, Dwarka, New Delhi-110075, do hereby on solemn affirmation state and submit as under:

1. I say that I am the authorized representative of the Respondent No.3 abovenamed and as such am conversant with the facts and circumstances of the present reply. I have been duly authorized by the Respondent No.3 to initiate and pursue the present proceedings for and on behalf of the Respondent No.3 and hence, I am competent to swear the present affidavit on the basis of the records being maintained by the Respondent No.3 in the ordinary course of its business.



I say that the accompanying reply to appeal under Section 16(e) of National Green Tribunal Act, 2010 and Section 2A of the Forest (Conservation) Act, 1980 has been drafted by my counsel on my instructions and I have read and understood the contents of the same. The contents of the reply are true and correct, which are reiterated herein and are not being repeated for the sake of brevity.

3. I say that the annexures filed along with the present reply are true copies of their respective originals.

Ravinder

रविन्द्र / RAVINDER
महाप्रबंधक(तक.) / GM(Tech)
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन और राजमार्ग मंत्रालय)
(Ministry of Road Transport & Highways)
जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-75
G - 5 & 6, Sector - 10, Dwarka, New Delhi - 75

VERIFICATION:

27 NOV 2021

Verified at New Delhi on this ____ day of November, 2021 that the contents of the above affidavit are true and correct to the best of my knowledge. No part of it is wrong and nothing material has concealed therefrom.

Ravinder

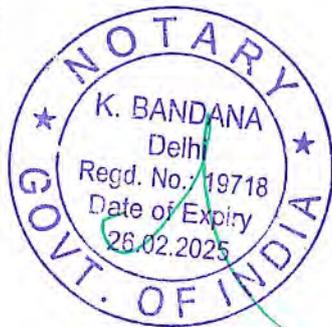
DEPONENT

रविन्द्र / RAVINDER
महाप्रबंधक(तक.) / GM(Tech)
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन और राजमार्ग मंत्रालय)
(Ministry of Road Transport & Highways)
जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली-75
G - 5 & 6, Sector - 10, Dwarka, New Delhi - 75

*I identify,
Raveena Devgan,
D/3648/16.*

IDENTIFIED

27 NOV 2021



ATTESTED
NOTARY PUBLIC, DELHI
GOVT. OF INDIA

Annexure R-1

संख्या-1174 /81-2-2020-800(120)/2020

प्रेषक,

आशोष तिवारी
सचिव
उत्तर प्रदेश शासन।

सेवा में,

मुख्य वन संरक्षक/
नोडल अधिकारी
उ०प्र०, लखनऊ।

पर्यावरण वन एवं जलवायु परिवर्तन अनुभाग-2

लखनऊ, दिनांक 27-11-2021

विषय- जनपद-सहारनपुर में शिवालिक वन प्रभाग, सहारनपुर के क्षेत्रान्तर्गत राष्ट्रीय राजमार्ग सं०-72ए, (गणेशपुर से डाट काली मंदिर तक) किमी० 16.000 से 33.000 (नया चैनेज 0.000 से 16.160 तक) सड़क चौड़ीकरण एवं एलीवेटिड रोड निर्माण हेतु 47.7054 हे० वनभूमि (5.1893 हे० संरक्षित वनभूमि एवं 42.5161 हे० आरक्षित वनभूमि) का वन संरक्षण अधिनियम 1980 के प्राविधानों के अन्तर्गत गैर वानिकी प्रयोग एवं 8588 बाधक वृक्षों एवं पौधों (5354 वृक्षों एवं 3234 पौधों) के पातन की अनुमति के संबंध में (प्रस्ताव सं०-एफपी/यूपी/रोड/45282/2020)

महोदय,

उपर्युक्त विषयक कृपया अपने कार्यालय पत्र संख्या-357/11-सी-एफपी/यूपी/ रोड/45282/2020, दिनांक 02-08-2021 के संदर्भ में मुझे यह कहने का निदेश हुआ है कि भारतीय राष्ट्रीय राजमार्ग प्राधिकरण द्वारा जनपद-सहारनपुर में शिवालिक वन प्रभाग, सहारनपुर के क्षेत्रान्तर्गत राष्ट्रीय राजमार्ग सं०-72ए, (गणेशपुर से डाट काली मंदिर तक) किमी० 16.000 से 33.000 (नया चैनेज 0.000 से 16.160 तक) सड़क चौड़ीकरण एवं एलीवेटिड रोड निर्माण हेतु 47.7054 हे० वनभूमि (5.1893 हे० संरक्षित वनभूमि एवं 42.5161 हे० आरक्षित वनभूमि) का वन संरक्षण अधिनियम 1980 के प्राविधानों के अन्तर्गत गैर वानिकी प्रयोग एवं 8588 बाधक वृक्षों एवं पौधों (5354 वृक्षों एवं 3234 पौधों) के पातन की अनुमति के संबंध में भारत सरकार द्वारा प्रदत्त क्रमशः सैद्धांतिक/विधिवत स्वीकृति एवं राज्य सरकार की शर्तों/प्रतिबन्धों एवं मा० उच्चतम न्यायालय के आदेशों को सम्मिलित करते हुए एतद्द्वारा अनुमति आदेश निर्गत की जाती हैं:-

1. Legal status of the Forest land shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department over 95.50 ha degraded forest land (as detailed below) at the cost of the user agency.

Sl. No	Name of Forest Division	CA proposed in Area (Ha)	Details of CA
1	Mohanda Range Saharanpur/Shivalik FD	10 ha. 10 ha. 10 ha. 7 ha. 15 ha. 5 ha. 10.00	Buddawan IB FB Kaluwala FB IB Par-I Kaluwala FB IB Par-I Shahajahanpur IB- part-I Shahajahanpur IB- part-II Kaluwal comp 3B Shahajahanpur 3B
2	Badkala - Range Saharanpur/Shivalik FD	18 ha. 10 ha.	Khairawali 2B (Gularia Soat) Part-I Khairawali 2B (Gularia Soat) Part-II
	Total	95.50 ha.	

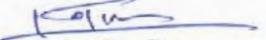
As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

3.	The complete compliance of FRA 2006 shall be ensured by the way of prescribed certificate from the concerned District Collector.
4	User agency shall restrict the felling of trees minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with State Forest Department.
5	The user Agency shall undertake plantation on both side of the road and median (if available) according to IRC guidelines and order passed by NGT on OA no 27/2015 in the matter of Babulal jaju v/s State of Rajasthan and others dated 16.11.2015.
6	Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
7	The user agency shall provide suitable under/over pass in Protected Areas/Forest Areas as per recommendation CWLW/NBWL/FAC/REC.
8	The User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection), Act, 1986, if applicable.
9	The layout plan of the proposal shall not be changed without prior approval of Central Government.
10	No labour camp shall be established on the forest land.
11	Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel
12	The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost. As per the directions of the concerned Divisional Forest Officer.
13.	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
14-	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.
15-	The Forest land shall not be used for any purpose other than that specified in the project proposal.
16	The Forest land proposed to be diverted shall under no circumstances be

	transferred to any other agencies, department or person without prior approval of Govt. of India.
17	A detailed report on translocation shall be sent by the State Forest Department once the process of translocation is completed.
18	Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF & CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
19	Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate. From time to time in the interest of conservation, protection and development of forest & wildlife.
20	प्रस्तावक विभाग के सम्बंधित अधिकारी, कर्मचारी अथवा ठेकेदार या उक्त व्यक्तियों के अधीन या उनसे सम्बंधित कोई भी व्यक्ति किसी भी वन सम्पदा को क्षति नहीं पहुंचायेंगे और यदि उक्त व्यक्तियों से वन सम्पदा को कोई क्षति पहुंचती है अथवा पहुंचायी जाती है, तो उसके लिए सम्बंधित प्रभागीय वनाधिकारी द्वारा निर्धारित प्रतिकर प्रस्तावक विभाग पर बाध्यकारी होगा।
21	उक्त वन भूमि प्रस्तावक विभाग के उपयोग में प्रश्नगत अवधि के अन्दर तब तक रहेगी जब तक कि प्रस्तावक को उसकी उक्त हेतु आवश्यकता रहे। यदि प्रस्तावक को उक्त वनभूमि अथवा उसके किसी भाग की आवश्यकता न रहेगी तो यथास्थिति उक्त वनभूमि अथवा उसका ऐसा भाग जो प्रस्तावक विभाग के लिए आवश्यक न रहे, वन विभाग, उ०प्र० सरकार को बिना किसी प्रतिकर का भुगतान किये यथास्थिति वापस प्राप्त हो जायेगी।
22	वन विभाग के अधिकारी/कर्मचारी अथवा उसके अभिकर्ताओं को किसी भी समय जब वे आवश्यक समझे प्रश्नगत वनभूमि का निरीक्षण करने का अधिकार होगा।
23	प्रयोक्ता अभिकरण को यह वचनबद्धता देनी होगी कि यदि एन०पी०वी० की धनराशि में इस अवधि में वृद्धि होती है तो इसका भुगतान किया जायेगा।
24	भारत सरकार के पत्र संख्या- 5-3/2007 एफसी (पीटी), दिनांक 19-8-2010 तथा पत्र संख्या- J-11013/41/2006-IA-II(I), दिनांक 02 दिसम्बर, 2009 के अनुसार प्रस्तावक विभाग को कार्य प्रारम्भ करने से पूर्व यह सुनिश्चित करना होगा कि उन्होंने, यदि लागू है तो (if applicable), कार्य प्रारम्भ करने के पूर्व सक्षम स्तर से पर्यावरणीय अनापति/अनुमोदन तथा वन्य जीव की दृष्टि से स्टैंडिंग कमेटी ऑफ नेशनल बोर्ड ऑफ वाइल्ड लाइफ से अनुमोदन अलग-अलग प्राप्त कर लिया जायेगा।
25	यदि प्रश्नगत भूमि सेन्चुरी/नेशनल पार्क में सम्मिलित है, तो मा० उच्चतम न्यायालय से अलग से अनुमति प्राप्त करने की कार्यवाही कर लिया जायेगा।
26	समस्त वैधानिक/प्रशासनिक अनापति प्राप्त करने के उपरान्त ही कार्य प्रारम्भ किया जायेगा।
27	उपरोक्त के अतिरिक्त समय-समय पर केन्द्र सरकार/राज्य सरकार/मा० न्यायालयों द्वारा दिये गये निर्देशों का अनुपालन प्रस्तावक विभाग द्वारा किया जायेगा।
28	प्रस्तावक विभाग को संरक्षित वनभूमि के भू-स्वामित्व वाले विभाग से कार्य आरम्भ करने के पूर्व अनापति प्रमाण-पत्र प्राप्त करना होगा।
29	प्रश्नगत अनुमति आदेश मुख्य वन संरक्षक/नोडल अधिकारी, उ०प्र० लखनऊ की रिपोर्ट/संस्तुति के आधार पर निर्गत की जा रही है। भविष्य में प्रकरण में किसी बिन्दु पर तथ्य छुपाये जाने अथवा अन्य कोई नियम विरुद्ध तथ्य प्रकाश में आने पर मुख्य वन संरक्षक/नोडल अधिकारी

	स्वयं उत्तरदायी होंगे।
30	मुख्य वन संरक्षक/नोडल अधिकारी, उ०प्र० लखनऊ द्वारा वणित प्रकरण से संबंधित उपरोक्त शर्तें/प्रतिबंधों(Terms & Conditions) के संबंध में अपनी सत्यापन रिपोर्ट शासन को उपलब्ध करायी जायेगी
31	परियोजना में बाधक 8588 वृक्षों (5354 वृक्षों एवं 3234 पौध) हैं। अतएव निर्गत कार्यवृत्त दिनांक 16-8-2021 के अंतर्गत ई०टी०टी० का अनुपालन किया जायेगा।

भवदीय,


(आशीष तिवारी)

सचिव

संख्या एवं दिनांक तदैव।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है-

- (1)- उप वन महानिरीक्षक (केन्द्रीय) भारत सरकार, पर्यावरण एवं वन मंत्रालय, क्षेत्रीय कार्यालय, केन्द्रीय भवन, पंचम तल सेक्टर एच, अलीगंज विस्तार, लखनऊ।
- (2)- वन संरक्षक, सहारनपुर ।
- (3)- जिलाधिकारी सहारनपुर ।
- (4) प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग, सहारनपुर ।
- (5)- परियोजना निदेशक, एन०एच०ए०आई० परियोजना, क्रियांवयन इकाई पी०आई०यू०, देहरादून, म०न०-5, लेन नं०-4 टैक बहादुर रोड, देहरादून, उत्तराखण्ड।
- (6)- गार्ड फाइल।

आज्ञा से,


(आशीष तिवारी)

सचिव

प्रेषक,

आशीष तिवारी
सचिव
उत्तर प्रदेश शासन।

सेवा में,

मुख्य वन संरक्षक/
नोडल अधिकारी
उ०प्र०, लखनऊ।

पर्यावरण वन एवं जलवायु परिवर्तन अनुभाग-2

लखनऊ, दिनांक 27-11-2021

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18	Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF & CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
19	Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate. From time to time in the interest of conservation, protection and development of forest & wildlife.
20	प्रस्तावक विभाग के सम्बंधित अधिकारी, कर्मचारी अथवा ठेकेदार या उक्त व्यक्तियों के अधीन या उनसे सम्बंधित कोई भी व्यक्ति किसी भी वन सम्पदा को क्षति नहीं पहुंचाएंगे और यदि उक्त व्यक्तियों से वन सम्पदा को कोई क्षति पहुंचती है अथवा पहुंचायी जाती है, तो उसके लिए सम्बंधित प्रभागीय वनाधिकारी द्वारा निर्धारित प्रतिकर प्रस्तावक विभाग पर बाध्यकारी होगा।
21	उक्त वन भूमि प्रस्तावक विभाग के उपयोग में प्रश्नगत अवधि के अन्दर तब तक रहेगी जब तक कि प्रस्तावक को उसकी उक्त हेतु आवश्यकता रहे। यदि प्रस्तावक को उक्त वनभूमि अथवा उसके किसी भाग की आवश्यकता न रहेगी तो यथास्थिति उक्त वनभूमि अथवा उसका ऐसा भाग जो प्रस्तावक विभाग के लिए आवश्यक न रहे, वन विभाग, उ०प्र० सरकार को बिना किसी प्रतिकर का भुगतान किये यथास्थिति वापस प्राप्त हो जायेगी।
22	वन विभाग के अधिकारी/कर्मचारी अथवा उसके अभिकर्ताओं को किसी भी समय जब वे आवश्यक समझे प्रश्नगत वनभूमि का निरीक्षण करने का अधिकार होगा।
23	प्रयोक्ता अभिकरण को यह वचनबद्धता देनी होगी कि यदि एन०पी०वी० की धनराशि में इस अवधि में वृद्धि होती है तो इसका भुगतान किया जायेगा।
24	भारत सरकार के पत्र संख्या- 5-3/2007 एफसी (पीटी), दिनांक 19-8-2010 तथा पत्र संख्या- J-11013/41/2006-IA-II(I), दिनांक 02 दिसम्बर, 2009 के अनुसार प्रस्तावक विभाग को कार्य प्रारम्भ करने से पूर्व यह सुनिश्चित करना होगा कि उन्होंने, यदि लागू है तो (if applicable), कार्य प्रारम्भ करने के पूर्व सक्षम स्तर से पर्यावरणीय अनापत्ति/अनुमोदन तथा वन्य जीव की दृष्टि से स्टैंडिंग कमेटी ऑफ नेशनल बोर्ड ऑफ वाइल्ड लाइफ से अनुमोदन अलग-अलग प्राप्त कर लिया जायेगा।
25	यदि प्रश्नगत भूमि सेन्चुरी/नेशनल पार्क में सम्मिलित है, तो मा० उच्चतम न्यायालय से अलग से अनुमति प्राप्त करने की कार्यवाही कर लिया जायेगा
26	समस्त वैधानिक/प्रशासनिक अनापत्ति प्राप्त करने के उपरान्त ही कार्य प्रारम्भ किया जायेगा।
27	उपरोक्त के अतिरिक्त समय-समय पर केन्द्र सरकार/राज्य सरकार/मा० न्यायालयों द्वारा दिये गये निर्देशों का अनुपालन प्रस्तावक विभाग द्वारा किया जायेगा।
28	प्रस्तावक विभाग को संरक्षित वनभूमि के भू-स्वामित्व वाले विभाग से कार्य आरम्भ करने के पूर्व अनापत्ति प्रमाण-पत्र प्राप्त करना होगा।
29	प्रश्नगत अनुमति आदेश मुख्य वन संरक्षक/नोडल अधिकारी, उ०प्र० लखनऊ की रिपोर्ट/संस्तुति के आधार पर निर्गत की जा रही है। भविष्य में प्रकरण में किसी बिन्दु पर तथ्य छुपाये जाने अथवा अन्य कोई नियम विरुद्ध तथ्य प्रकाश में आने पर मुख्य वन संरक्षक/नोडल अधिकारी

	स्वयं उत्तरदायी होंगे।
30	मुख्य वन संरक्षक/नोडल अधिकारी, उ०प्र० लखनऊ द्वारा वणित प्रकरण से संबंधित उपरोक्त शर्त/प्रतिबंधों(Terms & Conditions) के संबंध में अपनी सत्यापन रिपोर्ट शासन को उपलब्ध करायी जायेगी
31	परियोजना में बाधक 8588 वृक्षों (5354 वृक्ष एवं 3234 पौध) हैं। अतएव निर्गत कार्यवृत्त दिनांक 16-8-2021 के अंतर्गत ई०टी०टी० का अनुपालन किया जायेगा।

भवदीय,
(आशीष तिवारी)
सचिव

संख्या एवं दिनांक तदैव।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है-

- (1)- उप वन महानिरीक्षक (केन्द्रीय) भारत सरकार, पर्यावरण एवं वन मंत्रालय, क्षेत्रीय कार्यालय, केन्द्रीय भवन, पंचम तल सेक्टर एच, अलीगंज विस्तार, लखनऊ।
- (2)- वन संरक्षक, सहारनपुर ।
- (3)- जिलाधिकारी सहारनपुर ।
- (4) प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग, सहारनपुर ।
- (5)- परियोजना निदेशक, एन०एच०ए०आई० परियोजना, क्रियांवयन इकाई पी०आई०यू०, देहरादून, म०न०-5, लेन नं०-4 टैक बहादुर रोड, देहरादून, उत्तराखण्ड।
- (6)- गार्ड फाइल।

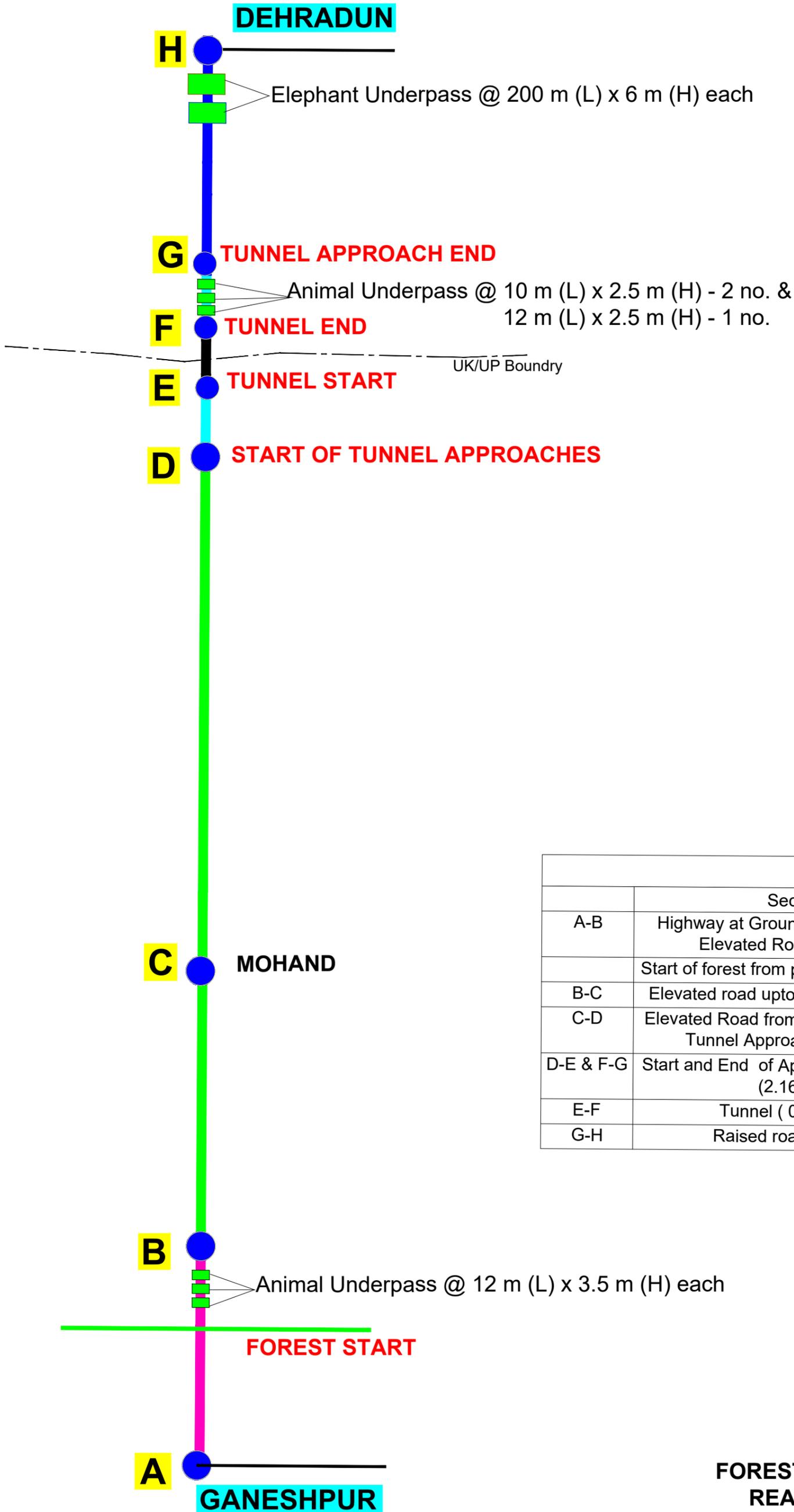
आज्ञा से,
(आशीष तिवारी)
सचिव

Announcements

Sort By: Publish Date

Announcements				
Title	Description	Start Date	End Date	File
S L O Office	Land Acquisition notice	02/09/2021	01/09/2024	View (8 MB)
Office Shivalik Van Prabhag Saharanpur	Notice	25/11/2021	31/03/2022	View (883 KB)
District Magistrate Office	Prime Minister's Garib Kalyan Yojana Package:Insurance Scheme for Health worker's Fighting Covid-19	11/05/2021	31/12/2022	View (2 MB)
Mining Department Saharanpur	District Survey Report (DSR)	02/12/2017	31/12/2023	View (5 MB)
List of Holidays	List of declared holidays in the year 2021	01/01/2021	31/12/2021	View (511 KB)
Shop Closed Day	The days on which shops remains closed	08/03/2018	31/12/2027	View (282 KB)

Annexure R-2



Legend		
Section	Description	Color
A-B	Highway at Ground / Approaches to Elevated Road (2.25 km)	Pink
B-C	Elevated road upto Mohand (4.25 km)	Green
C-D	Elevated Road from Mohand to start of Tunnel Approaches (8.0 km)	Light Green
D-E & F-G	Start and End of Approaches to Tunnel (2.16 km)	Cyan
E-F	Tunnel (0.340 km)	Black
G-H	Raised road (2.8 km)	Blue

FOREST START TO TUNNEL IS THE REALIGNMENT OF HIGHWAY

Annexure R-3

Letter no. 8B./U.C.P./06/110/2020/F.C./1392

Dt. 29.09.2020

To,

Additional Chief Secretary (Forest),
Government of Uttarakhand,
Subhash Road, Dehradun.

Sub: 4 lane configuration of National Highway 72A from Ganeshpur to Dehradun road section located in district Uttar Pradesh (Design km 0.00 to km 16.115) and Uttarakhand (Design km 16.115 to km 19.746) Reversion of forest land to NHAI-PIU for non-forestry works for the construction of widening, expansion.

Ref: Additional Chief Conservator of Forests and Nodal Officer, Uttarakhand letter no. 371 / FP / UK / ROAD / 45283 / 2020 dated 07.08.2020

Sir,

Online Proposal No FP / UK / ROAD / 45283 / 2020 on the above subject and Additional Chief Conservator of Forests and Nodal Officer, Government of Uttarakhand, take the trouble of seeing the reference letter, through which the Central Government on the subject proposal (Conservation)) Approval was sought under section-2 of the 1980 Act. –

From time to time, necessary information / documents were received from the State Government on the matter in question, after which the Regional Empowered Committee (REC) on the proposal was held on 24 September 2020. After being recommended in the meeting, the Central Government District Uttar Pradesh (Design Km 0.00 to Km 16. 115) and Uttarakhand (Design Km 16.115 to Km 19.746) from National Highway 72 A Ganeshpur The in-principle approval for repatriation of 9.6224 hectares of forest land to NHAI-PIU for non-forestry works for the construction of widening, up to Dehradun road section provides in-principle approval on the following conditions:

1. The legal status of forest land will not be changed.
2. The forest land will be handed over only after the non-forest land required for the project is handed over to the user agency.
3. Compensatory afforestation :
 - a) Compensatory afforestation will be carried out by the Forest Department on 20.00 ha. of degraded forest land at the cost of the user agency, so far as practical, taking local indigenous species and avoiding monoculture of the species.
 - b) Additional certificate will also be produced by the Divisional Forest Officer that the said C. A. Plantation work has not been done on the area under any other scheme in the past.

4. On the land of compensatory afforestation, if necessary, the cost of compensatory afforestation at the prevailing wage rates as per the compensatory afforestation scheme and the cost of survey, demarcation and pillaring shall be deposited by the project authority with the forest department in advance. Compensatory afforestation will be maintained for 10 years. Appropriate provisions may be included in this plan for anticipated cost escalation for scheduled works in future.

5. Net Present Value-

(a) In this regard, Hon'ble Supreme Court of India in WP (C) No. 202/1995 IA No. 556 dated 30.10.2002, 01.08.2003 28.03.2008 24.04.2008 and 09.05.2008 and Ministry by letter No. 5-1/1998 - F.C. (Pt. 2) dated 18.09.2003 , 5-2/2006 - F.C. Dated 03.10.2006 & 5-3/2007 - F.C. As per the guidelines issued on 05.02.2009, the State Government will recover the net present value from the user agency for repatriation of 9.6224 ha. forest area under this proposal.

(b) On receipt of the report from the Expert Committee, the additional amount, if any, of the net present value of the repatriated forest land, if any, due after finalization, shall be recovered by the State Government from the user agency. The User Agency shall submit an affidavit thereof.

6. The User Agency shall minimize the felling of trees in the repatriated forest land whose number shall not exceed 2572 trees (including 24 saplings) as per the proposal and the trees shall be under the strict supervision of the State Forest Department. The cost of felling of trees will be deposited by the user agency with the State Forest Department.

7. The provision of the Bhagirathi eco sensitive zone notification and zonal master plan shall be strictly complied with by the State Govt. and User Agency.

8. The User Agency State Govt. will comply with the directions of the Hon'ble Supreme Court passed in the matter of civil appeal No. 10930/2018 (MA No. 1449/2020 dated 08.09.2020).

9. State Govt. will inform this office if they pass any order for tree cutting and commencement of work before stage II approval as per guidelines para 11.2 . The State Govt , will strictly monitor and ensure that no further activity is carried out under such permission after the expiry of one year from the date of issue of such permission.

10. The funds received from the user agency under the project will be transferred/deposited to the Compensatory Afforestation Fund Management and Planning Authority Fund only through e-portal (<https://parivesh-nic.in/>).

11. Full compliance of FRA, 2006 will be ensured through prescribed certificate from the concerned District Collector.

12. Speed regulation signage shall be installed along the road at certain distances in the protected areas/forest areas.

13. As per the provisions of the Environment (Protection) Act 1986, the user agency shall obtain environmental clearance.

14. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.

15. No labor camp will be established on forest land.

16. The user agency shall provide adequate wood, preferably alternative fuel, to the laborers from the State Forest Department or Forest Development Corporation or any other legal source of alternative fuel.

17. As per the instructions of the concerned Divisional Forest Officer, the extent of the reverted forest land will be demarcated on the land at the project cost.

18. No additional or new route shall be made within the forest area for transportation of construction material for execution of project work.

19. The period of repatriation in this approval shall be targeted with the period of lease granted in favor of the user agency or with the full duration of the project, whichever is less.

20. The forest land shall not be used for any purpose other than those specified in the project proposal.

21. The forest land proposed for repatriation will not be transferred under any circumstances to any other agencies, department or person without the prior permission of the Central Government.

22. Violation of any of these conditions will be a violation of the Forest (Conservation) Act, 1980 and action will be taken as per the guidelines of the Ministry of Environment, Forest and Climate Change File No. 11-42/2017-FC dated 29.01.2018.

23. The conditions prescribed by the Ministry of Environment, Forest and Climate Change from time to time in the interest of conservation and development of forest and wildlife will be applicable.

24. The user agency shall dispose of the sewage at the pre-specified sites in such a way that it does not fall unnecessarily below the prescribed limit, under the supervision of the State Forest Department and at the cost of the project by the user agency by planting saplings of suitable species, to stabilize and stabilize the sewage disposal area. Restoration work will be done. Walls will be built to keep the debris in place, before handing over the disposal sites to the State Forest Department, their stabilization and improvement work will be completed in a time

bound manner as per the plan. No felling of trees will be allowed in the debris disposal area.

25. If any other relevant Act/Article/Rules/Court Order/Instruction etc. are applicable to this proposal, it will be the responsibility of the State Government/User Agency to take necessary permission under them.

26. The compliance report will be uploaded on the e-portal (<https://parivesh.nic/in/>).

Regards

(T. C. Nautiyal)

Deputy Inspector General, Forest(K.)

Copy for information and necessary action:

1. Additional Director General of Forests (FC), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbag Road, Aliganj, New Delhi.
2. Additional Chief Conservator of Forests and Nodal Officer, Forest Conservation, Indira Nagar Forest Colony, Dehradun, Uttarakhand.
3. Order Letter.

Regards

(T. C. Nautiyal)

Deputy Inspector General, Forest(K.)



सत्यमेव जयते

पत्र सं० 8बी/यू०सी०पी०/०६/११०/२०२०/एफ.सी. 1392

दिनांक: 29/09/2020

सेवा में,

अपर मुख्य सचिव (वन),
उत्तराखण्ड शासन,
सुभाष रोड, देहरादून।

विषय : जनपद - उत्तर प्रदेश (डिजाईन कि०मी० ०.०० से कि०मी० १६.११५) और उत्तराखण्ड (डिजाईन कि०मी० १६.११५ से कि०मी० १९.७४६) स्थित राष्ट्रीय राजमार्ग ७२ ए गणेशपुर से देहरादून सड़क खण्ड तक के ४ लेन विन्यास का सृष्टीकरण, चौड़ीकरण के निर्माण हेतु ९.६२२४ हे० वन भूमि का गैर वानिकी कार्यों हेतु NHAI-PIU को प्रत्यावर्तन।

संदर्भ: अपर प्रमुख वन संरक्षक एवं नोडल अधिकारी, उत्तराखण्ड का पत्र संख्या- 371/FP/UK/ROAD/45283/2020 दिनांक 07.08.2020

दय,

उपरोक्त विषय पर Online Proposal No FP/UK/ROAD/45283/2020 एवं अपर प्रमुख वन संरक्षक एवं नोडल अधिकारी, उत्तराखण्ड शासन के सन्दर्भित पत्र का अवलोकन करने का कष्ट करें, जिसके द्वारा विषयांकित प्रस्ताव पर केन्द्र सरकार से वन (संरक्षण) अधिनियम, 1980 की धारा-2 के तहत स्वीकृति मांगी थी।

प्रश्नगत प्रकरण पर समय-समय पर राज्य सरकार से आवश्यक जानकारियां/दस्तावेज प्राप्त किये गये, जिनके प्राप्त होने के उपरान्त तथा प्रस्ताव पर Regional Empowered Committee (REC) की दिनांक 24, सितम्बर 2020 को हुई बैठक में संस्तुति होने के उपरान्त केन्द्र सरकार जनपद - उत्तर प्रदेश (डिजाईन कि०मी० ०.०० से कि०मी० १६.११५) और उत्तराखण्ड (डिजाईन कि०मी० १६.११५ से कि०मी० १९.७४६) स्थित राष्ट्रीय राजमार्ग ७२ ए गणेशपुर से देहरादून सड़क खण्ड तक के ४ लेन विन्यास का सृष्टीकरण, चौड़ीकरण के निर्माण हेतु ९.६२२४ हे० वन भूमि का गैर वानिकी कार्यों हेतु NHAI-PIU को प्रत्यावर्तन किये जाने की सैद्धान्तिक स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है:-

1. वन भूमि की विधिक परिस्थिति नहीं बदली जाएगी।
2. परियोजना के लिए आवश्यक गैर वन भूमि प्रयोक्ता अभिकरण को सौंपे जाने के बाद ही वन भूमि सौंपी जाएगी।
3. प्रतिपूरक वनीकरण:
क) वन विभाग द्वारा प्रयोक्ता अभिकरण की लागत पर 20.00 हे० अवनत वन भूमि कारबरी क०सं० 1 सी पर प्रतिपूरक वनीकरण किया जाएगा। जहां तक व्यावहारिक हो, स्थानीय स्वदेशी प्रजातियों को लगाया जाए तथा प्रजातियों की एकल कृषि से बचें।
ख) वन मंडल अधिकारी द्वारा अतिरिक्त प्रमाण पत्र भी प्रस्तुत किया जायेगा कि उक्त सी.ए. क्षेत्र पर पूर्व में किसी भी अन्य योजना के तहत वृक्षारोपण कार्य नहीं किया गया है।
4. प्रतिपूरक वनीकरण की भूमि पर, यदि आवश्यक हो, तो प्रतिपूरक वनीकरण योजना के अनुसार प्रचलित मजदूरी दरों पर प्रतिपूरक वनीकरण की लागत एवं सर्वेक्षण, सीमांकन और स्तंभन की लागत परियोजना प्राधिकरण द्वारा अग्रिम रूप से वन विभाग के पास जमा की जाएगी। प्रतिपूरक वनीकरण 10 वर्षों तक अनुरक्षित किया जाएगा। इस योजना में भविष्य में निर्धारित कार्यों के लिए प्रत्याशित लागत वृद्धि हेतु उपयुक्त प्रावधान शामिल किए जा सकते हैं।
5. शुद्ध वर्तमान मूल्य
(क) इस संबंध में भारत के माननीय सर्वोच्च न्यायालय के WP (C) संख्या: 202/1995 में IA नंबर 556 दिनांक 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 एवं 09.05.2008 तथा मंत्रालय द्वारा पत्रांक 5-1/1998-एफ.सी. (Pt. 2) दिनांक 18.09.2003, 5-2/2006-एफ.सी. दिनांक 03.10.2006 एवं 5-3/2007-एफ.सी. दिनांक 05.02.2009 में जारी दिशानिर्देशानुसार राज्य सरकार प्रयोक्ता अभिकरण से इस प्रस्ताव के तहत 9.6224 हे० वन क्षेत्र के प्रत्यावर्तन के लिए शुद्ध वर्तमान मूल्य वसूल करेगी।
(ख) विशेषज्ञ समिति से रिपोर्ट प्राप्त होने पर माननीय सर्वोच्च न्यायालय द्वारा प्रत्यावर्तित वन भूमि के शुद्ध वर्तमान मूल्य की अतिरिक्त राशि, यदि कोई हो, जो अंतिम रूप देने के बाद देय हो, को राज्य सरकार द्वारा प्रयोक्ता अभिकरण से वसूला जाएगा। प्रयोक्ता अभिकरण इसका एक शपथपत्र प्रस्तुत करेगा।
6. प्रयोक्ता अभिकरण प्रत्यावर्तित वन भूमि में पेड़ों की कटाई को न्यूनतम कर देगा जिनकी संख्या प्रस्ताव के अनुसार 2572 trees (including 24 saplings) से अधिक नहीं होगी एवं पेड़ राज्य वन विभाग के सख्त पर्यवेक्षण में

कटेंगे। प्रयोक्ता अभिकरण द्वारा राज्य वन विभाग के पास पडों की कटाई की लागत जमा की जाएगी।

- The provision of the Bhagirathi eco sensitive zone notification and zonal master plan shall be strictly complied with by the State Govt. and User Agency.
- 8- The User Agency/State Govt. will comply with the directions of the Hon'ble Supreme Court passed in the matter of civil appeal No. 10930/2018 (M.A. No. 1449/2020 dated 08.09.2020)
- 9 State Govt. will inform this office if they pass any order for tree cutting and commencement of work before stage II approval as per guidelines para 11.2. The State Govt. will strictly monitor and ensure that no further activity is carried out under such permission after the expiry of one year from the date of issue of such permission.
- 10 परियोजना के तहत प्रयोक्ता अभिकरण से प्राप्त धन केवल ई-पोर्टल (<https://parivesh-nic-in/>) के माध्यम से क्षतिपूरक वनीकरण कोष प्रबंधन और योजना प्राधिकरण फंड में स्थानांतरित/ जमा किए जाएंगे।
11. एफआरए, 2006 का पूर्ण अनुपालन संबंधित जिला कलेक्टर से निर्धारित प्रमाण पत्र के माध्यम से सुनिश्चित किया जाएगा।
12. संरक्षित क्षेत्रों / वन क्षेत्रों में निश्चित दूरी पर सड़क के साथ गति विनियमन साइनेज लगाए जाएंगे।
13. पर्यावरण (संरक्षण) अधिनियम, 1986 के प्रावधानों के अनुसार, उपयोगकर्ता अभिकरण पर्यावरणीय स्वीकृति प्राप्त करेगा।
14. केंद्र सरकार की पूर्वानुमति के बिना प्रस्ताव का ले-आउट प्लान नहीं बदला जाएगा।
15. वन भूमि पर कोई भी श्रमिक शिविर स्थापित नहीं किया जाएगा।
16. प्रयोक्ता अभिकरण द्वारा मजदूरों को राज्तीय वन विभाग अथवा वन विकास निगम अथवा वैकल्पिक ईंधन के किसी अन्य कानूनी स्रोत से पर्याप्त लकड़ी, विशेषतः वैकल्पिक ईंधन दिया जाएगा।
17. संबंधित प्रभागीय वनाधिकारी के निर्देशानुसार, प्रत्यावर्तित वन भूमि की सीमा को परियोजना लागत पर भूमि पर सीमांकन किया जाएगा।
18. परियोजना कार्य के निष्पादन के लिए निर्माण सामग्री के परिवहन के लिए वन क्षेत्र के अंदर कोई अतिरिक्त या नया मार्ग नहीं बनाया जाएगा।
19. इस अनुमोदन में प्रत्यावर्तन की अवधि को प्रयोक्ता अभिकरण के पक्ष में मिली लीज की अवधि के साथ अथवा परियोजना की पूर्ण अवधि के साथ, जो भी कम हो, लक्षित किया जाएगा।
20. वन भूमि का उपयोग परियोजना के प्रस्ताव में विनिर्दिष्ट प्रयोजनों के अतिरिक्त अन्य किसी प्रयोजन हेतु नहीं किया जाएगा।
21. केंद्र सरकार की पूर्वानुमति के बिना प्रत्यावर्तन हेतु प्रस्तावित वन भूमि किसी भी परिस्थिति में किसी भी अन्य एजेंसियों, विभाग अथवा व्यक्ति को हस्तांतरित नहीं की जाएगी।
22. इनमें से किसी भी शर्त का उल्लंघन वन (संरक्षण) अधिनियम, 1980 का उल्लंघन होगा एवं पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय के दिशानिर्देश फाइल संख्या 11-42/2017-FC दिनांक 29.01.2018 के अनुसार उस पर कार्रवाई होगी।
23. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय द्वारा वन एवं वन्यजीवों के संरक्षण व विकास के हित में समय-समय पर निर्धारित शर्तें लागू होंगी।
24. प्रयोक्ता अभिकरण पूर्वविर्दिष्ट स्थलों पर इस प्रकार मलबे का निस्तारण करेगा कि वह अनावश्यक रूप से तय सीमा से नीचे न गिरे। राज्य के वन विभाग के पर्यवेक्षण में तथा परियोजना की लागत पर, प्रयोक्ता अभिकरण द्वारा उपयुक्त प्रजातियों के पौधे लगाकर मलबा निस्तारण क्षेत्र को स्थिर एवं पुनर्जीवित करने का कार्य किया जाएगा। मलबे को यथा स्थान रखने हेतु दीवारें बनाई जाएंगी। निस्तारण स्थलों को राज्य के वन विभाग को सौंपने से पूर्व, इनका स्थिरीकरण एवं सुधार कार्य योजनानुसार समयबद्ध तरीके से पूरा किया जाएगा। मलबा निस्तारण क्षेत्र में वृक्षों की कटाई की अनुमति नहीं होगी।
25. यदि कोई अन्य सम्बन्धित अधिनियम/अनुच्छेद/नियम/न्यायालय आदेश/अनुदेश आदि इस प्रस्ताव पर लागू होते हैं तो उनके अधीन जरूरी अनुमति लेना राज्य सरकार/प्रयोक्ता एजेंसी की जिम्मेवारी होगी।
26. अनुपालना रिपोर्ट ई-पोर्टल (<https://parivesh.nic-in/>) पर अपलोड की जाएगी।

भवदीय,

(टी० सी० नौटियाल)

उप महानिरीक्षक, वन (के०)

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:

- 1 अपर वन महानिदेशक (एफ०सी०), पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, इन्दिरा पर्यावरण भवन, जोरबाग रोड, अलीगंज, नई दिल्ली।
- 2 अपर प्रमुख वन संरक्षक एवं नोडल अधिकारी, वन संरक्षण, इन्दिरा नगर फारेस्ट कालोनी, देहरादून, उत्तराखण्ड।
- 3 आदेश पत्रावली।

(टी० सी० नौटियाल)

उप महानिरीक्षक, वन (के०)

Annexure R-4

Letter no. 8B/U.P./06/160/2020/F.C./1108

Dated 23/24.12.2020

To,

Principal Secretary,

Department of Environment, Forest and Climate Change,
Bapu Bhawan, Government of Uttar Pradesh,
Lucknow.

Online Proposal No. FP/UP/Road/45282/2020

Sub: Under the jurisdiction of Shiwalik Forest Division in District Saharanpur, widening and elevated corridor construction of NH 72A (Ganeshpur to Dat Kali Temple) KM 16.00 to KM 33.00 (New Chainage KM 0.000 to 16.160), Regarding permission for use of 47.7054 HA forest land (5.1893 HA Protected Forest & 42.5161 HA Reserve Forest) for non-forest purposes under Forest Conservation Act 1980 and cutting of 8588 obstructing trees (5354 trees and 3234 plants)

Ref: Special Secretary (Forest), Uttar Pradesh letter no.-2518/81-2-2020 800(120)/2020 Lucknow, dated 02.12.2020.

Sir,

Kindly refer to the Department of Environment, Forest and Climate Change, Govt. of Uttar Pradesh letter no. P. 113/81-2-2020-800(120)/2020 dated 23.11.2020, vide which approval under section (2) of the Forest (Conservation) Act, 1980 was sought for the subject project.

The matter was included in the meeting of Regional Empowered Committee (REC) convened on 15.12.2020 (REC Agenda item 52.3 - UP). The proposal was approved in the meeting. After the approval of the Regional Empowered Committee, I have been directed to inform you that under the jurisdiction of Shiwalik Forest Division in District Saharanpur, widening and elevated corridor construction of NH 72A (Ganeshpur to Dat Kali Temple) KM 16.00 to KM 33.00 (New Chainage KM 0.000 to 16.160), the permission for use of 47.7054 HA forest land (5.1893 HA Protected Forest & 42.5161 HA Reserve Forest) for non-forest purposes under Forest Conservation Act 1980 and cutting of 8588 obstructing trees (5354 trees and 3234 plants) has been granted the in-principle approval subject to the following conditions:

1. Legal status of the forest land shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department over 95.50 ha. degraded forest land (as detailed below) at the cost of the user agency.

Sl.No.	Name of Forest Division	CA proposed in Area (Ha.)	Details of CA
1.	Mohanda Range	10 ha.	Buddhawan 1B FB

	Saharanpur / Shivalik FD	10 ha . 10 ha . 7 ha. 15 ha. 5 ha. 10.00	Kaluwala FB 1B Part-I Kaluwala FB 1B Part-II Shahajahanpur 1B - part -I Shahajahanpur 1B - part -II Kaluwal comp.3B Shahajahanpur 3B
2.	Badkala- Range Saharanpur/ Shivalik FD	18 ha. 10 ha.	Khairawali 2B (Gularia Soat) Part - I Khairawali 28 (Gularia Soat) Part - II
	Total	95.50 ha.	

As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

- The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. 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) for the 47.7054 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP(C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.11) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

5. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
6. User agency shall restrict the felling of bare trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
7. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
8. Strip plantation on both sides and central verge of the road shall be raised at the cost of user agency as per the IRC norms in compliance of order dated 16-11-2015 passed by Hon'ble NGT, Central Zone, Bhopal in L.A. No. 27/2015 (Babulal Jaju V/s Rajasthan Government).
9. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
10. The user agency shall provide suitable under pass in Protected Area Forest Area as per recommendations of CWLW/NBWL/FAC/REC.
11. User agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
12. The layout plan of the proposal shall not be changed without prior approval of Central Government.
13. No labor camp shall be established on the forest land.
14. Sufficient firewood, preferable alternate fuel shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
15. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.

16. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
17. 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.
18. The forest land shall not be used for any purpose other than that specified in the project proposal.
19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt. 29/01/2018.
21. Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
22. As far as possible the maximum number of trees shall be translocated according to a detailed scheme for translocation of suitable plants prepared in consultation with the State Forest Department and the cost for the same shall be borne by the user Agency.
23. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in>).
24. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>).

After receipt of compliance report on fulfillment of all of the above conditions from the State Government, proposal will be considered for final approval under Section - 2 of the Forest (Conservation) Act, 1980, by this office.

The order for transfer of forest land to user agency shall not be issued by the State Government till final approval order for diversion of forest land is issued by Government of India.

Yours faithfully,

(Prachi Gangwar)
Deputy Inspector General of Forests (Central)

Copy for information and necessary action to the following:-

1. Principal Chief Conservator of Forests (HoFF), Forest Department, 17, Rana Pratap Marg, Lucknow, U.P.
2. Chief Conservator of Forests (Conservator of Forests) and Nodal Officer, 17, Rana Pratap Marg, Uttar Pradesh, Lucknow.
3. Divisional Forest Officer Shivalik Forest Division, Saharanpur.
4. Project Director, Project Implementation Unit (PIU) Dehradun, NHAI, H.No. No.5, Lane No.-4, Teg Bahadur Road, Dehradun (Uttarakhand).
5. Ministry of Environment, Forest and Climate Change, Regional Office, Lucknow for uploading/ order sheet .

Yours faithfully,

(Prachi Gangwar)
Deputy Inspector General of Forests (Central)



भारत सरकार

Annexure P-2

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
एकीकृत क्षेत्रीय कार्यालय, लखनऊMinistry of Environment, Forest & Climate Change
Integrated Regional Office, Lucknowकेन्द्रीय भवन, पंचम तल, सेक्टर-एच, अलिगंज, लखनऊ-226024
Kendriya Bhawan, 5th Floor, Sector-H, Aliganj, Lucknow-226024, Telefax-2326696
Email: roc.lko-mef@gov.in, goimocfrolko@gmail.com

पत्र सं० 8बी/यू0पी0/06/160/2020/एफ0सी0/1108

दिनांक : 23.12.2020

24

सेवा में,

प्रमुख सचिव,
पर्यावरण, वन, पर्यावरण एवं जलवायु परिवर्तन विभाग,
बापू भवन, उत्तर प्रदेश शासन,
लखनऊ।**Online Proposal No. FP/UP/Road/45282/2020**

विषय: जनपद सहारनपुर में शिवालिक वन प्रभाग, सहारनपुर के क्षेत्रान्तर्गत राष्ट्रीय राजमार्ग सं०-72ए, (गणेशपुर से डाट काली मन्दिर तक) किमी० 16.00 से 33.000 (नया चैनैज 0.000 से 16.160 तक) सड़क चौड़ीकरण एवं एलीवेटेड रोड निर्माण हेतु 47.7054 हे० वनभूमि (5.1893 हे० संरक्षित वनभूमि एवं 42.5161 हे० आरक्षित वनभूमि) का वन संरक्षण अधिनियम 1980 के अन्तर्गत गैरवानिकी प्रयोग एवं 8588 बाघक वृक्षों एवं पौधों (5354 वृक्षों एवं 3234 पौधों) के पातन की अनुमति के सम्बन्ध में।

सन्दर्भ: विशेष सचिव(वन), उत्तर प्रदेश का पत्रांक सं०-2518/81-2-2020-800(120)/2020 लखनऊ, दिनांक-02.12.2020.

महोदय,

उपरोक्त विषयक विशेष सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र० शासन के पत्रांक सं०-पी 113/81-2-2020-800(120)/2020, दिनांक 23.11.2020 का आशय ग्रहण करने का कष्ट करें जिसके द्वारा विषयांकित प्रकरण में वन (संरक्षण) अधिनियम, 1980 की धारा (2) के अन्तर्गत भारत सरकार की स्वीकृति मांगी थी।

प्रकरण को दिनांक 15.12.2020 को आहूत की गयी क्षेत्रीय सशक्त समिति (REC) की बैठक में (REC Agenda item 52.3-UP) शामिल किया गया था, बैठक में प्रकरण को स्वीकृति प्रदान की गयी है। क्षेत्रीय सशक्त समिति की स्वीकृति उपरान्त मुझे आपको यह सूचित करने का निर्देश हुआ है कि केन्द्र सरकार जनपद सहारनपुर में शिवालिक वन प्रभाग, सहारनपुर के क्षेत्रान्तर्गत राष्ट्रीय राजमार्ग सं०-72ए, (गणेशपुर से डाट काली मन्दिर तक) किमी० 16.00 से 33.000 (नया चैनैज 0.000 से 16.160 तक) सड़क चौड़ीकरण एवं एलीवेटेड रोड निर्माण हेतु 47.7054 हे० वनभूमि (5.1893 हे० संरक्षित वनभूमि एवं 42.5161 हे० आरक्षित वनभूमि) का वन संरक्षण अधिनियम 1980 के अन्तर्गत गैरवानिकी प्रयोग एवं 8588 बाघक वृक्षों एवं पौधों (5354 वृक्षों एवं 3234 पौधों) के पातन की सैद्धान्तिक स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है:-

1. Legal status of the forest land shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department over 95.50 ha. degraded forest land (as detailed below) at the cost of the user agency.

Sl.No.	Name of Forest Division	CA proposed in Area (Ha.)	Details of CA
1	Mohanda Range Saharanpur/Shivalik FD	10 ha. 10 ha. 10 ha. 7 ha. 15 ha. 5 ha. 10.00	Buddhawan 1B FB Kaluwala FB 1B Par-I Kaluwala FB 1B Par-II Shahajahanpur 1B-part-I Shahajahanpur 1B-part-II Kaluwal comp.3B Shahajahanpur 3B
2	Badkala- Range Saharanpur/Shivalik FD	18 ha. 10 ha.	Khairawali 2B(Gularia Soat)Part-I Khairawali 2B(Gularia Soat)Part-II
Total		95.50 ha.	

As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.



Page 1 of 11

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सं० पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
प०आइ०यू०-व्यवस्था विभाग, लखनऊ।

3. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

4. The State Government shall charge the Net Present Value(NPV) for the 47.7054 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

5. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

6. User agency shall restrict the felling of bare trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

7. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

8. Strip plantation on both sides and central verge of the road shall be raised at the cost of user agency as per the IRC norms in compliance of order dated 16-11-2015 passed by Hon'ble NGT, Central zone, Bhopal in I.A. No. 27/2015(Babulal Jaju V/s Rajasthan Government).

9. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.

10. The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.

11. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.

12. The layout plan of the proposal shall not be changed without prior approval of Central Government.

13. No labour camp shall be established on the forest land.

14. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.

15. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.

16. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

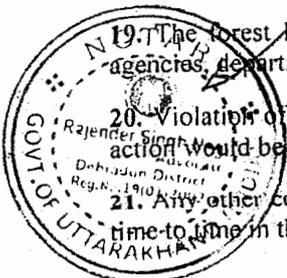
17. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.

18. The forest land shall not be used for any purpose other than that specified in the project proposal.

19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.

20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.

21. 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.



22. As far as possible maximum number of trees shall be translocated according to a detailed scheme for translocation of suitable plants prepared in consultation with the State Forest Department and the cost for the same shall be borne by the user Agency.

23. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).

24. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of compliance report on fulfillment of all of the above conditions from the State Government, proposal will be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980, by this office.

The order for transfer of forest land to user agency shall not be issued by the State Government till final approval order for diversion of forest land is issued by Government of India.

भवदीया,

[Signature]
(प्रची गगवार)
12.12.2020

उप वन महानिरीक्षक [केन्द्रीय]

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:

1. प्रधान मुख्य वन संरक्षक(हॉफ), वन विभाग, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
2. मुख्य वन संरक्षक(वन संरक्षण) एवं नोडल अधिकारी, 17, राणा प्रताप मार्ग, उ०प्र०, लखनऊ।
3. प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग, सहारनपुर।
4. परियोजना निदेशक, रा०रा०प्र०, परियोजना क्रियान्वयन इकाई (पी०आई०यू०), देहरादून, म०नं०-5, लेन नं०-4, तेगबहादुर रोड, देहरादून(उत्तराखण्ड)
5. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय, लखनऊ को अपलोडिंग हेतु/आदेश पत्रावली।

[Signature]
(प्रची गगवार)
12.12.2020

उप वन महानिरीक्षक [केन्द्रीय]



[Signature]
परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
प०आर०प्र०, लखनऊ, उत्तर प्रदेश

Annexure R-5

कार्यालय प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग, सहारनपुर।
पत्रांक 136 / 14-10(45282)सहारनपुर, दिनांक 31 / दिसम्बर / 2020
 सेवा में

परियोजना निदेशक,
 राष्ट्रीय राजमार्ग प्राधिकरण,
 परियोजना कियान्वयन इकाई (PIU), देहरादून,
 मकान नं०-5, लेन नं०-4, तेगबहादुर रोड, देहरादून (उत्तराखण्ड)

विषय-

जनपद सहारनपुर में शिवालिक वन प्रभाग, सहारनपुर के क्षेत्रान्तर्गत राष्ट्रीय राजमार्ग संख्या-72ए (गणेशपुर से डाट काली मन्दिर तक) कि०मी० 16.000 से 33.000 (नया चेनेज 0.000 से 16.160 तक) सड़क चौड़ीकरण एवं एलीवेटिड रोड निर्माण हेतु 47.7054 हे० वन भूमि (5.1893 हे० संरक्षित वन भूमि एवं 42.5161 हे० आरक्षित वन भूमि) का वन संरक्षण अधिनियम 1980 के अन्तर्गत गैरवानिकी प्रयोग एवं 8588 बाघक वृक्षों एवं पौधों (5354 वृक्षों एवं 3234 पौधों) के पतन की अनुमति के सम्बन्ध में। (ऑन लाइन प्रपोजल संख्या- FP/UP/Road/45282/2020)

संदर्भ

भारत सरकार पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, लखनऊ का पत्रांक 8वीं/यू०पी०/०6/160/2020/एफ०सी०/1108 दिनांक 23.12.2020 तथा नोडल अधिकारी, उ०प्र० लखनऊ का पत्रांक 11-सी-1540 / FP/UP/Road/45282/2020 दिनांक 29.12.2020

संदेह

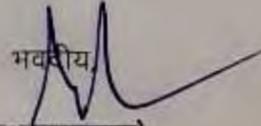
भारत सरकार वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, लखनऊ के उक्त संदर्भित पत्र दिनांक 23.12.2020 द्वारा विषयांकित वन भूमि हस्तान्तरण प्रस्ताव के सम्बन्ध में सैद्धान्तिक अनुमति निर्गत की गयी है। उक्त काम में माह० वरधार द्वारा अधिरोपित शर्तों की अनुपालन आख्या 05-05 प्रतियों में निम्नानुसार उपलब्ध कराने का कष्ट करें।

क्र०	वैधानिक स्वीकृति की शर्तों का विवरण	प्रयोक्ता एजेन्सी से वांछित अनुपालन आख्या का विवरण
1	2	3
1	Legal status of the forest land shall remain unchanged.	शर्त के अनुपालन में इस आराध की दृक्मबद्धता प्रस्तुत करने का कष्ट करें कि हस्तान्तरण हेतु प्रस्तावित 47 7054 हे० वन भूमि की वैधानिक स्थिति में कोई परिवर्तन नहीं किया जायेगा।
2	Compensatory afforestation shall be taken up by the Forest Department over 95.50 ha. degraded forest land (as detailed below) at the cost of the user agency	शर्त में उल्लिखित स्थलों/अवनत वन भूमि पर क्षतिपूरक वृक्षारोपण कराने एवं 10 वर्षों तक रखरखाव हेतु धनराशि ₹० 23085000.00 (दो करोड़, तीस लाख, पच्चासी हजार मात्र) की धनराशि, ई-पोर्टल से उत्पन्न चालान के माध्यम से कॅम्पा निधि में जमा कराते हुये प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
3	As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.	
3	The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be	शर्त के अनुपालन में क्षतिपूरक वनीकरण एवं 10 वर्षों के रखरखाव हेतु ₹० 23085000.00 (दो करोड़, तीस लाख, पच्चासी हजार मात्र) की धनराशि, ई-पोर्टल से उत्पन्न चालान के माध्यम से कॅम्पा

	deposited in advance with the forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.	निधि में जमा कराते हुये, ऑन लाइन जमा करायी गयी धनराशि से सम्बन्धित आवश्यक अभिलेख प्रस्तुत करने का कष्ट करें।
4	The State Government shall charge the Net Present Value (NPV) for the 47.7054 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 1/8/2003, 28/03/2008, 24/4/2008 and 09/05/2008 in IA No.566 in WP(C)No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC(Pt.II) dated 18-9-2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.	शर्त के अनुपालन में शुद्ध वर्तमान मूल्य (एनपीवी) की धनराशि ₹0 38307436.00 (₹0 तीन करोड़, तिरासी लाख, सात हजार चार सौ छत्तीस मात्र) ई-पोर्टल से उत्पन्न चालान के माध्यम से कैम्पा निधि में जमा कराते हुये, ऑन लाइन जमा करायी गयी धनराशि से सम्बन्धित आवश्यक अभिलेख प्रस्तुत करने का कष्ट करें।
11	Additional amount of the NPV of the diverted forest land if any becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.	शर्त के अनुपालन में वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
6	User Agency shall restrict the felling of bare trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the user Agency with the State Forest Department.	परियोजना के सापेक्ष न्यूनतम वृक्षों का पातन किया जायेगा, जो उ०प्र० वन निगम द्वारा किया जायेगा, इस काम में इस आशय का वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें कि उक्त वृक्षों के पातन आदि में जो भी लागत आयेगी उसका मुगतान प्रयोक्ता एजेन्सी द्वारा किया जायेगा।
7	The complete compliance of FRA 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.	शर्त के अनुपालन में FRA 2006 से सम्बन्धित जिलाधिकारी, द्वारा निर्गत प्रमाण पत्र की प्रति प्रस्तुत करने का कष्ट करें।
11	Strip plantation on both sides and central verge of the road shall be raised at the cost of user agency as per the IRC norms in compliance of order dated 16-11-2015 passed by Hon'ble NGT. Central zone Bhopal in I.A. No. 27/2015(Babulal Jaju V/S Rajasthan Government)	शर्त के अनुपालन में वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
9	Speed regulating signage, will be erected along the road at regular intervals in the Protected Areas/Forest Areas.	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
10	The user agency shall provide suitable under/over pass in Protected Area/Forest Area as per recommendation of C/WLW/NBWI/FAC/REC	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
11	User Agency shall obtain Environmental Clearance as per the provision of the Environmental (Protection) Act, 1986, if applicable.	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
12	The layout plan of the proposal shall not be changed without prior approval of Central Government.	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
13	No labour camp shall be established on the forest land.	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
14	Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labour after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।

15	The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
16	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
17	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.	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
18	The forest land shall not be used for any purpose other than that specified in the project proposal.	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
19	The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
20	Violation of any of these conditions will amount to violation of forest (conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F.No. 11-42/2017-FC dt 29/01/2018	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
21	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	शर्त के अनुपालन के वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
22	As far as possible maximum number of trees shall be translocated according to a detailed scheme for translocation of suitable plants prepared in consultation with the State Forest department and the cost for the same shall be borne by the User Agency.	प्रकरण में Trees translocation scheme प्रस्तुत करने, एवं शर्त के अनुपालन में वचनबद्धता प्रमाण पत्र प्रस्तुत करने का कष्ट करें।
23	All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (https://parivesh.nic.in)	उपरोक्त शर्त संख्या 3 एवं 4 के अनुपालन में वांछित धनराशि e-portal (https://parivesh.nic.in) से उत्पन्न चालान के माध्यम से कैम्पा निधि में जमा कराने का कष्ट करें, तथा सम्बन्धित अभिलेखों को साक्ष्य के रूप में प्रस्तुत करने का कष्ट करें।
24	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in)	सैद्धान्तिक स्वीकृति की शर्तों की अनुपालन आख्या e-portal (https://parivesh.nic.in) पर अपलोड कराने का कष्ट करें तथा इस सम्बन्ध में प्रमाण पत्र प्रस्तुत करने का कष्ट करें।

अतः प्रकरण में उक्तानुसार कार्यवाही करते हुये अनुपालन आख्या, e-portal (<https://parivesh.nic.in>) पर अपलोड कराते हुये 5-5 प्रतियों में उपलब्ध कराने का कष्ट करें, ताकि अनुपालन आख्या उच्च स्तर को प्रेषित की जा सके।

भवदीय,

 (आरुणचन्द्रन)
 प्रभागीय वनाधिकारी
 शिवालिक वन प्रभाग,
 सहरनपुर।

Annexure R-6



F.No.6-161/2020 WL
Government of India
Ministry of Environment, Forest and Climate Change
(Wildlife Division)

2nd Floor, Jal Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi – 110003.

Dated: 22nd January, 2021

To
All Members
Standing Committee of NBWL.

Sub: Minutes of 60th Meeting of the Standing Committee of National Board for Wild Life- reg.
Sir / Madam,

Kindly find enclosed copy of the Minutes of 60th Meeting of the Standing Committee of National Board for Wild Life held on 5th January, 2021 under the chairmanship of Hon'ble Minister of Environment, Forest and Climate Change, Government of India.

Yours faithfully,


(Surender Gugloth)
Scientist 'D'

Email: ddwlmef@gmail.com

Encl: As above

Distribution:

1. Secretary, MoEF&CC
2. DGF&SS, MoEF&CC
3. ADGF(WL), MoEF&CC
4. ADGF(FC), MoEF&CC
5. ADGF (PT) and Member Secretary, NTCA
6. Director/IGF, PE Division, MoEF&CC
7. Director, WII, Dehradun
8. Director, GEER Foundation, Gandhinagar, Gujarat
9. Prof. R. Sukumar, Member, NBWL
10. Dr. H.S. Singh, Member, NBWL
11. Secretary, Environment, Forest, Science and Technology Department, Govt. of Andhra Pradesh.

Copy to:

1. PS to Hon'ble MoEF&CC
2. PS to Hon'ble MoSEF&CC
3. PPS to DGF&SS, MoEF&CC
4. PSO to Addl.DGF(WL), Sr.PPS to IGF(WL)
5. Additional Chief Secretary / Principal Secretary / Secretary, Forest Department, Andaman & Nicobar Islands, Andhra Pradesh, Assam, Bihar, Karnataka, Kerala, Maharashtra, Rajasthan, Telangana, Uttarakhand, Uttar Pradesh;
6. PCCF & HoFF, Andaman & Nicobar Islands, Andhra Pradesh, Assam, Bihar, Karnataka, Kerala, Maharashtra, Rajasthan, Telangana, Uttarakhand, Uttar Pradesh;
7. Chief Wild Life Warden, Andaman & Nicobar Islands, Andhra Pradesh, Assam, Bihar, Karnataka, Kerala, Maharashtra, Rajasthan, Telangana, Uttarakhand, Uttar Pradesh.

MINUTES OF 60th MEETING OF THE STANDING COMMITTEE OF NATIONAL BOARD FOR WILD LIFE HELD ON 05 JANUARY, 2021

The 60th Meeting of the Standing Committee of National Board for Wild Life was held on 05 January, 2021 through Video Conference and chaired by the Hon'ble Minister for Environment, Forest & Climate Change. List of participants is placed at **ANNEXURE-I**.

The Hon'ble Chairman welcomed all the participants to the 60th Meeting of the Standing Committee of National Board for Wild Life and asked the Member Secretary to initiate the discussions on the Agenda Items.

AGENDA ITEM No.1

60.1.1 Confirmation of the minutes of the 59th Meeting of the Standing Committee of National Board for Wild Life held on 5th October, 2020.

The Member Secretary stated that the minutes of the 59th meeting of the Standing Committee of National Board for Wild Life held on 5th October, 2020 were circulated on 19th October, 2020 amongst all the Members of the Standing Committee.

He stated that the comments / suggestions have been received from Dr. H. S. Singh, Member through e-mail dated 5th January, 2021 requesting for reconsideration of his proposal regarding the exemption of NPV in cases of relocation of villagers from buffer areas and wildlife corridors to other forest areas.

Secretary, MoEFCC informed that the framing of rules for Forest (Conservation) Act, 1980 is under active consideration of the Ministry and this issue will be taken care while finalization of these Rules. The same was welcomed and accepted by Dr. H.S. Singh.

Decision Taken: Based on the discussions held, the Standing Committee decided to confirm the minutes of the 59th meeting.

AGENDA ITEM No.2

(Action Taken Report)

60.2.1 Proposal for use of 98.59 ha of reserve forestland from Saleki proposed reserve forest which is a part of Dehing Patkai Elephant Reserve for

Tikok OCP coal mining project by North-Eastern Coal Field, Coal India Limited, Assam State (Original Agenda – 54.4.3)

The Member Secretary stated that the Standing Committee in its 59th meeting decided to send a two members enquiry team comprising of an official each from the Ministry and the Assam Forest Department and submit a factual report within a month. Ministry has constituted a committee and it is already on job. The DDG, Shillong has requested for extension up to 31.01.2021 for submission of report.

Decision Taken: After discussions, the Standing committee decided to give extension of time up to 31.01.2021 for the enquiry team to submit its report.

60.2.2 Proposal for construction of residential cum commercial Project jointly developed by M/s Puravankara Ltd., M/s Melmont Construction Pvt. Ltd. and M/s Purva Realties Pvt. Ltd. at Edappally South and Vazhakkala Villages, Kanyannur Taluk, Ernakulam District, Kerala, Kerala State (Original Agenda – 57.3.12)

The Member Secretary briefed the Standing Committee that the proposal is for construction of residential cum commercial complex over an area of 7.3256 ha located 5.0 KM away from the Mangalavanam Bird Sanctuary. In the 57th meeting, the Standing Committee requested the Chief Wild Life Warden to furnish the report regarding the availability of vacant plots around the protected area. As the report was not received, the standing committee in the 59th meeting had decided to delist the proposal only to be placed before it after receipt of requisite information from the State Government.

The Member Secretary stated that the report regarding availability of vacant plots in 5km area from the boundary of Mangalavanam Bird Sanctuary has been submitted by the Chief Wild Life Warden.

Decision Taken: After discussions, the Standing Committee decided to recommend the proposal since it is located at 5 km from the Sanctuary and also outside the proposed Eco-sensitive Zone subject to the following:

A. Condition imposed by the Chief Wild Life Warden:

1. The user agency shall plant trees three times the trees felled.
2. The green area of the project site should be planted with native tree species

- B.** The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild Life

Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

60.2.3 Proposal for expansion of production of silica sand from 1.0 lakh TPA to 3.0 lakh TPA by open cast mechanized method in the private land of 59.51 ha situated at Barodia, Tehsil Hindoli, District Bundi, Rajasthan State (Original Agenda – 53.3.22)

The Member Secretary stated that the proposal was considered by the Standing Committee in its 59th meeting held on 5th October, 2020 wherein it was decided to defer the matter till the finalization of ESZ. The Member Secretary stated that the proposal for declaration of ESZ around the Ramgarh Vishdhari Sanctuary was received in the Ministry which was examined by the Wildlife Division and Wildlife Institute of India. After examination, the proposal was sent to ESZ Division for publication of draft notification which has been published dated 30.12.2020. The proposed extent of the ESZ is from 25 m to 400 m from the boundary of the sanctuary.

Prof. Sukumar stated that the extent of ESZ from 25 m to 400m needs reconsideration. The Member Secretary stated that once the draft notification is published, the objections and comments are looked into by the Expert Committee constituted for the purpose of finalisation of ESZ around national park and sanctuaries. The Chairman requested that the extent of the ESZ may be looked into by the Expert Committee whether it is based on the natural features before finalisation.

Decision Taken: After detailed discussions, the Standing Committee decided to recommend the proposal since it is 3.6 km away from the boundary of the Sanctuary and also outside the proposed ESZ subject to the following:

A. Condition imposed by the Chief Wild Life Warden:

1. 2% of the proportional project cost of the project falling within ESZ of PA should be deposited in RPACS by the user agency for management and protection of wildlife in the state as corpus.
2. No work shall be done before sunrise and after sunset in the project area.
3. No material of any kind should be extracted from PA and its ESZ.
4. There will be no felling of trees and burning of fuel wood inside the PA and ESZ.
5. The waste material generated should be disposed outside the PA and its ESZ.
6. There will be no labour camp within 1 km from the boundary of PA during the work.

7. No blasting will be carried out within 1 km from the boundary of PA during the work.
 8. Green belt should be created by the user agency on the periphery of the project area.
 9. Water harvesting structure for recharging of water should be mandatory in the project area.
 10. There shall be no high mast / beam / search lights & high sounds within 1 km from PA boundary.
 11. Signages regarding information about the wild animals in the area, control of the traffic volumes, speed, etc., should be erected near PA.
 12. The user agency and project personnel will comply with the provisions of the Wild Life (Protection), Act, 1972.
 13. Maintenance activity of any nature should be carried out only after seeking formal approval from competent authority of tiger reserve / PA.
 14. Six feet high wall is to be constructed on the periphery of applied project area.
 15. Any permission / clearance required under FCA-1980 or other Acts may be taken as per rules.
- B. The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

60.2.4 Proposal for collection of river bed materials from an area 10.0 ha located at Sajjanpur Village, Haridwar at distance of 9.0 km away from the boundary of Rajaji National Park, Uttarakhand State (Original Agenda – 54.4.27)

60.2.5 Proposal for collection of river bed materials from an area 55.51 ha located at Satiwal, Kudkawala, Teliwala and Kheri, at distance of 1.5 km away from the boundary of Rajaji National Park, Uttarakhand State (Original Agenda – 55.4.21)

The Member Secretary stated that the Standing Committee in the 59th Meeting held on 5th October, 2020 requested the State Government of Uttarakhand to submit the compliance certificate with respect to the Enforcement and Monitoring Guidelines for Sand Mining, 2020 for further consideration and seek opinion of NMCG on these proposals. The information from the State Government and NMCG is yet to be received.

Decision taken: After discussions, the Standing Committee decided to defer the proposals till the receipt of comments from NMCG and compliance

certificate with respect to the Enforcement and Monitoring Guidelines for Sand Mining, 2020.

- 60.2.6 Sixteen Writ Petitions of Quarry Owners - Judgments of the Hon'ble High Court of Kerala received with copies of Environmental Clearance along with all other necessary papers, Kerala State (Original Agenda – 58.3.2)**
- 60.2.7 Judgement of the Kerala High Court dated 13.03.2020 in W.P(C) 7571/2020 and Judgment dated 23.03.2020 in W.P(C) 9061/2020, the two proposals viz. M/s Bestonne Granite Metals Pvt Ltd and Shri U.T. Raveendran (M/s Nobel Granites) reg. NOC for the petitioners mining projects located within 10 kms of Idduki Wildlife sanctuary and Malabar Wildlife Sanctuary (Original Agenda – 59.3.4)**
- 60.2.8 Judgement of the Kerala High Court dated 14.07.2020 in W.P.(C) 13717/2020 request for considering the proposals of M/s Mancombu Granites Ltd. located within 10 kms of national parks and wildlife sanctuaries in Idukki Districts of Kerala (Original Agenda – 59.3.5)**

The Member Secretary stated that above proposals were placed in 59th meeting held on 5th October, 2020 and the Standing Committee decided to request the State Government to resubmit the proposals as per the established guidelines and procedures. He further informed the Standing Committee that online applications for two cases were received in the Ministry. However, since, the proposals had shortcomings essential details have been sought from the State Government on these proposals. The reply from the State Government is yet to be received.

The Member Secretary brought to the notice of the Standing Committee the fact that the order of Hon'ble High Court of Kerala is that the State Government should send the proposals with all relevant papers. However, the State Government of Kerala has been forwarding the proposals without proper documents and without following the due procedure.

Decision Taken: The Standing Committee therefore decided to return the proposals and requested the State Government to forward the proposals with complete documents, as per the prescribed guidelines and procedures and in future similar proposals sent as per the directions of Court should be accompanied with all relevant papers.

- 60.2.9 Proposal for Tinaighat- Castlerock-Caranzol Railway doubling of South Western Railways, Karnataka (Original Agenda – 58.5.1)**

The Member Secretary briefed the Standing committee that the proposal was considered by the Standing Committee in the 59th Meeting held on 5th October, 2020 wherein the standing committee requested the Wildlife Institute of India to conduct study and suggest mitigation measures within a period of two months. The Director, WII has submitted report to this ministry in consultation with Railways and Karnataka Forest Department and suggested mitigation measures.

Dr. R. Sukumar Member stated that he had conducted studies on Biodiversity assessment in the Tinaighat area and wanted to recuse himself from the decision on the proposals. The Standing Committee agreed to recuse Dr. Sukumar from this proposal.

Decision Taken: After discussions, the Standing Committee decided to recommend the proposal with the mitigation measures suggested by Wildlife Institute of India enclosed as **ANNEXURE II** and the following conditions:

A. Conditions imposed by the Chief Wild Life Warden:

1. No work shall be done before sunrise and after sunset in the project area.
 2. The user agency and project personnel will comply with the provisions of the Wild Life (Protection) Act, 1972
 3. The speed limit of the trains shall be followed strictly upto 35 kmph during night and 40 kmph during day time.
 4. The muck generated during the tunnel excavation shall be disposed out of the sanctuary area without endangering the flora and fauna.
- B. The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

60.2.10 Proposal for use of 6.704 ha of reserve forestland from Pilibhit Tiger Reserve for Mailani- Pilibhit Gauge Conversion chainage 212.520-213.070 KM and 242.310-250.140 KM (8.38 KM) between Kuriya-Dudhiyakhurd and Sandai Mala, Uttar Pradesh State (Original Agenda – 59.6.2)

The Member Secretary stated that the Standing Committee in 59th Meeting had decided that the animal passage plan forwarded by the Chief Wild Life Warden shall be vetted by Wildlife Institute of India. The report received from the Director, WII suggests that animal passage plan forwarded by the Chief Wild Life Warden was not as per the guidelines and needs a relook based on ecological, economical and hydrological aspects.

Decision Taken: After discussions, the standing committee decided that a joint committee comprising of the officials from Uttar Pradesh Forest Department, Rail Vikas Nigam Limited and WII shall study the site and suggest mitigation measures within a period of two months to the Ministry. The Standing Committee therefore, decided to defer the proposal.

AGENDA ITEM No.3

(Policy Matters, Court Orders/Rationalization of Boundaries of Protected Areas)

60.3.1 Inclusion of Caracal species under Recovery Programme for Critically Endangered Species of CSS-DWH [File No. 6-133/2020WL]

The Member Secretary briefed the Standing Committee and stated that the Ministry has been implementing the Centrally Sponsored Scheme – ‘Development of Wildlife Habitats’ (CSS-DWH) with a view to provide for conservation interventions with three components:

- a. Support to Protected Areas (National Parks, Wildlife Sanctuaries, Conservation Reserves and Community Reserves)
- b. Protection of Wildlife outside the Protected Areas
- c. Recovery Programmes for Critically Endangered Species

Further, the Member Secretary stated that there is a provision in the scheme that the Director, Wildlife Preservation, Government of India with the approval of the Standing Committee of NBWL can initiate other recovery programmes or wind up an ongoing programme. In view of this, the Wildlife Division, MoEF&CC proposes inclusion of Caracal (*Caracal caracal*) in the Species Recovery Programme under CSS-DWH for taking up recovery programme as suggested by the Chief Wild Life Warden.

Dr. H.S. Singh, Member stated that there are many other species found in arid and semi-arid regions like desert fox which require attention for inclusion in the Species Recovery Programme for Critically Endangered Species. The Chair suggested that the proposal may be forwarded by State Government and after study, the same shall be considered by the Standing Committee.

Decision Taken: The Standing Committee after deliberations decided to recommend inclusion of Caracal species as suggested by the Chief Wild Life Warden, Rajasthan in the Species Recovery Programme for Critically Endangered Species under Centrally Sponsored Scheme – Development of Wildlife Habitats.

60.3.2 WP (C) No. 13056/2020 (F) - Manikandan T. Vs. MoEF & CC & Ors. And W.P. (C) No. 4280/2020 (H) – Betty Biju Vs. MoEF & CC & Ors.- High Court of Kerala at Ernakulam [File No. 6-160/2020WL]

60.3.3 WP (C) No. 7211/2020 (B) - Denson K.S. Vs. UOI & Ors- High Court of Kerala at Ernakulam [File No. 6-159/2020WL]

The Member Secretary informed the Standing Committee that the Principal Secretary, Environment Department, Government of Kerala has requested to place the matters before the Standing Committee of the National Board within a period of one week as directed by the Kerala High Court for consideration vide letters dated 21.10.2020. As per the normal procedure for consideration by the Standing Committee, the proposals should be received through proper channel with the recommendations of the State Chief Wild Life Warden, State Board for Wild Life and State Government.

Decision Taken: Based on the discussions held and documents submitted, the Standing Committee decided to return the proposals and requested the State Government of Kerala to submit the proposals as per the established guidelines and procedures.

60.3.4 De-notification of Megapode Sanctuary, Andaman and Nicobar Islands [File No. 6-132/2020WL]

The Member Secretary briefed the Standing Committee and stated that the proposal for de-notification of Megapode Sanctuary has been submitted by Office of Principal Chief Conservator of Forests (Wild Life), Andaman and Nicobar Islands. During the mega earthquake and Tsunami which occurred in December, 2004, the Megapode Island has been submerged in the sea and there is no existence of the island post Tsunami. He further stated that Nicobar Megapode is a terrestrial bird which nests on ground.

The Member Secretary informed the Standing Committee that views of Wildlife Institute of India were taken and they have suggested that the submergence of island now does not serve any purpose for the conservation of Nicobar Megapode.

Decision Taken: After discussions, the Committee decided to recommend the proposal and suggested that conservation measures shall be taken for the Nicobar Megapode in other islands with the help of Wildlife Institute of India.

60.3.5 Denotification of Galathea Sanctuary (Only intention to declare as sanctuary notified), Andaman and Nicobar Islands [File No. 6-

135/2020WL]

The Member Secretary briefed the Standing Committee and stated that Andaman and Nicobar Islands administration had notified intention to declare Galathea Bay as sanctuary for an area of 11.44 sq. km. vide notification dated 15.09.1997 under section 18 (1) of the Wild Life (Protection) Act, 1972. Proclamation notification for initiating acquisition proceedings was issued by the Collector on 14.10.1997. The acquisition proceedings have not been completed and final notification for the sanctuary has not yet been issued. Now, the Andaman and Nicobar Islands has submitted de-notification proposal for the Galathea Bay Sanctuary for which intention to declare as sanctuary alone was notified.

The proposal has been recommended by Chief Wild Life Warden and Andaman and Nicobar Islands Administration. The State Board for Wild Life, Andaman and Nicobar Islands have also recommended the proposal.

Secretary, MoEFCC stated that Andaman and Nicobar Islands Administration had sought clarification from the Ld. ASG who opined that de-notification of Galathea Sanctuary is not needed as the notification regarding intention to declare Galathea Bay as sanctuary isand void because rights were not settled within 2 years. Ministry had also sought clarification from the Ld. Solicitor General regarding the validity of the notification for intention to declare Galathea Bay as Sanctuary. However, the Ministry is of the opinion that the notification for intention to declare Galathea Bay as Sanctuary does not lapse even though the rights have not been settled. Therefore, the Ministry has decided to place the proposal before the Standing Committee to take a decision on this de-notification proposal of Andaman and Nicobar Administration.

Comments from the Wildlife Institute of India (WII) were sought and the Director, WII has opined that the concerned authorities develop and implement a mitigation plan to facilitate leather back and other turtles to continuously nest for which the connectivity between the Galathea River and the Bay should be ensured. The mitigation plan needs to be developed through a detailed study so that marine turtles continue to nest on the beaches near the Galathea Bay during both construction as well as operational phases of the International Shipment Project.

The provisions of CRZ should be enforced in the area. The concerned authorities should secure and conserve all other important turtles nesting areas of Andaman and Nicobar Islands with enhanced protection/conservation measures through appropriate legal/administrative means and through a Management Plan.

Dr. Sukumar, Member opined that there should be a management plan for conservation and nesting of Leatherback Turtles.

Decision Taken: After discussions, the Standing Committee decided to recommend the proposal with the recommendations of WII, CWLW and directed that a comprehensive management plan may be prepared and followed by the Andaman and Nicobar Administration for conservation and protection of Leatherback Turtles in Great Nicobar Islands along with the Wildlife Institute of India and the project proponents. The Andaman and Nicobar Islands Administration shall bring more areas under conservation of leatherback turtle.

AGENDA No. 4

60.4.1 Amendments in minutes of meeting of Standing Committee [File No. 6-182/2017 WL(pt)]

The Member Secretary briefed the Standing Committee and stated that the proposal for diversion of 13.27 ha forestland from Valmiki Tiger Reserve for construction of NH-28B was recommended by the Standing Committee in its 46th meeting held on 8th December, 2017 subject to the conditions and mitigation measures imposed by the State Chief Wild Life Warden and the NTCA. One of the conditions imposed by Chief Wild Life Warden while recommending the proposal was that the traffic- worthy maintenance of the earlier used access road segment (approximately 5 km) inside the sanctuary shall be limited to the extent of 2 years from the grant of permission. However, work could not be carried out in the given period as informed by the Chief Wild Life Warden and requested amendment in this condition for permission to use the existing road for 2 more years.

The State Board for Wild Life recommended the proposal in its meeting held on 13.08.2020 to extend the period for two years.

Decision taken: After discussion, the standing committee decided to recommend the proposal to extend the period for two years with a condition that no further request for extension shall be entertained.

AGENDA No.5

(Fresh Proposals Falling Inside / Outside the Protected Area)

60.5.1 Proposal for diversion of 6.82 ha. of forestland in Kadapa Range in Kadapa Division for laying of 16” dia VDPL pipeline route from Vijayawada in Andhra Pradesh and Dharmapuri in Tamil Nadu passing

**through Andhra Pradesh in favour of HPCL. [File No. 6-63/2020WL;
Proposal No. FP/AP/Others/4730/2019]**

The Member Secretary briefed the Standing Committee and stated that the proposal is for use of 6.82 ha. forestland in Kadapa Range in Kadapa Division for laying of 16" dia VDPL pipeline route from Vijayawada in Andhra Pradesh and Dharmapuri in Tamil Nadu passing through Andhra Pradesh in favour of HPCL. The proposed project area falls within tiger corridor.

The proposal has been recommended by the Chief Wild Life Warden and the State Board for Wild Life.

Decision taken: After discussions, the Standing Committee decided to recommend the proposal subject to following:

A. Conditions imposed by the Chief Wild Life Warden:

1. Precautions should be taken while taking up construction works and it should be completed in the least possible time period under the supervision of Forest Department.
2. Sign boards on publicity and awareness for Wildlife Conservation shall be erected along the diverted area in consultation with DFO, Kadapa division.
3. The diversion area shall be monitored by the Forest Department by engaging wildlife watchers at the cost of User Agency to be decided by the DFO, Kadapa.
4. For wildlife conservation, habitat improvement and monitoring for five (5) years in and around the diversion area of 6.82 ha, an amount of Rs.42.135 lakhs is proposed to be deposited in Wildlife Conservation projects account of Andhra Pradesh.

B. Conditions imposed by the NTCA:

1. It is suggested that sufficient depth should be kept below the soil surface for laying down the VDPL pipeline.
2. The user agency should complete the work of laying of pipeline in minimum possible time so as to cause minimum disturbance in corridor area.
3. A proper surveillance/patrolling system shall be put in place for monitoring of wildlife movement/mortality during laying of pipeline.

C. Proper measures shall be taken for detection and prevention of leakages from the proposed pipeline by the project proponent along with monitoring by the State Forest Department.

D. The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

60.5.2 Development of 8 lanes (Greenfield Highway) from Itawa village (Ch.284.000) to after Chambal River near Banda Hera (Ch. 392.800) Section of NH-148 N (Total length 108.800 Km), Under BHARATMALA PRIYOJANA Lot-4/Pkg-4 in the state of Rajasthan. [File No. 6-80/2020WL; Proposal No. FP/RJ/ROAD/4716/2019]

The Member Secretary briefed the Standing Committee and stated that the proposal is for Development of 8 lanes (Greenfield Highway) from Itawa village (Ch.284.000) to after Chambal River near Banda Hera (Ch. 392.800) Section of NH-148 N (Total length 108.800 Km), under BHARATMALA PRIYOJANA Lot-4/Pkg-4 in the state of Rajasthan in the National Gharial Sanctuary and its ESZ.

The proposal has been recommended by the Chief Wild Life Warden and the State Board for Wild Life.

Decision taken: After discussions, the Standing Committee decided to recommend the proposal subject to following:

A. Conditions imposed by the Chief Wild Life Warden:

General Conditions:

1. 5% of the proportional project cost falling within the Protected Area should be deposited in RPACS by the user agency for management and protection of wildlife in the state.
2. 2% of the proportional project cost of the project falling within the ESZ of Protected Area should be deposited in RPACS by the user agency for management and protection of wildlife in the State.
3. No work shall be done before sunrise and after sunset in the project area falling in the Protected Area.
4. No material of any kind should be extracted from the Protected Area and Eco-Sensitive Zone.
5. There will be no felling of trees and burning of fuel wood inside the Protected Area and Eco-Sensitive Zone.
6. The waste material generated should be disposed outside the Protected Area and Eco-Sensitive Zone.
7. There will be no labour camp within 1 km from the boundary of Protected Area.
8. No blasting will be carried out within 1 km from the boundary of Protected Area during the work.
9. To restrict movement of wild animals towards the road/railway track in the Protected Area, adequate mitigative measure such as wall/ chain link fencing will be constructed by the User agency to stop accidents.

10. There shall be no high mast/ beam/ search Lights & high sounds within 1 km from the Protected Area boundary.
11. Signages regarding information about the wild animals in the area, control of traffic volumes, speed etc. should be erected in the project area.
12. The user agency and project personnel will comply with the provisions of Wild Life (Protection) Act, 1972.
13. Maintenance activity of any nature should be carried out only after seeking formal approval from competent authority of tiger reserve/PA.
14. The user agency and project personnel will comply with the provision of Standard SOP/Guidelines issued by WII, Dehradun for linear projects.
15. Any permission / clearance required under FCA-1980 or other acts may be taken as per rules.

Site Specific Conditions:

1. Conditions and design as laid down in the report of site visit undertaken on 27.04.2019 by the committee constituted for the purpose of examining the project are to be strictly adhered to.
2. Additionally, the conditions imposed in minutes dated 27.06.2019 of meeting held in Chief Wild Life Warden office are to be complied with as per minutes of meeting enclosed as **ANNEXURE III**.
- B. The animal passage plan submitted by the project proponent shall be implemented in toto.
- C. The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

60.5.3 Diversion of 8.405 ha of forest land from National Chambal Gharial Sanctuary for construction of Important Steel Girder Bridge for Mathura-Jhansi 3rd Railway Line Project on Chambal River in Revenue Village-Gher, District-Dholpur, Rajasthan. [File No. 6-165/2020WL; Proposal No. FP/RJ/RAIL/4184/2019]

The Member Secretary briefed the Standing Committee and stated that the proposal is for use of 8.405 ha of land from National Gharial Sanctuary for construction of Steel Girder Bridge, earthwork, approach road, workshop, site office and store for Mathura-Jhansi 3rd Railway Line Project in Revenue Village-Gher, District-Dholpur, Rajasthan. He stated that a case was registered against the user agency and a penalty of Rs. 5 Lakhs rupees has been deposited by the project proponent. User agency has filed S.B. Civil Writ Petition No.9889 of 2019 and Hon'ble High Court, Jaipur has issued interim directions on 31st May 2019 and the case is under process.

The proposal has been recommended by the Chief Wild Life Warden and the State Board for Wild Life.

Decision taken: After detailed discussions, the Standing Committee decided to recommend the proposal notwithstanding the court case and subject to following:

A. Conditions imposed by the Chief Wild Life Warden:

1. 5% of the proportional project cost falling within the Protected Area should be deposited in RPACS by the user agency for management and protection of wildlife in the state.
2. No work shall be done before sunrise and after sunset in the project area.
3. No material of any kind should be extracted from the Protected Area and Eco-Sensitive Zone.
4. There will be no felling of trees and burning of fuel wood inside the Protected Area and Eco-Sensitive Zone.
5. The waste material generated should be disposed outside the Protected Area and Eco-Sensitive Zone.
6. There will be no labour camp within 1 km from the boundary of Protected Area.
7. No blasting will be carried out within 1 km from the boundary of Protected Area during the work.
8. To restrict movement of wild animals towards the road/railway track in the Protected Area, adequate mitigative measures such as wall chain link fencing will be constructed by the User Agency to stop accidents.
9. There shall be no high mast/beam/search lights & high sounds within 1 km from the Protected Area boundary.
10. The user agency and project personnel will comply with the provisions of Wild Life (Protection) Act, 1972.
11. Maintenance activity of any nature should be carried out only after seeking formal approval from competent authority of tiger reserve / PA.
12. The user agency and project personnel will comply with the provisions of Standard SOP/Guidelines issued by WII, Dehradun for linear projects.
13. Any permission/clearance required under FCA-1980 or other acts may be taken as per rules.

B. The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

60.5.4 Diversion of forest land for Development of 8 lanes (Greenfield Highway) from Itawa (Ch. Km 284.000) to after Chambal River near

Durjanpura village at (Ch. Km 349.000) Section of NH-148 N (Total length 65.0 Km), Under BHARATMALA PRIYOJANA Lot-4/Pkg-4 in the state of Rajasthan. [File No. 6-79/2020WL; Proposal No. FP/RJ/ROAD/36605/2018]

The Member Secretary briefed the Standing Committee and stated that the proposal is for use land for development of 8 lanes (Greenfield Highway) from Itawa (Ch. Km 284.000) to after Chambal River near Durjanpura village at (Ch. Km 349.000) Section of NH-148 N (Total length 65.0 Km), under BHARATMALA PRIYOJANA Lot-4/Pkg-4 in the state of Rajasthan. The project area falls within the ESZ of Ranthambore Tiger Reserve.

The proposal has been recommended by the Chief Wild Life Warden and the State Board for Wild Life.

Decision taken: After discussions, the Standing Committee decided to recommend the proposal subject to the following:

A. Conditions imposed by the Chief Wild Life Warden:

1. 2% of the proportional project cost of the project falling within the ESZ of Protected Area within the ESZ of Protected Area should be deposited in RPACS by the user agency for management and protection of wildlife in the State.
2. No work shall be done before sunrise and after sunset in the project area.
3. No material of any kind should be extracted from the Protected Area and Eco-Sensitive Zone.
4. There will be no felling of trees and burning of fuel wood inside the protected area and eco-sensitive zone.
5. The waste material generated should be disposed outside the Protected Area and Eco-Sensitive Zone.
6. There will be no labour camp within 1 km from the boundary of Protected Area.
7. No blasting will be carried out within 1 km from the boundary of Protected Area during the work.
8. To restrict movement of wild animals towards the road/railway track in the Protected Area, adequate mitigative measures such as wall/chain link fencing will be constructed by the User Agency to stop accidents.
9. There shall be no high mast / beam/search lights & high sounds within 1 km from the Protected Area boundary.
10. Signages regarding information about the wild animals in the area, control of traffic volumes, speed etc should be erected in the project area.
11. The user agency and project personnel will comply with the provisions

of the Wild Life (Protection) Act, 1972.

12. Maintenance activity of any nature should be carried out only after seeking formal approval from competent authority of tiger reserve / PA.
13. The user agency and project personnel will comply with the provisions of Standard SOP/Guidelines issued by WII, Dehradun for linear projects.
14. Any permission/clearance required under FCA-1980 or other acts may be taken as per rules.

Site Specific conditions

1. Conditions & design as laid down in 27.04.2019 site visit report of committee for the purpose of examining the project are to be strictly adhered to. In this context, specific mention is made of construction of underpasses, earthen bunds, elevated roads, underground structures etc as listed in the above mentioned report.
2. Additionally, the conditions imposed in minutes dated 27.06.2019 of meeting held in Chief Wild Life Warden office are to be complied with as per minutes of meeting enclosed as **ANNEXURE III**.

B. Conditions imposed by the NTCA:

1. The user agency shall undertake site specific mitigation measures as suggested by the Chief Wild Life Warden, Rajasthan in consultation with Wildlife Institute of India, Dehradun while considering mitigation measures recommended by State Board for Wild Life.
 2. A proper surveillance/patrolling system shall be put into place for monitoring of wildlife movement/mortality during construction of highway.
- C. The animal passage plan submitted by the User Agency shall be implemented in toto.
- D. The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

60.5.5 Construction of causeway across Jampannavagu at 0/550 kms on PWD R&B Road to Muthapur of Govindaraopet (M) in Mulugu District - 0.5 Ha. [File No. 6-166/2020WL; Proposal No. FP/TG/ROAD/40352/2019]

The Member Secretary briefed the Standing Committee and stated that the proposal is for use of 0.0429 ha forest land in Eturnagaram Sanctuary land for construction of causeway across Jampannavagu at 0/550 kms on PWD R&B Road to Muthapur of Govindaraopet(M) in Mulugu District. The project shall improve transportation facility to the tribal villagers for accessing the basic needs like medical and other facilities.

The proposal has been recommended by the Chief Wild Life Warden and the State Board for Wild Life.

Decision taken: After discussions, the Standing Committee decided to recommend the proposal subject to following:

A. Conditions imposed by the Chief Wild Life Warden:

1. The user agency will provide Rs.9.00 lakh for the following activities as part of wildlife mitigation measures:

(Rs. In

lakh)

Component	Finance target
Construction of one base camp cum watch tower for protection staff @ Rs.6 lakh	6.00
Installation of caution and sign boards 2 nos. on either side of the causeway @Rs.1.00 lakh each	2.00
Administrative cost	1.00
Total	9.00

The above amount shall be deposited by the User Agency in the BIOSOT account of Chief Wild Life Warden, Telangana.

2. The works shall be carried out without disturbing or damaging flora, fauna or habitat of the area.
 3. Work shall be carried out from 6.00 am to 6.00 pm only.
 4. The material for carrying out the proposed works shall be kept outside the sanctuary area. As and when required, they should be carried to the site during execution of work.
 5. No labour camp should be established inside the Tiger Reserve during the execution of the work.
 6. The debris formed due to the execution of the works shall be taken away from the Wildlife Sanctuary on day-to-day basis.
- B. The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

60.5.6 Proposal for use of 0.1339 ha of forestland from Mulugu and Eturnagaram Divisions for construction of causeway across Jampannavagu at 0/140 krn on R/F R&B Road to Motlagudem of Govindaraopet (M), Mulugu District, Telangana State. [File No. 6-167/2020WL; Proposal No. FP/TG/ROAD/40351/2019]

The Member Secretary briefed the Standing Committee and stated that the proposal is for use of 0.0511 ha of forestland from Eturnagaram Sanctuary for construction of causeway across Jarnpannavaagu at 0/140 km on R/F R&B Road to Motlagudem of Govindaraopet (M), Mulugu District, Telangana State. The project shall improve transportation facility to the tribal villagers for accessing the basic needs like medical and other facilities. The proposal has been recommended by the Chief Wild Life Warden and the State Board for Wild Life.

Decision taken: After discussions, the Standing Committee decided to recommend the proposal subject to following:

A. Conditions imposed by the Chief Wild Life Warden:

1. The user agency will provide Rs.20.00 lakh for the following activities as part of wildlife mitigation measures:

(Rs. in lakh)

S.N o.	Component	Physical target	Unit cost	Financial target
i.	Construction of one fire watch tower for fire control.	1 No.	Rs. 10 lakh each	10.00
ii	Construction of structure for drying and storage of grass seed collected locally	1 no.	Rs. 5.00 each	5.00
iii.	Installation of educative and caution sign boards on either side of the proposed causeway.	2 Nos	Rs.1.00 lakh each	2.00
iv	Administrative cost and publicity material	LS	LS	3.00
			Total	20.00

The above amount shall be deposited by the User Agency in the BIOSOT account of Chief Wild Life Warden, Telangana.

2. The works shall be carried out without disturbing or damaging flora, fauna or habitat of the area.
3. Work shall be carried out from 6.00 am to 6.00 pm only.
4. The material for carrying out the proposed works shall be kept outside the sanctuary area. As and when required, they should be carried to the site during execution of work.
5. No labour camp should be established inside the Tiger Reserve during the execution of the work.

6. The debris formed due to the execution of the works shall be taken away from the Wildlife Sanctuary on day-to-day basis.
- B. The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

60.5.7 Improvement, upgradation and construction of Ganeshpur- Dehradun road (NH72A) in the State of Uttarakhand (km 16.115 to 19.746) to 4 lane configuration. [File No. 6-129/2020WL; Proposal No. FP/UK/ROAD/45283/2020]

The Member Secretary briefed the Standing Committee and stated that the proposal is for use of 9.6224 ha forest land for improvement, upgradation and construction of Ganeshpur-Dehradun road (NH-72A) in the State of Uttarakhand (Km 16.115 to Km 19.746) to 4 lane configuration. The proposal has been recommended by the Chief Wild Life Warden and the State Board for Wild Life. The representative of NHAI present during the meeting agreed with the mitigation measures suggested by the Chief Wild Life Warden.

Decision taken: After discussions, the Standing Committee decided to recommend the proposal subject to following:

A. Conditions imposed by the Chief Wild Life Warden:

1. Barrier on both side of road to block and absorb noise and light pollution.
2. Staggered plantation (preferably bamboo plantation) needs to be done on both sides of road to funnel animals toward the underpasses and culvert.
3. Dedicated monitoring for next 2-3 years to monitor animal road kills and man-wildlife conflict in nearby areas.
4. Funds for the (2) & (3) need to be provided to the forest department by the user agency.

B. Condition imposed by the NTCA:

1. Project proponent shall take appropriate mitigation measures for maintaining the habitat connectivity and animal passage as suggested by the Chief Wild Life Warden, Uttarakhand.
- C. The animal passage plan submitted by the Project Proponent shall be implemented in toto.
- D. The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

60.5.8 Proposal for stone crusher unit located village- Gangapur, Tehsil-Haldwani, district Nainital, Uttarakhand within 10 kms of Nandhour Wildlife Sanctuary by LSC Infratech Ltd. [File No. 6-95/2020WL; Proposal No. FP/UK/Others/4608/2019]

The Member Secretary briefed the Standing Committee and stated that the proposal is for use of 2.021 ha for stone crusher unit located at village-Gangapur, Tehsil-Haldwani, district Nainital, Uttarakhand within 10 kms of Nandhour Wildlife Sanctuary by LSC Infratech Ltd. He further informed that the ESZ for the Nandhour Sanctuary has been finally notified. Hon'ble NGT vide order dt.04.01.2019 has directed the user agency to obtain SCNBWL recommendations.

The proposal has been recommended by the Chief Wild Life Warden and the State Board for Wild Life.

Decision taken: After discussions, the Standing Committee decided to recommend the proposal.

60.5.9 Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) to 4 lane configuration, Uttar Pradesh. [File No. 6-168/2020WL; Proposal No. FP/UP/ROAD/45282/2020]

The Member Secretary briefed the Standing Committee and stated that the proposal is for use of 47.7054 ha forest land for improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) to 4 lane configuration. The proposal has been recommended by the Chief Wild Life Warden and the State Board for Wild Life. The representative of NHAI present during the meeting agreed with the mitigation measures suggested by the Chief Wild Life Warden.

Decision taken: After discussions, the Standing Committee decided to recommend the proposal subject to following:

A. Conditions imposed by the Chief Wild Life Warden:

1. As forest land and trees standing over it are also involved in the project, Forest Clearance as per provisions of Forest (Conservation) Act 1980 will also be required.
2. User agency will comply with all conditions stipulated in forest clearance under Forest (Conservation) Act 1980.
3. User agency shall provide 2% of the project's proportionate cost of the area falling in eco-sensitive zone for mitigation of negative impact and ecological development of wildlife habitat area as per guide line of

Government of India.

4. Apart from above the conditions, following wildlife mitigation measures shall to be followed by user agency:
 - a. Protection and mitigation measures for wildlife should be ensured as standard practice in such case.
 - b. Land shall not be used for any other purpose other than specified in the proposal.
 - c. Rules and regulation of the concerned department for establishing the project shall be complied.
 - d. The instruction/orders passed by the State Government/Central Government and the directions passed by Hon'ble Court/Supreme Court from time to time regarding such project shall be complied with.
 - e. User agency will ensure that the project personnel engaged in the project shall observe the provisions of the Wild Life (Protection) Act 1972 & Rules made thereafter.
 - f. Construction waste materials will not be thrown inside the eco-sensitive zone area or the movement corridor of wildlife.
 - g. User agency will take all precautions including technical measures to contain the noise and air pollution, protection from fire due to construction activities.
 - h. The project proponent shall obtain consent to establish and to operate from U.P. Pollution Control Board and effectively implement all the conditions stipulated therein.
 - i. The project proponent shall undertake plantation/forestation work by planting the native species in the area adjacent to project area/sanctuary for which necessary finance will be provided by the user agency.
 - j. No labour camp shall be established in the sanctuary/forest area of other sensitive areas.
 - k. Blasted Ammunition Materials will not be carried by user agency in wildlife area.
 - l. In addition to this, mitigation measures for development of Delhi-Dehradun Highway (NH-72A) in the Shivalik hills have been provided by WII, Dehradun.
 - m. No work shall be allowed from sunset to sunrise.
 - n. The user agencies shall extend all support to forest department in case of any forest & wildlife offence.

B. Condition imposed by the NTCA

1. The project proponent shall take appropriate mitigation measures for maintaining the habitat connectivity and animal passage as suggested by the Chief Wild Life Warden, Uttar Pradesh.

- C. The animal passage plan submitted by the Project Proponent shall be implemented in toto.

- D. The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wild Life Warden and an annual compliance certificate shall be submitted by the State Chief Wild Life Warden to Government of India.

AGENDA ITEM No.6 – Any other item with permission of Chair

60.6.1 Protected Forest Land Proposed to be diverted for Construction of Bridge for Proposed Rapti Canal on Tulsipur-Jarva Road at KM.72.820, at Village: Madharwa, District: Balrampur. [File No. 6-169/2020WL; Proposal No. FP/UP/CANAL/40793/2019]

The Member Secretary briefed the Standing Committee and stated that the proposal is for use of 116.4288 ha for construction of Bridge and Canal in Madharwa village of Balrampur district. The project area also includes 0.2112 ha of forest land. The proposed project falls within ESZ of Sohelwa Wildlife Sanctuary. The proposal has been recommended by the Chief Wild Life Warden and the State Board for Wild Life.

Decision taken: After discussions, the Standing Committee decided to recommend the proposal subject to the following:

A. Conditions imposed by the Chief Wild Life Warden:

1. The land shall not be used for any purpose other than that specified in the proposal.
2. The personnel working on the site should be well aware and will be bound to follow the provisions of Wild Life (Protection) Act, 1972.
3. The project also involves 0.2112 ha. of protected forest land and 04 number of trees are also required to be cut, therefore, Forest Clearance as per provisions of Forest (Conservation) Act 1980 will also be required for the forest area.
4. Amount of Net Present Value (N.P.V.) shall be paid by the User Agency as per directions contained in G.O. No. writ 526/14-2-2008 dated- 22-8-2008 of UP.
5. User agency shall provide 2% of the project's proportionate cost of the project falling in eco-sensitive zone for implementation of mitigation measures and wildlife conservation plan duly approved by Chief Wild Life Warden, U.P.
6. The user agency will ensure that no labour camp shall be established inside the sanctuary or any other sensitive area in eco-sensitive zone. Neither firewood nor any other forest produce from the forest will be used.
7. The user agency will arrange all necessary equipments for survey &

Annexure R-7



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन एवं राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

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

परियोजना कार्यान्वयन ईकाई-वसन्त विहार, (देहरादून)

Project Implementation Unit-Vasant Vihar (Dehradun)

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भारतमाला
प्रगति के पथ पर अग्रसर

NHAI/PIU-VSNT-VHR/33011/BM/GNPR-DDN(DPR) 72A/2020/ ५४

dt.07.01.2021

To

The Divisional Forest Officer
Tilak Road, Dehradun,
Uttarakhand 248001

Sub: -Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.115) and Uttarakhand (km 16.115 to km 19.746) to 4 lane configuration. Compliance of condition imposed in terms of Forest Clearance (FC) approved by MoEF-CC.(Proposal no: -FP/UK/ROAD/45283/2020)

Ref: -

(1) Ro MoEFCC letter no: - 8B/UCP/06/110/2020/FC/1392 dated 29/09/2020

(2) Letter no 1080/FP/UK/ROAD/45283/2020 Dehradun dated 9/10/2020 from office of NODAL (Forest)

(3) Letter no: - 1583/127 Dehradun date 28/10/2020

Sir,

Please refer to the above captioned subject and aforementioned references. In this context we are herewith submitting compliance of condition stipulated in stage-1 clearance letter with the request kindly approve the same for uploading it to PARIVESH portal (<https://parivesh.nic.in/>) .

2. In compliance of same, it also request to you kindly issue a certificate against condition no. 3 (b) mentioning that in past no plantation work has been commenced on proposed CA land under any other scheme.

3. Further as per guidelines F.No. 11-158/2017-FC dated 27.09.2017 it is requested working permission for tree felling may be granted to user agency and concerned officer/logging Manager may be directed for felling of demarcated 2572 trees.

This is for your kind information, record and onward necessary action please.

Yours faithfully

Encl: - Details of compliance certificate annexures

(P.K. Mourya)

GM (Tech) cum Project Director
PIU-Vasant Vihar (Dehradun).

Copy to:

1. Regional Officer-Uttarakhand, NHAI, Dehradun for kind information pl.
2. Team Leader, M/s MSV International Inc. Pvt. Ltd., Plot No. 358, Ground Floor, Niti Khand1, Indirapuram, Ghaziabad- -201014 for necessary action pl.

Stage-1 compliance of condition imposed in terms of Forest Clearance (FC) which has been accorded by MoEFCC Regional office (North Central Zone), Dehradun vide letter no: - 8B/UCP/06/110/2020/FC/1392; dated 29/09/2020.

Name of the Project: Improvement, up-gradation and construction of Ganeshpur- Dehradun road section (NH72A) in the state of Uttar Pradesh (km 00+00 to km 16+115) and Uttarakhand (Km 16+115 to km 19+746) to 4 lane configuration.

Proposal No: -FP/UK/ROAD/45283/2020

S. No.	Stipulated Conditions	Compliance
1.	वन भूमि की विधिक परिस्थिति नहीं बदली जाएगी।	Agreed, legal status of the Forest Land will not be changed and will remain the same as it is.
2.	परियोजना के लिए आवश्यक गैर वन भूमि प्रयोक्ता अभिकरण को सौंपे जाने के बाद ही वन भूमि सौंपी जाएगी।	Being a central government project, this stipulated condition is not applicable. 20-hectare of degraded forest land is already provided by the Divisional Forest Officer, Dehradun for implementation of CA Scheme against diverted forest land. Amount for implementation of CA is already deposited in CAMPA account, please refer Annexure-2(receipt of payment)
3.	प्रतिपूरक वनीकरण:	
(क)	वन विभाग द्वारा प्रयोक्ता अभिकरण की लागतपर 20.00 हे० अवनत वन भूमि का रबरीक0सं० 1 सी पर प्रतिपूरक वनीकरण किया जाएगा।जहां तक व्यावहारिक हो, स्थानीय स्वदेशी प्रजातियों को लगाया जाए तथा प्रजातियों की एकल कृषि से बचें।	Agreed, a compensatory afforestation shall be done on twice of the diverted forest land by the Forest Department. The amount against CA implementation is already deposited in CAMPA Fund.
(ख)	वनमंडलअधिकारी द्वाराअतिरिक्त प्रमाण पत्रभी प्रस्तुत किया जायेगा कि उक्त सी.ए. क्षेत्र पर पूर्व मेंकिसी भी अन्य योजना के तहतवृक्षारोपण कार्य नहीं किया गया है।	A certificate by the Divisional Forest Officer is attached as Annexure-1 which ensure that in the past, no plantation work has been done on the proposed C.A land under any other scheme.
4.	प्रति पूरक वनीकरण की भूमि पर, यदि आवश्यक हो. तो प्रतिपूरक वनीकरण योजनाके अनुसार प्रचलित मजदूरी दरों पर प्रति पूरक वनीकरण की लागत एवं सर्वेक्षण, सीमांकनऔर स्तंभन की लागत परियोजना प्राधिकरण द्वाराअग्रिम रूप से वनविभाग के पास जमा की जाएगी।प्रतिपूरक वनीकरण 10 वर्षों तक अनुरक्षित किया जाएगा इसयोजना में भविष्य में निर्धारित कार्यो के लिए प्रत्याशित लागत वृद्धि हेतु उपयुक्त प्रावधान शामिल किए जा सकते हैं।	Agreed, amount as per CA scheme is already deposited in CAMPA account, please refer Annexure -2.(Receipt of payment).
5.	शुद्ध वर्तमान मूल्य	
(क)	इस संबंध में भारत के माननीय सर्वोच्च न्यायालय के WP (C) संख्या: 202/1995 में 1A नंबर 556 दिनांक 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 एवं 09.05.2008 तथामंत्रालयद्वारापत्रांक 5-1/1993-एफसी. (Pt. 2) दिनांक 18.09.2003, 5-2/2006-एफ.सी. दिनांक 03.10.2006 एवं 5-3/2007- एफ. सी. दिनांक 05.02.2009 में जारी दिशा निर्देशानुसार राज्य सरकार प्रयोक्ता अभिकरण सेइस प्रस्ताव के तहत 9.6224 हे० वन क्षेत्र के प्रत्यावर्तन के लिए शुद्ध वर्तमान	User Agency, NHAI- PIU Vasant ViharDehradun has already deposited amounting Rs 10036163.00 (Rs. One crore thirty-six thousand one hundred sixty-three only) under head of NPV. Total amount including CA, Rs. 16779843.00 has already been deposited in CAMPA account of corporation Bank Account number: - 150896145283045 through RTGS vide Bulk File No. 2173574 dated 02.12.2020. Copy of the same is attached as Annexure-2.

	मूल्य वसूल करेगी।	
	(ख) विशेषज्ञ समिति से रिपोर्ट प्राप्त होने पर माननीय सर्वोच्च न्यायालय द्वारा प्रत्यावर्तित वन भूमि के शुद्ध वर्तमान मूल्य की अतिरिक्त राशि, यदि कोई हो, जो अंतिम रूप देने के बाद हो, को राज्य सरकार द्वारा प्रयोक्ता अभिकरण वसूला जाएगा। प्रयोक्ता अभिकरण इसका एक शपथ पत्र प्रस्तुत करेगा।	Agreed, if the rate of NPV is increased by Hon'ble Supreme Court of India / Government of India, the project proponent hereby undertake to reimburse/paid the same to the Forest Department on time. Undertaking for the same is attached as Annexure-3 .
6.	प्रयोक्ता अभिकरण प्रत्यावर्तित वन भूमि में पेड़ों की कटाई को न्यूनतम कर देगा जिनकी संख्या प्रस्ताव के अनुसार 2572 trees (including 24 saplings) से अधिक नहीं होगी एवं पेड़ राज्य वनविभाग के सख्त पर्यवेक्षण में कटेंगे। प्रयोक्ता अभिकरण द्वारा राज्य वन विभाग के पास पेड़ों की कटाई की लागत जमा की जाएगी।	Agreed, minimum number of trees will be cut as much as possible for proposed road which are already enumerated and certified by Forest Department. The cost for tree cutting will be deposited with the State Forest Department by the User Agency as per demand note of forest department.
7.	The provision of the Bhagirathi eco sensitive zone notification and zonal master plan shall be strictly complied with by the State Govt, and User Agency.	Not applicable since this proposed project is not located in notified eco-sensitive zone of Bhagirathi.
8.	The User Agency State Govt. will comply with the directions of the Hon'ble Supreme Court passed in the matter of civil appeal No. 10930/2018 (M.A. No, 1449/2020 dated 08.09.2020	The user agency, NHAI- PIU Vasant Vihar Dehradun is fully agreed to adhere the stipulated conditions imposed in Stage-1 Forest Clearance. Also, user agency is agreed to comply directions of the Hon'ble Supreme Court passed in the matter of civil appeal No. 10930/2018 (M.A. No, 1449/2020 dated 08.09.2020
9.	State Govt. will inform this office if they pass any order for tree cutting and commencement of work before stage II approval as per guidelines para 11.2. The State Govt. will strictly monitor and ensure that no further activity is carried out under such permission after the expiry of one year from the date of issue of such permission.	Agreed, all activity will be done under supervision of concerned Forest Department and will be intimated through proper channel to RO MoEFCC Dehradun.
10	परियोजना के तहप्रयोक्ता अभिकरण से प्राप्त धन केवलई-पोर्टल (https://jparivesh-nic-in/) के माध्यम से क्षतिपूर्क वनीकरण कोष प्रबंधन और योजना प्राधिकरण फंड में स्थानांतरित/जमा किए जाएंगे।	Agreed, the amount for compensatory afforestation and NPV of this project is already deposited to CAMPA Fund. Details of the same is enclosed as Annexure-2 .
11	एफआरए, 2006 का पूर्ण अनुपालन संबंधित जिला कलेक्टर से निर्धारित प्रमाण पत्र के माध्यम से सुनिश्चित किया जाएगा।	Agreed, full compliance of FRA, 2006 is ensured prior to award of stage-clearance through a prescribed certificate from the District Collector concerned. Please refer FRA certificate as annexure-4
12	संरक्षित क्षेत्रों / वन क्षेत्रों में निश्चित दूरी पर सड़क के साथ गति विनियमन साइनेज लगाए जाएंगे।	Agreed, speed regulation signages will also be installed at appropriate location as per IRC guideline and also as per suggestions/ consultation with concerned forest department and chief wildlife warden to aware the drivers and other road users. Funnelling near elephant underpass is already proposed to install to direct the animals towards underpass.
13	पर्यावरण (संरक्षण) अधिनियम, 1986 के प्रावधानों के अनुसार, उपयोगकर्ता अभिकरण पर्यावरणीय स्वीकृति प्राप्त करेगा।	This is to confirm that this project road does not attract Environmental Clearance. The EIA notification 14th September 2006 amended, vide notification S.O.2559(E), dated

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भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-वसन्त विहार, देहरादून।

		22nd of August 2013 which reads "Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40m on existing alignments and 60m on re-alignments or by-passes." In purview of this amendment in EIA notification, it is already established that the proposed project does not attract Environmental Clearance (EC) from MoEFCC as the length of project road section is less than 100km.
14	केंद्र सरकार की पूर्वानुमति के बिना प्रस्ताव का ले-आउट प्लान नहीं बदला जाएगा।	Agreed, layout plan of proposed project will not be changed without permission of Central Government.
15	वन भूमि पर कोई भी श्रमिक शिविरस्थापित नहीं किया जाएगा।	Agreed, no unauthorized labour camp /construction yard will be established on diverted Forest Land or in nearby forest area other than temporary camp/storage/parking of equipment/construction vehicles.
16	प्रयोक्ता अभिकरण द्वारा मजदूरों को राज्तीय वन विभाग अथवा वनविकास निगम अथवा वैकल्पिक ईंधनके किसी अन्य कानूनी स्रोतसे पर्याप्त लकड़ी, विशेषतः वैकल्पिक ईंधन दिया जाएगा।	Agreed, for the purpose of cooking, User Agency through construction contractor, commercial LPG will be provided to all construction workers.
17	संबंधित प्रमाणीय वनाधिकारी के निर्देशानुसार, प्रत्यावर्तित वन भूमि की सीमा को परियोजना लागत पर भूमि पर सीमांकन किया जाएगा।	Agreed, pillar marking with geo-coordinates (both ways backward & Forward) at the boundary of diverted forest land will be done under supervision of forest department.
18	परियोजना कार्यके निष्पादनके लिए निर्माण सामग्री के परिवहन के लिए वन क्षेत्र केअंदर कोई अतिरिक्त यान या मार्ग नहीं बनाया जाएगा।	Agreed and noted, it will be ensured that no new road/haul road will be constructed for traveling or transportation of construction material for construction of project road other than forest land diverted for which forest clearance is accorded.
19	इस अनुमोदन में प्रत्यावर्तन की अवधि को प्रयोक्ता अभिकरण के पक्ष में मिली लीज की अवधि के साथ अथवा परियोजना की पूर्णअवधि के साथ, जो भी कम हो, लक्षित किया जाएगा।	Not applicable in NHAI project. In forest land diversion proposal a certificate/undertaking is already given in page no.115 (Prarop -53). Please refer annexure no.- 5
20	वन भूमि का उपयोग परियोजना के प्रस्ताव में विनिर्दिष्ट प्रयोजनों के अतिरिक्त अन्य किसी प्रयोजन हेतु नहीं किया जाएगा।	Agreed, it is ensured that forest land will not be used for any purpose other than the proposed road project.
21	केंद्र सरकार की पूर्वानुमति के बिना प्रत्यावर्तन हेतु प्रस्तावित वन भूमि किसी भी परिस्थिति में किसी भी अन्य एजेंसियों, विभाग अथवा व्यक्ति को हस्तांतरित नहीं की जाएगी।	Noted and agreed that, diverted forest land for proposed project will not be transferred to any other agencies, department or individual under any circumstances without prior permission of the Central Government.
22	इनमें से किसी भी शर्त का उल्लंघन वन (संरक्षण) अधिनियम 1980. का उल्लंघन होगा एवं पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय के दिशा निर्देश फाइल संख्या 11-42/2017-FC दिनांक 29.01.2018 के अनुसार उस पर कार्रवाई होगी	Agreed, as of now no violation of Forest conservation Act, 1980 has been committed on this project. User Agency NHAI-PIU Vasant Vihar will adhere with all the condition mentioned in stage-1 Forest Clearance of this project.
23	पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय द्वारा वन एवं वन्यजीवों के संरक्षण व विकास के हित में समय-समय पर निर्धारित शर्तें लागू होगी।	Agreed, the conditions/directions set by MoEF-CC from time to time in the interest of conservation and development of forest and wild animals will be complied.

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National Highways Authority of India
(संरक्षण एवं पर्यावरण राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी०आर०टी०-वसन्त विहार

24	<p>प्रयोक्ता अभिकरण पूर्व विदिष्ट स्थलों पर इस प्रकार मलबे का निस्तारण करेगा कि वह अनावश्यक रूप से तय सीमा से नीचे न गिरे। राज्य के वन विभाग के पर्यवेक्षण में तथा परियोजना की लागत पर, प्रयोक्ता अभिकरण द्वारा उपयुक्त प्रजातियों के पौधे लगाकर मलवा निस्तारण क्षेत्र को स्थिर एवं पुनर्जीवित करने का कार्य किया जाएगा मलबे को यथास्थान रखने हेतु दीवारें बनाई जाएगी। निस्तारण स्थलों को राज्य के वनविभाग कोसौंपने से पूर्व इनका स्थिरीकरण एवं सुधार कार्य योजनानुसार समय बद्धतरीके से पूरा किया जाएगा मलबा या निस्तारण क्षेत्र में वृक्षों की कटाई की अनुमति नहीं होगी।</p>	<p>It is already given undertaking and plan in Forest land diversion proposal that muck will not be disposed in forest area. The generated muck will be re-utilized and in case additional muck generated, it will be reutilized in another section of project road. May please refer muck disposal plan attached as Annexure-6.</p>
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25	<p>यदि कोई अन्य सम्बन्धित अधिनियम/अनुच्छेद/ नियम/ न्यायालय आदेश/अनुदेश आदि इस प्रस्ताव पर लागू होते हैं तो उनके अधीन जरूरी अनुमति लेना राज्य सरकार / प्रयोक्ता एजेंसी की जिम्मेदारी होगी।</p>	<p>Agreed, noted. User agency undertakes to take all applicable clearances for the subject project applicable.</p>
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26	<p>अनुपालना रिपोर्ट ई-पोर्टल (https://parivesh.nic.in/) पर अपलोड की जाएगी।</p>	<p>Noted, the compliance of conditions stipulated in in-principal approval of this project will be uploaded on MoEFCC web portal https://parivesh.nic.in/.</p>
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परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
 (सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
 Ministry of Road Transport & Highways
 प्लॉट 03/05/05-इकाई नं. 1, दिल्ली-110021

Annexure-2: Payment of CA amount to CAMPA Fund



PARIVESH
परिवेश

सर्वजन सेवा

Ministry of Environment, Forest and Climate Change
Government of India



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Online payment history made by User Agency under CAMPA

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Sno.	Proposal Detail	Application No	Application No (New)	Date of IN-PRINCIPLE	Amount to be Paid/Amount Paid (In Rs.)	Payment Status	Payment Detail	Demand Letter
1	IMPROVEMENT, UPGRADATION AND CONSTRUCTION OF GANESHPUR-DEHRADUN ROAD (NH72A) IN THE STATE OF UTTAR PRADESH (KM 0.8 TO KM 16.115) AND UTTARAKHAND (KM 16.115 TO KM 19.746) TO 4 LANE CONFIGURATION.	ROAD152832020045	5145283045	29 Sep 2020	CA: 6743690/-, Addl CA: 0/- PCA: 0/-, CAT: 0/- Safety Zone: 0/-, Addl PA: 0/- NPV: 10036163.7/-, Other Charges: 0/- Other Charges1: 0/- Other Charges2: 0/- Other Charges3: 0/- Total: 16779843.2/-	<input checked="" type="checkbox"/> Paid	Fund Demand Verified by : 03 Nov 2020 Nodal Officer On : Bank Name : Corporation Bank Mode of Payment : NEFT/RTGS (Challan) Challan Generated On : 03 Nov 2020 Transaction Date : 02 Dec 2020	Demand Letter Generated Challan


 प्रियोजना निदेशक/Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 (कमल 100-कमल 25000 अक्षयपुर, भारत सरकार)
 Ministry of Road Transport & Highways
 कृष्णा नगर - अक्षयपुर विस्तार, दिल्ली-110021

Annexure - 3

Undertaking/certificate for bearing additional cost for increased NPV rate in future

Proposal No: -FP/UK/ROAD/45283/2020

Name of Project- Improvement, up-gradation and construction of Ganeshpur-Dehradun road section (NH72A) in the state of Uttar Pradesh (km 00+00 to km 16+115) and Uttarakhand (Km 16+115 to km 19+746) to 4 lane configuration.

Certify that in future, if the rate of NPV is increased by Honourable Supreme Court of India / Government of India, the project proponent undertakes to bear it and will be reimbursed / paid the same to the Forest Department on time.



Project Director
National Highways Authority of India
Project Implementation Unit
Vasant Vihar (Dehradun), Uttarakhand.

Name: -Pankaj Kumar Mourya

Date: - 7/01/2021

Place: - Dehradun

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी.एस.डी.ओ. - वसन्त विहार, देहरादून।
Signature & Seal

Annexure-4 – FRA Certificate

FORM-I
(for linear projects)
Government of Uttarakhand
Office of the District Collector, Dehradun

No... 25

Dated..... 6.7.2020

TO WHOMSOEVER IT MAY CONCERN

In compliance of the Ministry of Environment Forests & Climate Change (MoEF&CC), Government of India's letter No.11- 9/98-FC (pt.) dated 3rd August 2009 wherein the MoEF&CC issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 ('FRA', for short) on the forest land proposed to be diverted for non-forest purposes read with MoEF&CC's letter dated 5th February 2013 wherein MoEF&CC issued certain relaxation in respect of linear projects, it is certified that 9.6224 hectare of forest land proposed to be diverted in favour of NHAI-PIU Dehradun for the project namely "Improvement, up-gradation and construction of Ganneshpur- Dehradun road section (NH72A) in the state of Uttar Pradesh (Design chainage km 00+00 to km 16+115) and Uttarakhand (Design chainage 16+115 to km 19+746) to 4 lane configuration" in district Dehradun falls within jurisdiction of village (a) Chandrabani Grant (b) Asarori and (d) Mohabbewala in tehsils Dehradun.

It is further certified that:

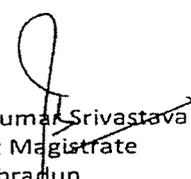
(a) ~~the complete process for identification and settlement of rights under the FRA has been carried out for the entire.....hectares of forest area proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub-Division Level Committee(s) and the District Level Committee are enclosed as annexure.....to.....annexure.....~~ Not Applicable

(b) ~~the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Grama Sabhas have given their consent to it;~~ Not Applicable

(c) the proposal does not involve recognized right of Primitive Tribal Groups and Pre-agricultural communities.

Encls.: As above.


Rajiv Dhillon
Divisional Forest Officer
Dehradun


Dr. Ashish Kumar Srivastava
District Magistrate
Dehradun

जिलाधिकारी
देहरादून


परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-वसन्त विहार, देहरादून।

प्रारूप-49

Muck Disposal Plan

Name of Project: - "Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.115) and Uttarakhand (km 16.115 to km 19.746) to 4 lane configuration".

INTRODUCTION

As around 14 km(Ganeshpur-Dehradun) road is located on rolling and hilly terrain significant quantity of material would be excavated for construction of Tunnel, foundation work, hill cutting work for establishing of project road alignment.

Muck generation is considered a significant impact on land environment and the excavation shall result in large quantity of excavated material i.e. muck which shall have to be evacuated and disposed of in a planned manner so that it takes a least possible space and is not hazardous to the environment. The muck disposal sites cause increased sedimentation in the rivers (though insignificant compared to natural sedimentation) and totally spoils the visual aesthetics of the area. It is of prime importance that these sites will have to be rehabilitated as soon as the disposal sites are full.

QUANTITY OF MUCK TO BE GENERATED

Based on the geological nature of the rocks and engineering properties of the soil, a part of the muck generated can be used as construction material in road work. The balance needs to be suitably disposed. Normally, muck is disposed in low-lying areas or depressions. Trees, if any, are cut before muck disposal, however, shrubs, grass or other types of undergrowth in the muck disposal at sites perish. The muck disposal sites will be suitably stabilized on completion of the muck disposal.

MUCK GENERATION FROM PROJECT COMPONENTS AND UTILIZATION

SL	Project Component	Muck Generation Quantity (Cum)	Project Component	Muck utilization Quantity (Cum)
1	Tunnel from km 16+110 to km 16+270	22628.50	Tunnel from km 16+110 to km 16+270	00
2	Road widening/Hill cutting and raising from km 16+270 to km 18+420	410794.00	Road widening/Hill cutting and raising from km 16+270 to km 18+420	68468.14
3	Elephant Underpass from km 18+420 to Km 18+570	00	From km 18+420 to Km 18+570 Elephant Underpass	00
4	Road widening work from km 18+570 to km 19+010	00	Road widening work from km 18+570 to km 19+010	194261.74
5	Elephant Underpass from km 19+010 to km 19+190	00	Elephant Underpass from km 19+010 to km 19+190	00
6	Road widening work from km 19+190 to km 19+746	3.023	Road widening work from km 19+190 to km 19+746	105095.73
	Total	433425.64		367825.6
	Balance Quantity	65600.03		

Total quantity of generated muck to be disposed is 65600.03 Cum.

Add Swell factor 25% for Rock/Earth material

So, Bank material is 100%/100= 1

परियोजना निदेशक/Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 (सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
 Ministry of Road Transport & Highways
 विहार, देहरादून।

Loose Material = Bank Material + Swell

Or

Loose = $1 + (25/100) = 1.25$

Total Material to be disposed=considering swell factor = $65600.03 \times 1.25 = 82000.03$ Cum

DISPOSAL OF MUCK

As detailed above total quantity of muck likely to be generated is 433425.64cum. Out this 433425.64 cum quantity of muck, 367825.6cum muck will be utilized in project work itself. Remaining/balance quantity of muck measuring 65600.03 cum need to be disposed off, which will be 82000.03 Cum after addition of swell factor @ 25 %.

This is a not a very less in quantity and will be further utilized in construction camp / making haul road/balancing work in additional area taken for temporary work and approach road. In case, there is remaining material (muck), it will be re-utilized in another section of this road km 00+00 to 16+115 (Uttarakhand Part) for raising embankment near elephant underpass and approach roads.

Further, in case of additional generation of muck due to unpredicted calculation like land slide etc, the generated muck will be utilized in another green field road project namely "Eastern peripheral Expressway to Saharanpur bypass road project. This road section is also proposed to be constructed along with this project road and are located at a distance of about 50 km. Being a green field road having 118 km road length, requires large quantity of material and remaining quantity of muck/ disposal material of Ganeshpur- Dehradun road project will be used in this road section as filling material/other suitable use. The cost for transportation of muck is included in contract agreement of contractor/concessionaire. No separate muck disposal area and plan is required.

As, muck is property of Forest Department royalty will be paid as per prevailing norm.

SL	Particulars	Remarks
1	Calculation of muck to be generated. Swell factor to be applied.	Total quantity of generated muck is 433425.64Cum. Add Swell factor 25% for Rock/Earth material So, Bank material is $100\%/100 = 1$ Loose Material = Bank Material + Swell Or Loose = $1 + (25/100) = 1.25$ Total Material to be disposed ($433425.64 - 367825.6 = 65600.03$) considering swell factor = $65600.03 \times 1.25 = 82000.03$ Cum Note- Component wise quantification is given in above table.
2.	Quantity of muck to be utilized in the project activities	367825.6Cum
3.	Balance quantity of muck which requires disposal/ management plan.	Without swell factor/original quantity = 433425.64Cum With swell factor (@25%)= 82000.03 Cum
4	Carriage of muck from the muck generation site to the dumping site.	As per contract condition muck will be carried by contractor at their own cost which will be included in civil cost.
5.	Ownership of land and the consent of land owners in case muck	Another section of this same road (Ganeshpur- Dehradun) is under ownership of NHAI.

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
नगला विहार, देहरादून।

	disposal is proposed on non-forest land.	For construction of road namely "Eastern peripheral Expressway to Saharanpur bypass road project", is being acquired and will be under ownership of NHAI.
6	Photograph & carrying capacity of proposed dumping site (Muck disposal site)	Carrying capacity of proposed site is much more than required disposal quantity (82000.03 Cum). The length of green field 4 lane road is 118 km and average embankment height is 2 meter with 60-meter width/RoW.
7	Development of dumping site- construction of retaining walls and other structure as per requirement of the site. The objective is to completely stop rolling down of the muck.	Not applicable, due to above mentioned reason in column no. 6.
8	Rehabilitation of dumping site like leveling, planting of grass, shrubs and tree species.	Not applicable, due to above mentioned reason in column no. 6.

Note: - Cost to be incurred on the above activities has to be given component wise. Details of dumping site including length, width and height of structures to be erected must be mentioned. - included under civil cost.

Undertaking by user agency has to be given to the effect that:

- 1. Muck management plan will be implemented by user agency and in case of non-implementation of plan; they will be liable to penalty / action at their cost- Agreed*
- 2. The proposed dumping site is located away from river/ stream/ Nala.- Yes*

Date 20/07/2020

Place: - Dehradun


GM (Tech) cum Project Director
NHAI-PIU Dehradun
Uttarakhand
Name: - Vibhav Mittal

Signature & Seal


परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सं. १) राष्ट्रीय राजमार्ग संभालय, भारत सरकार
New Delhi

परियोजना का नाम:- उत्तर प्रदेश (डिजाईन कि०मी० 0.000 से कि०मी० 16.115) और उत्तराखण्ड (डिजाईन कि०मी० 16.115 से कि०मी० 19.746) स्थित राष्ट्रीय राजमार्ग-72ए (NH72A) गणेशपुर से देहरादून सड़क खंड तक के 4-लेन विन्यास का सृष्टीकरण, चौड़ीकरण एवं निर्माण हेतु वन भूमि हस्तान्तरण प्रस्ताव।

प्रारूप-53

लीज अवधि का प्रमाण-पत्र। (वन भूमि लीज पर दिये जाने / लीज नवीनीकरण के प्रकरणों में लागू)

Not Applicable

दिनांक:-20.07.2020

स्थान:- देहरादून

परियोजना निदेशक/Project Director
एन.एच.एआई-पीआईयू राजमार्ग प्राधिकरण
देहरादून, उत्तराखण्ड
National Highways Authority of India
हस्ताक्षर पी०आई०यू०/PIU-Dehradun

नाम- विभव गिततल

सरकारी मोहर

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क एवं राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-वसन्त विहार, देहरादून।

Annexure R-8



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन एवं राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

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

परियोजना कार्यान्वयन ईकाई-वसन्त विहार,

Project Implementation Unit-Vasant Vihar

टेलीफैक्स/Fax : 0135-2669752

दूरभाष/Phone :

ई-मेल/E-mail : piuvasantvihar@nhai.org

वेबसाइट/Website : www.nhai.gov.in



भारतमाला
प्रगति का पथ पर अग्रसर

NHAI/PIU-VSNT-VHR/33011/BM/GNPR-DDN(DPR) 72A/2020/462

dt.22.04.2021

By E-Mail/Speed Post

To

The Divisional Forest Officer
Shivalik Forest Division,
Saharanpur (UP).

Subject: -Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration. Compliance of condition imposed in terms of Forest Clearance (FC) approved by MoEF-CC.(Proposal no: -FP/UP/ROAD/45282/2020)

Ref: -

- (i) Your office letter No. 1636/14-10(45282)Saharanpur dated 31.12.2020
- (ii) This office letter no. NHAI/PIU-VSNT-VHR/33011/BM/GNPR-DDN(DPR) 72A/2020/317 dated 17.03.2021
- (iii) Your office letter No. 2757/14-10(45282)Saharanpur dated 13.04.2021

Sir,

Kindly refer to your office letter dated 31.12.2020 referenced above vide which Stage -1 Forest Clearance was granted for the subject project.

2. The compliance to the conditions of the Stage-1 Forest Clearance were submitted to your office vide letter dated 17.03.2021 referenced at (ii) above. After constant perusal of your office for approval of the compliance for uploading it on PARIVESH portal (<https://parivesh.nic.in/>) and granting working permission to the user agency, your office vide its letter dated 13.04.2021 referenced at (iii) above has raised some observations in the compliance submitted after almost one month of submission.

3. In this context we are herewith again submitting the updated compliance after making the changes as per the observations made in your letter referenced at (iii) above with the request to kindly approve the same and upload it on PARIVESH portal (<https://parivesh.nic.in/>). Separate undertakings for compliance of stage-1 conditions (Annexure S.No. 1 to 24) have also been attached.

4. It is to bring to your kind notice that this project being of national importance, each day's delay in providing the working permission to the user agency is causing delay in execution of work. It is also to submit that the contracts for the subject project have been awarded and the work is scheduled to start soon. Therefore, as per guidelines F. No. 11-158/2017-FC dated 27.09.2017, it is requested that working permission for tree felling may kindly be granted to user agency and concerned officer/logging Manager may be directed for felling of demarcated trees.

Yours faithfully

(P.K. Mourya)

GM (Tech) cum Project Director
PIU-Vasant Vihar (Dehradun).

Enclosure:

- (i) Compliance Certificate (5 Copies)
- (ii) Undertaking/Certificate for Compliance of Stage--1 condition no. 22 (5 Copies)

Copy to:

1. Regional Officer-Uttarakhand, NHAI, Dehradun for kind information please

Stage-1 compliance of condition imposed in terms of Forest Clearance (FC) which has been accorded by MoEFCC Regional office (North Central Zone), Lucknow vide letter no: - 8B/UP/06/160/2020/FC/1108; dated 23/12/2020.

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

Online Proposal No: - FP/UP/ROAD/45282/2020, MoEFCC File No:- 8B/UP/06/160/2020/FC/1108

S.NO	Stipulated Condition	COMPLIANCE																																																												
1	Legal status of the forest land shall remain unchanged.	Agreed, legal status of the Forest Land will not be changed and will remain the same as it is.																																																												
2	Compensatory afforestation shall be taken up by the Forest Department over 95.50 ha. degraded forest land (as detailed below) at the cost of the user agency.	Agreed and complied. In the said proposal the following sites have been identified for Compensatory afforestation																																																												
	<table border="1"> <thead> <tr> <th>S.no</th> <th>Name of forest division</th> <th>CA proposed in area</th> <th>Details of CA</th> </tr> </thead> <tbody> <tr> <td rowspan="7">1</td> <td rowspan="7">Mohand range Saharanpur/Shivalik FD</td> <td>10ha</td> <td>Buddhawan 1B FB</td> </tr> <tr> <td>10ha</td> <td>Kaluwala FB 1B Part-I</td> </tr> <tr> <td>10ha</td> <td>Kaluwala FB 1B Part-II</td> </tr> <tr> <td>7ha</td> <td>Shahajahanpur 1B-Part-I</td> </tr> <tr> <td>15ha</td> <td>Shahajahanpur 1B-Part-II</td> </tr> <tr> <td>5ha</td> <td>Kaluwala comp.2B</td> </tr> <tr> <td>10ha</td> <td>Shahajahanpur 3B</td> </tr> <tr> <td rowspan="2">2</td> <td rowspan="2">Badkala Range Saharanpur/Shivalik FD</td> <td>18ha</td> <td>Khairawali 2B(GulariaSoat)Part-I</td> </tr> <tr> <td>10ha</td> <td>Khairawali 2B(GulariaSoat)Part-II</td> </tr> <tr> <td colspan="2">Total</td> <td>95.50ha</td> <td></td> </tr> </tbody> </table> <p>As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.</p>	S.no	Name of forest division	CA proposed in area	Details of CA	1	Mohand range Saharanpur/Shivalik FD	10ha	Buddhawan 1B FB	10ha	Kaluwala FB 1B Part-I	10ha	Kaluwala FB 1B Part-II	7ha	Shahajahanpur 1B-Part-I	15ha	Shahajahanpur 1B-Part-II	5ha	Kaluwala comp.2B	10ha	Shahajahanpur 3B	2	Badkala Range Saharanpur/Shivalik FD	18ha	Khairawali 2B(GulariaSoat)Part-I	10ha	Khairawali 2B(GulariaSoat)Part-II	Total		95.50ha		<table border="1"> <thead> <tr> <th>S.no</th> <th>Name of forest division</th> <th>CA proposed in area</th> <th>Details of CA</th> </tr> </thead> <tbody> <tr> <td rowspan="7">1</td> <td rowspan="7">Mohand range Saharanpur/Shivalik FD</td> <td>10ha</td> <td>Buddhawan 1B FB</td> </tr> <tr> <td>10ha</td> <td>Kaluwala FB 1B Part-I</td> </tr> <tr> <td>7ha</td> <td>Kaluwala FB 1B Part-II</td> </tr> <tr> <td>15ha</td> <td>Shahajahanpur 1B-Part-I</td> </tr> <tr> <td>5ha</td> <td>Shahajahanpur 1B-Part-II</td> </tr> <tr> <td>10.5ha</td> <td>Kaluwala comp.2B</td> </tr> <tr> <td>10ha</td> <td>Shahajahanpur 3B</td> </tr> <tr> <td rowspan="2">2</td> <td rowspan="2">Badkala Range Saharanpur/Shivalik FD</td> <td>18ha</td> <td>Khairawali 2B(GulariaSoat)Part-I</td> </tr> <tr> <td>10ha</td> <td>Khairawali 2B(GulariaSoat)Part-II</td> </tr> <tr> <td colspan="2">Total</td> <td>95.50ha</td> <td></td> </tr> </tbody> </table> <p>The cost of Compensatory afforestation is already deposited in CAMPA account and it is also updated on https://parivesh.nic.in/, details of the same are attached as Attachment-1. The species of plants will be selected by forest department suitable as per the site suitability.</p>	S.no	Name of forest division	CA proposed in area	Details of CA	1	Mohand range Saharanpur/Shivalik FD	10ha	Buddhawan 1B FB	10ha	Kaluwala FB 1B Part-I	7ha	Kaluwala FB 1B Part-II	15ha	Shahajahanpur 1B-Part-I	5ha	Shahajahanpur 1B-Part-II	10.5ha	Kaluwala comp.2B	10ha	Shahajahanpur 3B	2	Badkala Range Saharanpur/Shivalik FD	18ha	Khairawali 2B(GulariaSoat)Part-I	10ha	Khairawali 2B(GulariaSoat)Part-II	Total		95.50ha	
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3	The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.	Agreed and complied. Demand notes against CA and NPV amounting Rs. 61392436.00 has been issued by DFO Shivalik vide letter no 1636 on dated 31/12/2020. Against the demand notes, the same amount is deposited in CAMPA account. May please refer Attachment-1. (Receipt of payment).																																																												
4	The State Government shall charge the Net Present Value(NPV)	Agreed and complied																																																												

परियोजना निदेशक/Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 (सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
 Ministry of Road Transport & Highways,
 पी०आर०टी०एच०-बसन्त विहार, नई दिल्ली

	for the 47.7054 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pl.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.	Amount against NPV calculated for 47.7054ha of Forest Land is already deposited in CAMPA account, please refer Attachment-1. (Receipt of payment).
5	Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.	Agreed and will be complied If the rate of NPV is increased by Hon'ble Supreme Court of India / Government of India, the project proponent is fully agreed to bear it and the same will be reimbursed / deposited to the concerned Forest /Wildlife Department on time. Undertaking for the same is already attached in forest land diversion proposal and copy of the same is again being attached with this compliance letter. May please refer Attachment-2
6	User agency shall restrict the felling of bare trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.	Agreed, minimum number of trees will be felled as far as possible for proposed road which are already enumerated and certified by Forest Department. It is ensured that no extra tree shall be felled other than identified 8588 trees and plants (5354 trees and 3234 plants/Poles). In tunnel portion tree is enumerated but it will be saved and not cut unless it is necessary. Keeping in view of road user safety, all effort for saving tree will be made during cutting of tree under supervision of the concerned forest department. The cost for tree cutting will be deposited with the State Forest Department by the User Agency as per demand note of forest department.
7	The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.	Agreed and complied Full compliance of FRA, 2006 is ensured prior to award of stage-1 approval. FRA certificate is already attached with Forest Land Diversion proposal. May Please refer FRA certificate as Attachment-3
8	Strip plantation on both sides and central verge of the road shall be raised at the cost of user agency as per the IRC norms in compliance of order dated 16-11-2015 passed by Hon'ble NGT, Central zone. Bhopal in L.A. No. 27/2015(Babulal Jaju Vis Rajasthan Government).	Agreed and will be complied. This is to convey that from KM 0+000 to KM 1+262 proposed road widening will be on existing road (concentric widening) and in this location strip plantation (1 Row) is provisioned depending on availability of space and road safety requirement. Onward km 1+262, entire road is located in Reserve Forest Area and project road alignment is almost elevated with proposed tunnel. In this location, road side plantation is not viable and not planned.
9	Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.	Agreed, speed regulation signages will also be installed at appropriate location as per IRC guideline and also as per suggestions of concerned forest department and wildlife warden to aware the drivers and other road users. Funnelling near presence and movement of elephant/ wild animal as identified in Wildlife study report will be provided to direct the animals towards animal passes.
10	The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW/NBWL/FAC/REC.	Agreed and will be complied Appropriate number under / over pass in Protected Area / Forest Area is already incorporated in design as recommended in WII

		study report. Please refer Attachment - 4 (Animal Passes details).
11	User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.	This is to confirm that this project road <i>does not</i> attract Environmental Clearance. The EIA notification 14th September 2006 amended, vide notification S.O.2559(E), dated 22nd of August 2013 which reads "Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40m on existing alignments and 60m on re-alignments or bypasses." In purview of this amendment in EIA notification, it is already established that the proposed project does not attract Environmental Clearance (EC) from MoEFCC as the length of project road section is less than 100 km.
12	The layout plan of the proposal shall not be changed without prior approval of Central Government.	Agreed and will be complied. Layout plan of proposed project will not be changed without permission of Central Government.
13	No labour camp shall be established on the forest land.	Agreed and will be complied. No unauthorized labour camp /construction yard will be established on diverted Forest land or in nearby forest area without approval of Forest Department.
14	Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.	Agreed and will be complied. For the purpose of cooking, User Agency through construction contractor, commercial LPG will be provided to all construction workers.
15	The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer	Agreed and will be complied. Pillar marking with geo-coordinates (both ways backward & Forward) at the boundary of forest land diverted will be done under supervision of forest department. Also, a Map/ Board will be erected showing coordinates of boundary where forest land has been diverted. The cost of it will be borne by user agency.
16	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.	Agreed and noted. It is ensured that no new road/haul road will be constructed for traveling or transportation of construction material for construction of project road other than forest land diverted and which forest clearance accorded.
17	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.	Not applicable in NHAI project. In this regard Letter of Uttar Pradesh state govt. vide letter no. 35075 on Dated 9/01/2013 is attached. Please refer Attachment- 5.
18	The forest land shall not be used for any purpose other than that specified in the project proposal	Agreed and will be complied It is ensured that forest land will not be used for any purpose other than the proposed road project.
19	The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.	Noted and agreed that, diverted forest land for proposed project will not be transferred to any other agencies, department or individual under any circumstances without prior permission of the Central Government.
20	Violation of any of these conditions will amount to violation of Forest (Conservation) Act. 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.	Agreed, as of now no violation of Forest conservation Act, 1980 has been committed on this project. User Agency will adhere to all the conditions mentioned in stage-1 Forest Clearance of this project. In case any violation reported, User Agency will be fully responsible for it and appropriate action might be initiated.

 22/4/21
परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी०आइ०यू०-बसन्त विहार, देहली-११००१५

21	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.	Agreed, the conditions/directions set up by MoEFCC from time to time in the interest of conservation and development of forest and wild animals will be complied.
22	As far as possible maximum number of trees shall be translocated according to a detailed scheme for translocation of suitable plants prepared in consultation with the State Forest Department and the cost for the same shall be borne by the user Agency.	Agreed, possibility of translocation for impacted trees have been explored jointly under supervision of Shivalik Forest Division Officials. User Agency has agreed to bear the cost to be incurred against translocation of trees. During joint survey, 1100 trees have been identified for translocation. For details, may please refer, Attachment-6.
23	All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (https://parivesh.nic.in).	Noted, the receipt of funds deposited in CAMPA account is attached, please refer Attachment-1. (Receipt of payment) and the same will be uploaded on MoEFCC web portal https://parivesh.nic.in/ .
24	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in/).	Noted, the compliance of conditions stipulated in in-principal approval of this project will be uploaded on MoEFCC web portal https://parivesh.nic.in/ .

Place: - Dehradun

Date: - 22/04/21

GM (Tech) cum Project Director
NHAI-PIU Vasant Vihar , Dehradun Uttarakhand
Name:- Pankaj Kumar Mourya

Signature

h 22/4/21

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
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Ministry of Road Transport & Highways
पी०आर०टि०एच०-वसन्त विहार, देहरादून

Annexure -01

Undertaking/Certificates (SI No.- 1 of Stage-1 condition)

Name of the Project:Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that, the legal status of forest land diverted for the proposed project will not be changed in future and it will remain same as it is.

Date: - 22/04/2021

Place: - Dehradun

by 22/4/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-वसन्त विहार, देहरादून।

Annexure -02

Undertaking/Certificates (SI No. 2 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that, the cost of Compensatory afforestation is already deposited in CAMPA account and it is also updated on <https://parivesh.nic.in/> , details of the same are attached as Attachment-1. Under CA scheme the species of plants are to selected by the concerned forest department as per the site suitability and other condition.

Date: - 22/04/2021

Place: - Dehradun

h
22/4/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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National Highways Authority of India
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Ministry of Road Transport & Highways
पी0आई0यू0-वसन्त विहार, देहरादून।

Annexure -03

Undertaking/Certificates (SI No. 3 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to confirm that as per demand note of the concerned forest department, amount against implementation of CA scheme is already deposited in CAMPA account. Please refer Attachment -1. (Receipt of payment).

Date: - 22/04/2021

Place: - Dehradun

bs 22/4/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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National Highways Authority of India
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Ministry of Road Transport & Highways
पी0आई0यू0-वसन्त विहार, देहरादून।

Annexure -04

Undertaking/Certificates (Sl No. 4 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to confirm that, the amount against NPV calculated for 47.7054ha of Forest Land is already deposited in CAMPA account, please refer Attachment -1. (Receipt of payment).

Date: - 22/04/2021

Place: - Dehradun

PK
22/4/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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National Highways Authority of India
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Ministry of Road Transport & Highways
पी०आर०टि०एच०-वसन्त विहार, देहरादून

Annexure -05

Undertaking/Certificates (Sl No.-5 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that, in case rate of NPV is increased by Hon'ble Supreme Court of India / Government of India, the project proponent is fully agreed to bear it and the same will be reimbursed / deposited to the concerned Forest /Wildlife Department on time. Undertaking for the same is already given in forest land diversion proposal. (Please refer Attachment- 2 in forest land diversion proposal and it is for ready reference attached with this compliance letter)

Date: - 22/04/2021

Place: - Dehradun

ho 22/4/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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Ministry of Road Transport & Highways
पी०आई०यू०-वसन्त विहार, देहरादून।

Annexure -06

Undertaking/Certificates (SI No.- 6 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that the minimum number of trees will be felled as far as possible for proposed road and it will be ensured that no extra tree shall be felled other than identified 8588 trees and plants enumerated jointly by forest department. Tree located on tunnel portion is enumerated but it will be saved. Project Authority, fully agrees to bear the cost of clearance/removal of the vegetation from the forest land proposed to be diverted for the project.

Date: - 22/04/2021

Place: - Dehradun

By 22/04/21
Project Director
NHA-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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Ministry of Road Transport & Highways
पी०आर०ट्यू०-वसन्त विहार, देहरादून।

Annexure -07

Undertaking/Certificates (Sl No. 7 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to confirm that, the full compliance of FRA, 2006 is ensured prior to award of stage-1 approval. FRA certificate is already uploaded (on Parivesh Portal) and attached with Forest Land Diversion proposal. However, for ready reference, FRA Certificated is attached herewith as attachment no. – 3.

Date: - 22/04/2021

Place: - Dehradun

hr
22-04-21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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National Highways Authority of India
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Ministry of Road Transport & Highways
पी०आई०यू०-वसन्त विहार, देहरादून।

Annexure -08

Undertaking/Certificates (SI No. 08 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that, strip plantation (1 Row) is provisioned between km 0+00 to km 1+262 depending upon availability of space and road safety requirement. Onward km 1+262, entire road is located in Reserve Forest area and project road alignment is almost elevated with tunnel. In this location, road side plantation is not viable and not planned.

Date: - 22/04/2021

Place: - Dehradun

Pr 22-04/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-वसन्त विहार, देहरादून :

Annexure -09

Undertaking/Certificates (Sl No. 9 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that, all safety measure as per site requirement is already incorporated in design. Based on applicable IRC guideline, all the informatory board, caution board and warning board will be installed at identified location. Suggestions in this regard will also be sought from concerned forest department and wildlife warden (if any).

Date: - 22/04/2021

Place: - Dehradun

By 22/04/21

Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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National Highways Authority of India
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Ministry of Road Transport & Highways
पी०आर०टि०एच०-वसन्त विहार, देहली

Annexure -10

Undertaking/Certificates (Sl No. 10 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that; the required numbers of under pass/ animal passage in Protected Area / Forest Area is already incorporated in design as recommended in WII study report and will be provided during execution of project road. Details of underpass/animal passes is attached as attachment no- 04.

Date: - 22/04/2021

Place: - Dehradun

hs 22/04/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी०आर०ट्यू०-वसन्त विहार, देहरादून।

Annexure -11

Undertaking/Certificates (SI No. 11 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

The EIA notification 14th September 2006 amended, vide notification S.O.2559(E), dated 22nd of August 2013 which reads "Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40m on existing alignments and 60m on re-alignments or by-passes." In purview of this amendment in EIA notification, it is already established that the proposed project DOES NOT attract Environmental Clearance (EC) from MoEFCC as the length of project road section is less than 100 km.

Date: - 22/04/2021

Place: - Dehradun


Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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Ministry of Road Transport & Highways
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Annexure -12

Undertaking/Certificates (Sl No. 12 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that; the Layout plan of proposed project will not be changed without permission of Central Government.

Date: - 22/04/2021

Place: - Dehradun

By 22/04/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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National Highways Authority of India
(सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी०आइ०यू०-वसन्त विहार, देहरादून

Annexure -13

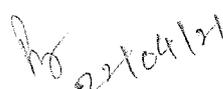
Undertaking/Certificates (Sl No. 13 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that; the no unauthorized labour camp /construction yard will be established on diverted Forest land or in nearby forest area without approval of forest department.

Date: - 22/04/2021

Place: - Dehradun


Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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Ministry of Road Transport & Highways
पी०आइ०यू०-वसन्त विहार, देहरादून

Annexure -14

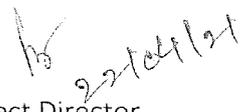
Undertaking/Certificates (Sl No. 14 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that; the Project Authority through Concessionaire/Contractor will insure and provide required quantity of Kerosene oil / Liquide Petroleum Gas to all construction worker for the purpose of cooking during entire period of construction work.

Date: - 22/04/2021

Place: - Dehradun


Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal
परियोजना निदेशक/Project Director
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National Highways Authority of India
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Ministry of Road Transport & Highways
पी०आर०टि०एच०-वसन्त विहार, देहरादून

Annexure -15

Undertaking/Certificates (Sl No. 15 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that, the Pillar marking with geo-coordinates at the boundary of forest land diverted for the project will be done under supervision of forest department.

Date: - 22/04/2021

Place: - Dehradun

22-04/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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Ministry of Road Transport & Highways
पी.ओ.बॉक्स-११०-दिल्ली

Annexure -16

Undertaking/Certificates (Sl No. 16 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that the no new road/haul road will be constructed for traveling or transportation of construction material for project work other than forest land diverted and for which forest clearance accorded.

Date: - 22/04/2021

Place: - Dehradun

By: 22/04/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी0आई0यू0-वसन्त विहार, देहरादून।

Annexure -17

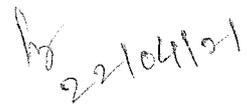
Undertaking/Certificates (Sl No. 17 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that, this condition is Not applicable in NHAI project. In this regard Letter of Uttar Pradesh state govt. vide letter no. 35075 on Dated 9/01/2013 is attached. Please refer Attachment. - 5

Date: - 22/04/2021

Place: - Dehradun


Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी०आर०एच०-वसन्त विहार, देहरादून।

Annexure -18

Undertaking/Certificates (SI No. 18 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that the forest land will not be used for any purpose other than specified in the project land diversion proposal and for which Forest clearance is accorded.

Date: - 22/04/2021

Place: - Dehradun

h
22/04/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी०आइ०यू०-वसन्त विहार, देहरादून।

Annexure -19

Undertaking/Certificates (Sl No. 19 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that the diverted forest land for proposed project will not be transferred to any other agencies, department or individual under any circumstances without prior permission of the Central Government.

Date: - 22/04/2021

Place: - Dehradun

by 22/04/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(उत्तरक परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०ए०-वसन्त विहार, देहरादून।

Annexure -20

Undertaking/Certificates (Sl No. 20 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that in case any violation occurred, user agency will be fully responsible for it and appropriate action might be initiated.

Date: - 22/04/2021

Place: - Dehradun

by 22/04/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-वसन्त विहार, देहरादून।

Annexure -21

Undertaking/Certificates (SI No. 21 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that the conditions/directions set-up by MoEFCC from time to time in the interest of conservation and development of forest and wildlife will be complied in full respect.

Date: - 22/04/2021

Place: - Dehradun

by 22/04/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
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National Highways Authority of India
(सड़क परिवहन राजमार्ग विभाग, नया दिल्ली)
Ministry of Road Transport & Highways
पी०आर०टि०एच०-कक्षा विभाग, नई दिल्ली

Annexure -22

Undertaking/Certificates (Sl No. 22 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

Possibility of translocation for impacted trees have been explored jointly under supervision of Shivalik Forest Division Officials and 1100 trees identified for translocation.

Further, this is to undertake and agree to bear the cost incurred against translocation of identified trees.

Date: - 22/04/2021

Place: - Dehradun

by 22/04/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-वसन्त विहार, देहरादून

Annexure -23

Undertaking/Certificates (Sl No. 23 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that; the receipt of funds deposited in CAMPA account is attached, and the same will be uploaded on MoEFCC web portal <https://parivesh.nic.in/>.

Date: - 22/04/2021

Place: - Dehradun

h
22/04/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal
परियोजना विदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-बसन्त विहार, देहरादून।

Annexure -24

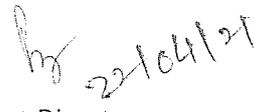
Undertaking/Certificates (Sl No. 24 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that, the compliance of conditions stipulated in in-principal approval of this project will be uploaded on MoEFCC web portal <https://parivesh.nic.in/>.

Date: - 22/04/2021

Place: - Dehradun


Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-वसन्त विहार, देहरादून

Attachment -25

Office of District Collector, Saharanpur

No. 638 (खिवाठे)/14-1

Date. 16/09/2020

To Whom Soever It May Concern

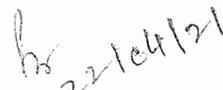
In Compliance of the letter of Ministry of Environment and forest (MoEF) Government of India bearing letter no. 11-09/98-FC(pt) dated 28th October 2014. It is certified that 47.7054 ha. forest land (5.1893ha. PF & 42.5161 ha RF) proposed to be diverted in favour of NHAI, PIU, Dehradun, for four laing of NH-72A, from Ganeshpur to Dat Kali Temple(0.000 to 16.115) in the State of Uttar Pradesh falls within Village Ganeshpur, Mohand, Tehsil- Behat, Distt. Saharanpur.

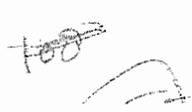
It is further certified that the forest land proposed to be diverted is a plantation notified as Reserve/protected forest less than 75 years prior to the 13th day of December 2005 and is located in said Village Ganeshpur, Mohand, Tehsil- Behat, Distt-Saharanpur having no recorded population of scheduled tribes as per the census- 2001 and the census- 2011. The proposal does not involve recognized right of primitive tribal groups and pre-Agricultural forest dwelling communities.


(R. Balachandran)
Divisional Forest Officer
Shivalik Forest Division,
Saharanpur
सहारनपुर

District Social Welfare Officer
Saharanpur

(Akhilesh Singh)
District Collector
Saharanpur


परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग बंधनकारी, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०न्यू०-दरमन भिखर, दिल्ली



Wild animal passage and conservation plan for Ganeshpur- Dehradun Road (NH72A)

Annexure -I Details of passage / structure for passage of wild animal

Ganeshpur - Dehradun Section (0+000 to 19+785)							
Proposed Animal Passes/Structures as per WII Mitigation Measures							
Sl	Chainage	Proposed Structure	Total Span Length(m)	No. of Span x Size	Animal Passes/EUP	Vertical Clearances (Min.)	Remarks
1	0+490	VUP	20	1x20	-	5.5	Vehicular Underpass
2	0+900	Box Culvert	2	2X2	-	2	Cross Drainage
3	1+300	Box Culvert	2	2x2	-	2	Cross Drainage
	1+530	Box Culvert	2	2X2	-	2	Cross Drainage
	1+700	Box Structure	12	1x12	Animal Pass	2	Additional passes for wild Animal
	1+800	Pipe Culvert	1.2m Dia	1x1.2m Dia	-	-	Additional passes for wild Animal
	1+900	Box Structure	12	1x12	Animal Pass	2	Additional passes for wild Animal
	2+000	Pipe Culvert	1.2m Dia	1x1.2m Dia	-	-	Additional passes for wild Animal
	2+100	Box Structure	12	1x12	Animal Pass	4m	Additional passes for wild Animal
	2+258 to 8+033	Elevated Structure	5775	165x35	Animal Pass	6m	Additional passes for wild Animal
	8+130 to 13+178	Elevated Structure	5048	144x35	Animal Pass	6m	Additional passes for wild Animal
	13+292 to 14+482	Elevated Structure	1190	34x35	Animal Pass	6m	Additional passes for wild Animal
13	14+630	Minor Bridges	32	2x16	Major-Minor bridge/Addition al passes for wild animals.	2.5m	Additional passes for wild Animal
14	14+710	Minor Bridges	40	2x20		2.5m	Additional passes for wild Animal
15	15+140	Major Bridge	60	3x20		2.5m	Additional passes for wild Animal
16	15+440	Minor Bridges	24	1x24		2.5m	Additional passes for wild Animal
17	15+535	Minor Bridges	20	1x20		2.5m	Additional passes for wild Animal
18	15+610	Minor Bridges	12	2x6		2.5m	Additional passes for wild Animal
19	15+700	Minor Bridges	24	1x24		2.5m	Additional passes for wild Animal
20	15+770	Major Bridge	75	3x25		2.5m	Additional passes for wild Animal
21	16+000 to 16+340	Tunnel	340	1x340	-	5.5m	Single Tube Tunnel

परियोजना निदेशक/Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 (सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
 Ministry of Road Transport & Highways
 पी०आर०ट्यू०-वसन्त विहार, देहरादून

21/10/2020
 प्रो.

निदेशक एवं प्रशासक
 परियोजना निदेशक/Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 (सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
 Ministry of Road Transport & Highways
 पी०आर०ट्यू०-वसन्त विहार, देहरादून

परियोजना निदेशक/Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 (सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
 Ministry of Road Transport & Highways
 पी०आर०ट्यू०-वसन्त विहार, देहरादून

22/10/20

Wild animal passage and conservation plan for Ganeshpur- Dehradun Road (NH72A)

22	16+500	Minor Bridge	20	2x10	Animal Pass	2.5m	Passage as advised by Chief Wildlife Warden and WII official in Joint Site Inspection
23	16+660	Minor Bridge	12	2x6	Animal Pass	2.5m	Passage as advised by Chief Wildlife Warden and WII official in Joint Site Inspection
24	16+930	Minor Bridge	20	2x10	Animal Pass	2.5m	Passage as advised by Chief Wildlife Warden and WII official in Joint Site Inspection
25	17+450	Minor Bridge	20	2x10	Minor bridge/Additional passes for wild animals.	2.5m	Additional passes for wild Animal
26	18+610	Minor Bridge	18	3X6		2.5m	Additional passes for wild Animal
27	19+480	Minor Bridge	18	3x6		2.5m	Additional passes for wild Animal
28	18+500	EUP	200	2x28.5+5x28.6	EUP	6.0m	Passage as advised by Chief Wildlife Warden and WII in Joint Site Inspection
29	19+050	EUP	200	2x28.5+5x28.6	EUP	6.0m	Passage as advised by Chief Wildlife Warden and WII in Joint Site Inspection
30	16+760	Box Culvert	2	2x2	Additional passes for wild animal	2.0m	Additional passes for wild Animal
31	16+880	Box Culvert	2	2x2		2.0m	Additional passes for wild Animal
32	17+230	Box Culvert	2	2x2		2.0m	Additional passes for wild Animal
33	18+090	Box Culvert	3	3x2		2.0m	Additional passes for wild Animal
34	19+600	Box Culvert	2	2x2		2.0m	Additional passes for wild Animal
35	16+390	Pipe Culvert	1.2	1X1.2 \emptyset	Additional Passes for reptiles etc.	Dia - 1.2m	Additional passes for wild Animal
36	16+360	Pipe Culvert	1.2	1X1.2 \emptyset		Dia - 1.2m	Additional passes for wild Animal
37	16+820	Pipe Culvert	1.2	1X1.2 \emptyset		Dia - 1.2m	Additional passes for wild Animal
38	17+380	Pipe Culvert	1.2	1X1.2 \emptyset		Dia - 1.2m	Additional passes for wild Animal
39	17+590	Pipe Culvert	1.2	1X1.2 \emptyset		Dia - 1.2m	Additional passes for wild Animal
40	18+220	Pipe Culvert	1.2	1X1.2 \emptyset		Dia - 1.2m	Additional passes for wild Animal
41	18+780	Pipe Culvert	1.2	1X1.2 \emptyset		Dia - 1.2m	Additional passes for wild Animal
42	19+330	Pipe Culvert	1.2	1X1.2 \emptyset		Dia - 1.2m	Additional passes for wild Animal

परियोजना निदेशक Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 (सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
 Ministry of Road Transport & Highways
 पी०आर०टि०एच०-बसन्त विहार, देहरादून।

PKM/2020
 21/12/2020

उपनिदेशक/अनुमोदित
 22/12/2020
 प्रभाग वन विभाग
 महा रानपुर

परियोजना निदेशक/Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 (सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
 Ministry of Road Transport & Highways
 पी०आर०टि०एच०-बसन्त विहार, देहरादून।

22-01-21

LINEAR PLAN

Improvement upgradation & construction of Ganeshpur - Dehradun road section (NH-72A) in the state of Uttar Pradesh (Km 0+000 to 16+160) and Uttarakhand (km 16+160 to 19+785) to 4 lane configuration.

प्रतिनिधि/अधीक्षक/अधीक्षक

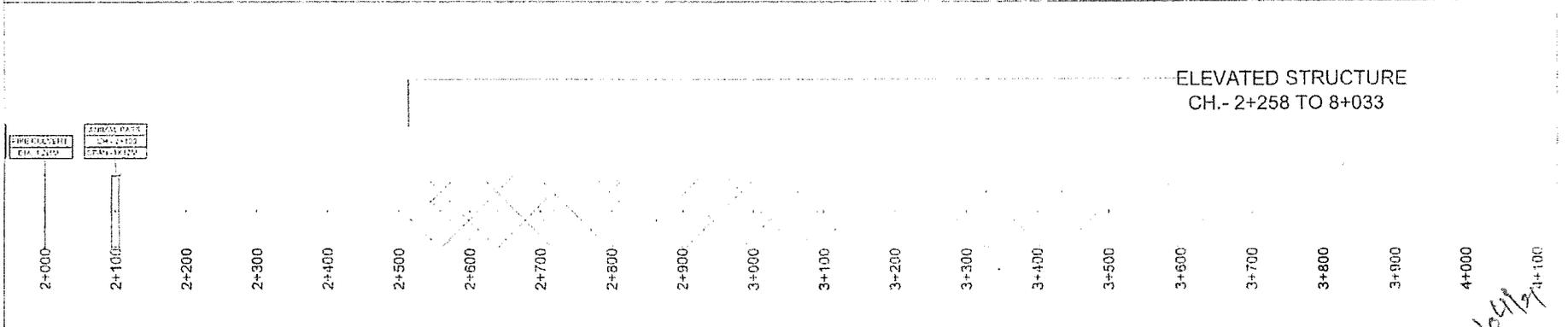
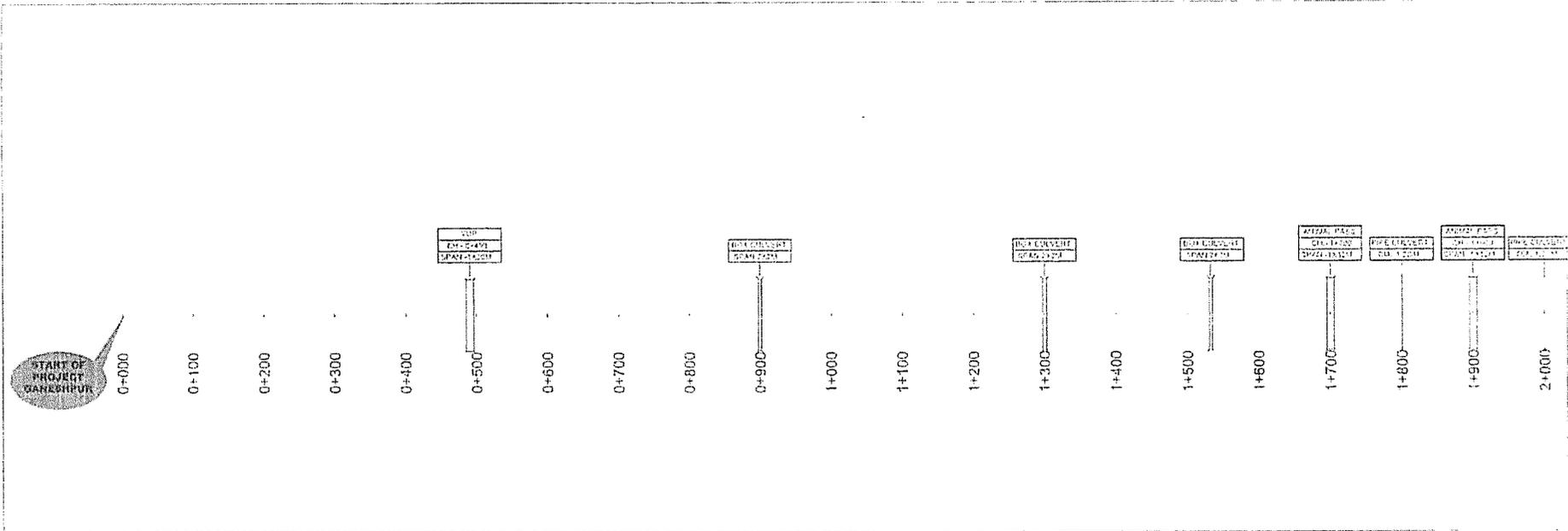
(अधीक्षक/अधीक्षक)
प्रभागिय वसतिगण
मिवाणिक वन प्रभाग
सहारनपुर 22/12/2020

P.K. Mousy
21/12/2020

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी0आई0यू0-वसन्त विहार, देहरादून।

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National Highways Authority of India
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Ministry of Road Transport & Highways
पी0आई0यू0-वसन्त विहार, देहरादून।

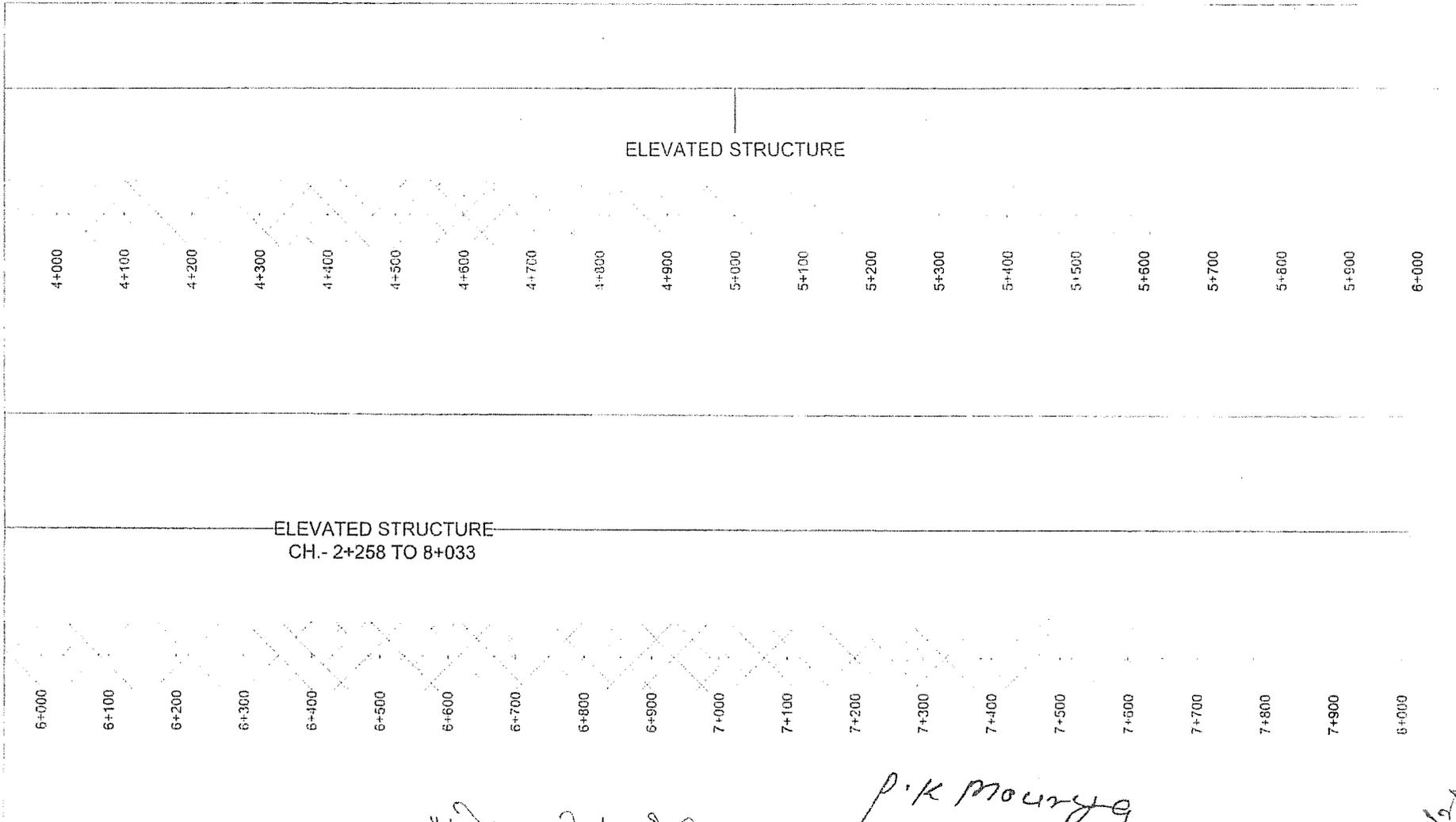
22/04/2021



श्री विवेक लाल शर्मा / अनुमोदित
 प्रभागध्यक्ष
 शिवालय वन प्रभाग
 बहालपुर
 22/12/2020

P.K. Prusty
 21/12/2020
 परियोजना निदेशक/Project Director
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 National Highways Authority of India
 (सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
 Ministry of Road Transport & Highways
 पी०आई०यू०-वसन्त विहार, देहरादून।

22/12/20
 परियोजना निदेशक/Project Director
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 National Highways Authority of India
 (सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
 Ministry of Road Transport & Highways
 पी०आई०यू०-वसन्त विहार, देहरादून।



ELEVATED STRUCTURE

4+000 4+100 4+200 4+300 4+400 4+500 4+600 4+700 4+800 4+900 5+000 5+100 5+200 5+300 5+400 5+500 5+600 5+700 5+800 5+900 6+000

ELEVATED STRUCTURE
CH.- 2+258 TO 8+033

6+000 6+100 6+200 6+300 6+400 6+500 6+600 6+700 6+800 6+900 7+000 7+100 7+200 7+300 7+400 7+500 7+600 7+700 7+800 7+900 8+000

य.नि.दे.ला.प.क./अ.उ.आ.वि.न
22/12/2020

(अ.उ.आ.वि.न.व.स.स.)
प्रभागिय वनाधिकार
शिवलिक वन प्रभाग
महारनपुर

P.K. Mounya
21/12/2020
परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी0आई0यू0-वसन्त विहार, देहरादून।

22/04/2021
परियोजना निदेशक/Project Director
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National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी0आई0यू0-वसन्त विहार.

ELEVATED STRUCTURE
CH.- 8+130 TO13+178

8+000 8+100 8+200 8+300 8+400 8+500 8+600 8+700 8+800 8+900 9+000 9+100 9+200 9+300 9+400 9+500 9+600 9+700 9+800 9+900 10+000

ELEVATED STRUCTURE
CH.- 8+130 TO13+178

10+000 10+100 10+200 10+300 10+400 10+500 10+600 10+700 10+800 10+900 11+000 11+100 11+200 11+300 11+400 11+500 11+600 11+700 11+800 11+900 12+000

यतिशेखर
प्रशासक
महाराजपुर
22/12/2020

P.K. Mouny
परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
Ministry of Road Transport & Highways
सी०आई०यू०-बसन्त विहार, देहरादून।

22/12/2020
परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
Ministry of Road Transport & Highways
सी०आई०यू०-बसन्त विहार, देहरादून।

STRUCTURE
CH-13+178

ELEVATED STRUCTURE
CH.- 13+292 TO 14+482

12+000 12+100 12+200 12+300 12+400 12+500 12+600 12+700 12+800 12+900 13+000 13+100 13+200 13+300 13+400 13+500 13+600 13+700 13+800 13+900 14+000

STRUCTURE
CH-14+482

PRO
CH.- 1

14+000 14+100 14+200 14+300 14+400 14+500 14+600 14+700 14+800 14+900 15+000 15+100 15+200 15+300 15+400 15+500 15+600 15+700 15+800 15+900 16+000

MINOR BRIDGE	MINOR BRIDGE
CH- 14+672	CH- 14+710
SPAN-2x15.0	SPAN-2x20.0

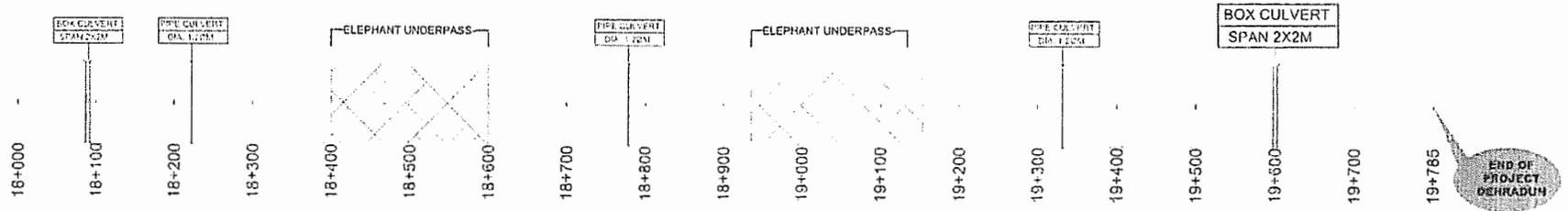
MAJOR BRIDGE
CH- 15+142
SPAN-3x20.0

| MINOR BRIDGE |
|--------------|--------------|--------------|--------------|--------------|
| CH- 15+440 | CH- 15+520 | CH- 15+610 | CH- 15+720 | CH- 15+770 |
| SPAN-1x15.0 | SPAN-1x20.0 | SPAN-2x20.0 | SPAN-1x15.0 | SPAN-1x15.0 |

प्रतिनिधि/अधीक्षक
प्रभाग वनाधिकारी
सिवालिख वन प्रभाग
सहारनपुर
22/12/2020

P.K. Moorthy
परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी०आर०टू-बसन्त विहार, देहली।
21/12/2020

22/04/21
परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी०आर०टू-बसन्त विहार, देहली।



योजना निदेशक/अनुमोदित

(आर. व. प्रभात)
 प्रभागीय वनाधिकारी
 विभागाध्यक्ष वन प्रभाग
 सदासनपुर
 21/12/2020

(P.K. Mowya)
 21/12/2020

परियोजना निदेशक/Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 (सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
 Ministry of Road Transport & Highways
 पी०आर०टी०एच०-बसन्त विहार, देहरादून।

22/04/21

परियोजना निदेशक/Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 (सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
 Ministry of Road Transport & Highways
 पी०आर०टी०एच०-बसन्त विहार, देहरादून।

2- उक्त कार्यालय ज्ञाप दिनांक 19-7-99 को ज.स. अधिनियम के निर्माण दिनांक 07-01-2013 में जारी आदेशों के अनुसरण में आंशिक संशोधन किया जाता है :-

"भारतीय राष्ट्रीय राजमार्ग प्राधिकरण को कार्यालय-ज्ञाप दिनांक 19-7-1999 के प्रतर-1(3) के अनुसार बजट या पर मूल्य (पीमिचम) व उसके 10 प्रतिशत बचतों के बराबर वार्षिक लीज फीट के भुगतान के प्राधिकरण से हटा प्रदान किया जाता है।"

3- उक्त के अतिरिक्त कार्यालय-ज्ञाप संख्या- नं०-666/4-3-600 (51)/1999, दिनांक 19 जुलाई, 1999 बकाया रहेगा।

डी० एच० जॉर्ज
प्रमुख अधिकारी

संख्या व दिनांक तदैव

प्रतिलिपि निम्नलिखित को सूचकांक एवं आवश्यक कार्यवाही हेतु प्रेषित:-

- 1- प्रमुख सचिव, वित्त विभाग, उ०प्र० सरकार।
- 2- सचिव, वित्त (व्यय-नियंत्रण) उ०प्र० सरकार।
- 3- प्रमुख सचिव, लोक निर्माण विभाग, उ०प्र० सरकार।
- 4- प्रमुख वन संरक्षक, उ०प्र० सरकार।
- 5- प्रबन्ध विदेशक, उ० प्र० वन विभाग, लखनऊ।
- 6- वित्त (व्यय-नियंत्रण) अनुभाग-9, उ०प्र० सरकार।
- 7- गोपन अनुभाग को उनके असासनीय वन संख्या-1/2013-डी०एच०(1), दिनांक 07-01-2013 के संदर्भ में।
- 8- गार्ड फाइल।

22/04/13
परियोजना निदेशक/Project Director
राष्ट्रीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(अनुसूचित क्षेत्रों में राजमार्ग विकास विभाग)
Ministry of Road Transport & Highways
पी०आई०एन०-बनारस विहार, देहात

100076

कार्यालय प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग, सहारनपुर।
पत्रांक 2729 /14-10(45282) दिनांक सहारनपुर 07.4.2021
शमा से,

परियोजना निदेशक,
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण,
(सड़क परिवहन एवं राजमार्ग मंत्रालय),
पी0आई0सू0-वसन्त विहार,
देहरादून (उत्तराखण्ड)।
ई मेल- piuvasntvihar@nhai.org

विषय:- जनपद सहारनपुर में शिवालिक वन प्रभाग सहारनपुर के क्षेत्रान्तर्गत राष्ट्रीय राजमार्ग संख्या 72ए (गणेशपुर से डाट काली मंदिर तक) कि०मी० 16.000 से 33.000 (नया चेनेज 0.000 से 16.160 तक) सड़क चौडीकरण एवं एलीवेटेड रोड निर्माण हेतु 47.7054 हे० वन भूमि (5.1893 हे० संरक्षित वन भूमि एवं 42.5161 हे० आरक्षित वन भूमि) का वन संरक्षण अधिनियम 1980 के अन्तर्गत गैर वानिकी प्रयोग एवं 8588 बाधक वृक्षों एवं पौधों (5354 वृक्षों एवं 3234 पौधों) के पातन की अनुमति (Online proposal No. FP/UP/Road/45282/2020) के सम्बन्ध में भारत सरकार द्वारा निर्गत सैद्धान्तिक स्वीकृति दिनांक 23.12.2020 की शर्त संख्या 22 के अनुपालन के सम्बन्ध में।

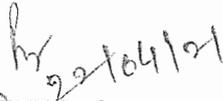
संदर्भ:- आपका पत्रांक NHAI/PIU-VSNT-VIHR/33011/BM/GNPR-DDN(DPR) 72A/2020/382 Dated 01-04-2021

महोदय,

उक्त संदर्भित पत्र के क्रम में विषयांकित भूमि हस्तांतरण प्रस्ताव को सम्बन्ध में भारत सरकार स्तर से निर्गत सैद्धान्तिक स्वीकृति दिनांक 23.12.2020 की शर्त संख्या 22 के अनुपालन में वृक्षों को Translocate किये जाने हेतु उपयुक्त स्थल के वन के परवस्था में इस कार्यालय के पत्रांक 2685/14-10(45282) दिनांक 03.4.2021 द्वारा क्षेत्रीय वन अधिकारी, मधुपुर, बाबुम्मरी एवं चडकला को निर्देशित किया गया, जिसके क्रम में उक्त क्षेत्रीय वन अधिकारियों द्वारा सूचित किया गया है कि उनकी रेंजों का भागोदिक क्षेत्र अत्यन्त जंगल-जाबल एवं पहाड़ी युक्त है, ये क्षेत्र अपक्षरित एवं कन्दराओं से कटे फरे हैं, मुदा कम गहरे व अत्यन्त निम्न कोटि की हैं तथा बालूकाश्म कंकड़ तथा पिण्डाशुओं से वनी है कहीं-कहीं नीचे कठोर पत्थर भी दिखाई पड़ते हैं, जो वृक्षों को Translocate किये जाने हेतु उपयुक्त नहीं हैं, व न ही क्षेत्र में सिंचाई की व्यवस्था किया जाना सम्भव है।

संदर्भ पर यह उल्लेख किया जाना भी सम्भव है कि विषयांकित परियोजना में Translocate किये जाने वाले वृक्षों को चिन्हित किये जाने हेतु इस कार्यालय के जायज पत्रांक 8520/14-10 दिनांक 19.03.2021 द्वारा एक टीम का गठन किया गया था। उक्त टीम ने इस वन प्रभाग से सम्बन्धित क्षेत्रीय वन अधिकारी, राष्ट्रीय राजमार्ग प्राधिकरण के प्रतिनिधि एवं वृक्षों को Translocate करने वाले विशेषज्ञ भी सम्मिलित थे। उक्त टीम द्वारा दिनांक 26.03.2021 को किये गये उपयुक्त निरीक्षण रिपोर्ट के अनुसार 1100 वृक्षों/पौधों को Translocation हेतु चिन्हित किया गया है।

आपका,
[Signature]


परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन एवं राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०सू०-वसन्त विहार

भारत सरकार द्वारा निर्मित सैद्धान्तिक अनुमति दिनांक 23.12.2020 की शर्त संख्या-22 में उक्त पथ का उल्लेख करते हुये टीम द्वारा प्रस्तुत रिपोर्ट/संयुक्त निरीक्षण रिपोर्ट का संलग्न करने का कष्ट करें।

श्रीतीय वन अधिकारियों द्वारा प्रेषित सूचना के अनुसार स्पष्ट है कि प्रभाग के अन्तर्गत विभागीय/उक्त परियोजना में बाधक वृक्षों को Translocate किये जाने हेतु कोई उपयुक्त स्थल नहीं है। कृपया उक्त बाधक वृक्षों को अपने स्वामित्व वाले किसी उपयुक्त स्थल पर इस शर्त के साथ Translocate करने का कष्ट करें कि उक्त वृक्ष Translocation के उपरान्त भा. वन विभाग की ही सम्पत्ति बने रहेंगे, जिसके सम्बन्ध में एक MOU भी अलग से करना होगा।

अतः प्रकरण में उक्तानुसार वांछित कार्यवाही शीघ्र करने का कष्ट करें।

श्रीतीय

(श्वेता सैन)

प्रभागीय वनाधिकारी
श्रीवाधिक वन प्रभाग,
सहारनपुर।

पत्रांक-- 2729 / 14-10(45282) दिनांकित।

प्रतिलिपि वन संरक्षक, सहारनपुर वृत्त, सहारनपुर को सूचनाई एवं आवश्यक कार्यवाही हेतु प्रेषित।

(श्वेता सैन)

प्रभागीय वनाधिकारी
श्रीवाधिक वन प्रभाग,
सहारनपुर।

hr 22-10-21
परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(राष्ट्रक परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी0आई0यू0-वराह विहार, देहली।

संयुक्त सर्वेक्षण/निरीक्षण आख्या

विषय: भारतमाता परियोजना अन्तर्गत रा0रा0-72ए गणेशपुर-देहरादून भाग अन्तर्गत उत्तर प्रदेश (डिजाईन कि0मी0 00+000 से कि0मी0 16+115 तक) एवं उत्तराखण्ड (डिजाईन कि0मी0 16+115 से कि0मी0 19+746 तक) के 4-लेन चौड़ीकरण एवं सुदृढिकरण हेतु अधिकृत की जा रही वन-भूमि में अवस्थित वृक्षों के Translocation अन्यत्र स्थापित किये जाने हेतु स्थलीय जॉच/संयुक्त सर्वेक्षण के सम्बन्ध में।

अवगत कराना है कि विषयगत परियोजना के निर्माण में लगभग 1100 वृक्षों का एक पांच का Translocation अन्यत्र स्थापित किये जाने हेतु वन विभाग एवं रा0रा0रा0मा0 एन Transplantation Expert (770 तारीफ़ और रुविर जेन) के साथ मौके की जॉच एवं संयुक्त सर्वेक्षण दिनांक 26.03.2021 से दिनांक 30.03.2021 तक किया गया। समुक्त सर्वेक्षण के दौरान संबंधित वन विभाग के क्षेत्रीय वन अधिकारियों द्वारा समन का पत्रान काले हुए परियोजना निर्माण में व्ययित मोडर्न सेन्स अन्तर्गत आने वाले लगभग 167 वृक्षों एवं 900 पांच (कुल 1100 वृक्षों सहित) को Translocate किये जाने हेतु विनियत किया गया है।

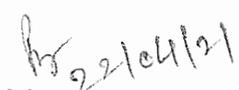

(श्री आर0पी0 किगोडी)
क्षेत्रीय वन अधिकारी
शाकुम्भरी।


(श्री आर0पी0 ध्यानी)
क्षेत्रीय वन अधिकारी
बडकली।


(श्री मनोज कुमार बलीदी)
क्षेत्रीय वन अधिकारी
मोड़ण्ड।


(श्री रोहित कुमार)
सहायक निरीक्षक
रा0रा0रा0मा0
देहरादून।

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी0आई0यू0-बसन्त विहार, देहरादून।


परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी0आई0यू0-बसन्त विहार, देहरादून।

बणेशपुर देहवाटून राडक चौडीकरण परियोजना में शिवातिक वन प्रभाग, साहायनपुर के अन्तर्गत राष्ट्रीय राजमार्ग संख्या-72ए के कि०मी० 16.000 से कि०मी० 33.000 तक चौडीकरण एव एलीवेरिड रोड के निर्माण हेतु बाधक वृक्षों की विस्तृत सूची।

क्र.सं.	कुल क्षेत्रफल (वर्ग मी.)	कि०मी०	प्रकार (जाती/वर्गी) वगैरे एनाइसमेंट धर	वृक्ष प्रजाति	माप (स०मी०)	वयस (म)	श्रेणी/वर्ग
1	2	3	4	5	6	7	8
1	2	17-22	बाँस	एकलविक	50	10-20	U
2	3	17-22	बाँस	एकलविक	60	10-20	U
3	4	17-22	बाँस	एकलविक	50	10-20	U
4	5	17-22	बाँस	एकलविक	45	10-20	U
5	7	17-22	बाँस	एकलविक	55	10-20	U
6	10	17-22	बाँस	एकलविक	55	10-20	U
7	11	17-22	बाँस	एकलविक	55	10-20	U
8	12	17-22	बाँस	एकलविक	64	20-30	U
9	15	17-22	बाँस	एकलविक	30	0-10	U
10	16	17-22	बाँस	एकलविक	67	20-30	U
11	18	17-22	बाँस	एकलविक	90	20-30	U
12	20	17-22	बाँस	एकलविक	65	20-30	U
13	25	17-22	बाँस	एकलविक	55	10-20	U
14	28	17-22	बाँस	एकलविक	58	10-20	U
15	31	17-22	बाँस	एकलविक	37	10-20	U
16	33	17-22	बाँस	एकलविक	71	20-30	U
17	35	17-22	बाँस	एकलविक	40	10-20	U
18	41	17-22	बाँस	एकलविक	40	10-20	U
19	42	17-22	बाँस	एकलविक	79	20-30	U
20	43	17-22	बाँस	एकलविक	63	20-30	U
21	50	17-22	बाँस	एकलविक	75	20-30	U
22	53	17-22	बाँस	एकलविक	45	10-20	U
23	59	17-22	बाँस	एकलविक	135	40-50	U
24	62	17-22	बाँस	एकलविक	50	10-20	U
25	64	17-22	बाँस	एकलविक	61	10-20	U
26	65	17-22	बाँस	एकलविक	70	20-30	U
27	65	17-22	बाँस	एकलविक	65	10-20	U
28	70	17-22	बाँस	एकलविक	50	10-20	U
29	71	17-22	बाँस	एकलविक	45	10-20	U
30	73	17-22	बाँस	एकलविक	55	10-20	U
31	76	17-22	बाँस	एकलविक	65	20-30	U
32	79	17-22	बाँस	एकलविक	50	10-20	U
33	82	17-22	बाँस	एकलविक	80	20-30	U
34	85	17-22	बाँस	एकलविक	80	20-30	U
35	90	17-22	बाँस	एकलविक	60	10-20	U
36	96	17-22	बाँस	एकलविक	50	10-20	U
37	97	17-22	बाँस	एकलविक	54	10-20	U
38	114	17-22	बाँस	एकलविक	40	10-20	U
39	116	17-22	बाँस	एकलविक	40	10-20	U

दिनांक 22/04/21

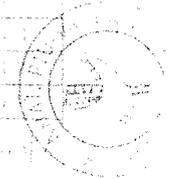
मोहण्ड देव
 क्षेत्रीय वन अधिकारी
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क्र.सं.	सी.पी.एन. नं.	डिस्ट्रिक्ट	पट्टी (आयी/वापी) नये प्रस्तावित क्षेत्र	वृक्ष प्रजाति	पारसह (संख्या)	पारसह (घंटा)	उपलब्धता	
							१	२
40	118	17-22	वापी पट्टी	रुद्र	52	10-20	U	10-20
41	121	17-22	वापी पट्टी	पारसहमिष	42	10-20	U	10-20
42	122	17-22	वापी पट्टी	रुद्र	31	0-10	U	10-20
43	1	17-22	वापी पट्टी	पारसहमिष	45	10-20	U	10-20
44	2	17-22	वापी पट्टी	पारसहमिष	48	10-20	U	10-20
45	3	17-22	वापी पट्टी	रुद्र	170	50-60	U	10-20
46	4	17-22	वापी पट्टी	रुद्र	55	10-20	U	10-20
47	5	17-22	वापी पट्टी	पारसहमिष	45	10-20	U	10-20
48	6	17-22	वापी पट्टी	पारसहमिष	60	10-20	U	10-20
49	9	17-22	वापी पट्टी	रुद्र	90	20-30	U	10-20
50	12	17-22	वापी पट्टी	पारसहमिष	35	10-20	U	10-20
51	13	17-22	वापी पट्टी	रुद्र	40	10-20	U	10-20
52	16	17-22	वापी पट्टी	रुद्र	55	10-20	U	10-20
53	20	17-22	वापी पट्टी	रुद्र	95	30-40	U	10-20
54	21	17-22	वापी पट्टी	पारसहमिष	35	10-20	U	10-20
55	26	17-22	वापी पट्टी	पारसहमिष	75	20-30	U	10-20
56	27	17-22	वापी पट्टी	रुद्र	80	20-30	U	10-20
57	28	17-22	वापी पट्टी	रुद्र	65	20-30	U	10-20
58	29	17-22	वापी पट्टी	रुद्र	65	20-30	U	10-20
59	30	17-22	वापी पट्टी	रुद्र	75	20-30	U	10-20
60	31	17-22	वापी पट्टी	रुद्र	80	20-30	U	10-20
61	32	17-22	वापी पट्टी	रुद्र	85	20-30	U	10-20
62	34	17-22	वापी पट्टी	पारसहमिष	70	20-30	U	10-20
63	35	17-22	वापी पट्टी	पारसहमिष	55	10-20	U	10-20
64	36	17-22	वापी पट्टी	पारसहमिष	40	10-20	U	10-20
65	38	17-22	वापी पट्टी	रुद्र	65	20-30	U	10-20
66	39	17-22	वापी पट्टी	रुद्र	70	20-30	U	10-20
67	40	17-22	वापी पट्टी	रुद्र	60	10-20	U	10-20
68	41	17-22	वापी पट्टी	पारसहमिष	60	10-20	U	10-20
69	43	17-22	वापी पट्टी	पारसहमिष	45	10-20	U	10-20
70	45	17-22	वापी पट्टी	रुद्र	40	10-20	U	10-20
71	46	17-22	वापी पट्टी	रुद्र	70	20-30	U	10-20
72	50	17-22	वापी पट्टी	रुद्र	50	10-20	U	10-20
73	51	17-22	वापी पट्टी	रुद्र	60	10-20	U	10-20
74	54	17-22	वापी पट्टी	रुद्र	30	0-10	U	10-20
75	56	17-22	वापी पट्टी	रुद्र	65	20-30	U	10-20
76	57	17-22	वापी पट्टी	रुद्र	40	10-20	U	10-20
77	61	17-22	वापी पट्टी	रुद्र	85	20-30	U	10-20
78	62	17-22	वापी पट्टी	रुद्र	55	10-20	U	10-20
79	65	17-22	वापी पट्टी	रुद्र	30	0-10	U	10-20
80	68	17-22	वापी पट्टी	रुद्र	35	10-20	U	10-20
81	69	17-22	वापी पट्टी	पारसहमिष	35	10-20	U	10-20
82	70	17-22	वापी पट्टी	रुद्र	70	20-30	U	10-20

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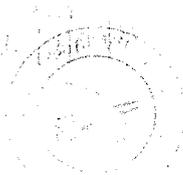
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गणेशपुर-देहरादून सड़क चौड़ीकरण परियोजना में शिवालय वन प्रभाग, सहारनपुर के अन्तर्गत राष्ट्रीय राजमार्ग संख्या 72ए के कि०मी० 16.000 से कि०मी० 33.000 तक चौड़ीकरण एवं एंटीवेटिड सीड के निर्माण हेतु बाधक वृक्षों की विस्तृत सूची।

क्र. सं०	पूरी परिधि (चौ०मी०)	कि०मी०	पट्टा (वाणी/वाणी) नया एंजाइमिंग क्षेत्र	वृक्ष प्रजाति	मात्रा (चौ०मी०)	पट्टा नंबर	वृक्ष
1	2	3	4	5	6	7	8
1	9	16-17	दायी पट्टी	कंजी	64	20-30	18-19
2	13		दायी पट्टी	एलेस्टोनिया	100	30-40	20-21
3	14		दायी पट्टी	एलेस्टोनिया	61	10-20	22-23
4	35		दायी पट्टी	जमीया	108	30-40	24-25
5	48		दायी पट्टी	एलेस्टोनिया	94	20-30	26-27
6	49		दायी पट्टी	एलेस्टोनिया	92	20-30	28-29
7	52		दायी पट्टी	एलेस्टोनिया	92	20-30	30-31
8	57		दायी पट्टी	एलेस्टोनिया	62	10-20	32-33
9	65		दायी पट्टी	शहदूत	65	20-30	34-35
10	66		दायी पट्टी	शहदूत	34	20-30	36-37
11	69		दायी पट्टी	बर्कन	72	20-30	38-39
12	72		दायी पट्टी	एलेस्टोनिया	83	10-20	40-41
13	76		दायी पट्टी	कोकट	92	20-30	42-43
14	90		दायी पट्टी	कोकट	65	10-20	44-45
15	92		दायी पट्टी	एलेस्टोनिया	73	20-30	46-47
16	93		दायी पट्टी	एलेस्टोनिया	82	20-30	48-49
17	96		दायी पट्टी	एलेस्टोनिया	72	20-30	50-51
18	110		दायी पट्टी	एलेस्टोनिया	112	30-40	52-53
19	113		दायी पट्टी	एलेस्टोनिया	97	30-40	54-55
20	115		दायी पट्टी	एलेस्टोनिया	97	20-30	56-57
21	119		दायी पट्टी	एलेस्टोनिया	76	20-30	58-59
22	117		दायी पट्टी	एलेस्टोनिया	63	20-30	60-61
23	119		दायी पट्टी	कंजी	68	20-30	62-63
24	120		दायी पट्टी	एलेस्टोनिया	93	30-40	64-65
25	121		दायी पट्टी	शीशम	75	20-30	66-67

18/01/21
 (30/07/21 के अंतर्गत)
 18/01/21


 प्रमुख, वन प्रभाग
 सहायक, वन प्रभाग


 18/01/21


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क्र.सं.	कु.सं.	मि.मं.	वाणी (बायी/दायी) वगैरे एलाइनिंग का क्षेत्र	वृक्ष प्रजाति	वृक्षों की संख्या	वृक्षों का क्षेत्रफल	टिप्पणी
1	2	3	3	4	5	6	7
26	1	16-17	बायी पटरी	कजरी	130	40-50	पेपर
27	2		बायी पटरी	शहतूत	105	30-40	पेपर
28	8		बायी पटरी	नीम	70	20-30	पेपर
29	12		बायी पटरी	शहतूत	35	20-30	पेपर
30	13		बायी पटरी	एलेस्टोनिया	55	10-20	पेपर
31	14		बायी पटरी	एलेस्टोनिया	35	20-30	पेपर
32	16		बायी पटरी	एलेस्टोनिया	60	10-20	पेपर
33	17		बायी पटरी	एलेस्टोनिया	59	10-20	पेपर
34	15		बायी पटरी	एलेस्टोनिया	95	20-30	पेपर
35	20		बायी पटरी	एलेस्टोनिया	98	30-40	पेपर
36	32		बायी पटरी	एलेस्टोनिया	52	20-30	पेपर
37	45		बायी पटरी	एलेस्टोनिया	55	10-20	पेपर
38	46		बायी पटरी	एलेस्टोनिया	92	20-30	पेपर
39	47		बायी पटरी	एलेस्टोनिया	69	20-30	पेपर
40	52		बायी पटरी	कोकट	71	20-30	पेपर
41	53		बायी पटरी	सामोय	93	20-30	पेपर
42	54		बायी पटरी	सिरिस	48	10-20	पेपर
43	57		बायी पटरी	कोकट	66	20-30	पेपर
44	58		बायी पटरी	कोकट	63	20-30	पेपर
45	59		बायी पटरी	नीम	30	20-30	पेपर
46	60		बायी पटरी	नीम	73	20-30	पेपर
47	61		बायी पटरी	कजरी	72	20-30	पेपर
48	62		बायी पटरी	कजरी	12	10-20	पेपर
49	63		बायी पटरी	आम	33	20-30	पेपर
50	72		बायी पटरी	आम	73	20-30	पेपर
51	83		बायी पटरी	एलेस्टोनिया	85	20-30	पेपर
52	88		बायी पटरी	वृक्ष	36	20-30	पेपर
53	95		बायी पटरी	एलेस्टोनिया	73	20-30	पेपर
54	101		बायी पटरी	एलेस्टोनिया	37	20-30	पेपर
55	102		बायी पटरी	एलेस्टोनिया	33	20-30	पेपर

अधीक्षक
परियोजना निदेशक
राष्ट्रीय राजमार्ग प्राधिकरण

परियोजना निदेशक
राष्ट्रीय राजमार्ग प्राधिकरण

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राष्ट्रीय राजमार्ग प्राधिकरण

22/04/21

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संयुक्त सर्वेक्षण/निरीक्षण आख्या के दौरान Translocate किये जाने वाले वयनित पौध/वृक्षों का विवरण

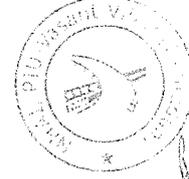
विषय: भारतमाला परियोजना अन्तर्गत रा0रा10-72ए गणेशपुर-देहरादून भाग अन्तर्गत उत्तर प्रदेश (डिजाईन कि0मी0 00+000 से कि0मी0 16+115 तक) के 4-लेन चौड़ीकरण एवं सुदृढिकरण में अन्तर्गत Translocate किये जाने वाले पौध/वृक्षों का विवरण।

क्र0सं0	वयनित वृक्षों की प्रजाती	संख्या
1	बांस	151
2	कंजी	243
3	कजू	371
4	जामुन	40
5	अमलतास	61
6	अर्जुन	67
	कुल वृक्षों का योग	933

हस्ताक्षर
28/04/21

राज्य वन विभाग
मोहम्मदपुर

राज्य वन अधिकारी
मोहम्मदपुर



परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी0आई0यू0-वसन्त विहार, देहरादून।

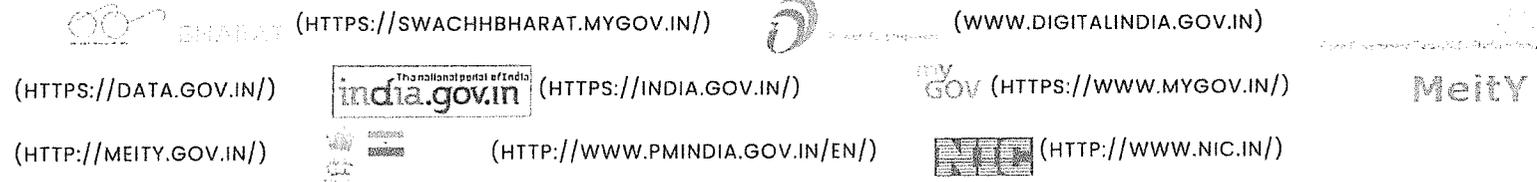
Online payment history made by User Agency under CAMPA

Help



Sno.	Proposal Detail	Application_No	Application No (New)	Date of IN-PRINCIPLE	Amount to be Paid/Amount Paid (in Rs.)	Payment Status	Payment Detail	Demand Letter
1	FP/UP/ROAD/45282/2020 (../viewreport.aspx?pid=FP/UP/ROAD/45282/2020) Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.	ROAD452822020986	6145282986	24 Dec 2020	CA: 23085000/- Addl CA : 0/- PCA: 0/-, CAT : 0/- Safety Zone: 0/-, Addl PA : 0/- NPV: 38307436/- Other Charges 0/- Other Charges10/- Other Charges20/- Other Charges30/- Total : 61392436/-	Paid	Fund Demand Verified by : 08 Jan 2021 Nodal Officer On Bank Name : Corporation Bank Mode of Payment : NEFT/RTGS (Challan) Challan Generated On : 08 Jan 2021 Transaction Date : 10 Mar 2021	Demand Letter (../writereaddata/Fundpdf/111812531211AC10QDemandNoteGDUPPart.pdf) Generated Challan (../UserAccount/Neft_ChallanCorp.aspx?pid=ROAD452822020986)
2	FP/UK/ROAD/45283/2020 (../viewreport.aspx?pid=FP/UK/ROAD/45283/2020) Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.115) and Uttarakhand (km 16.115 to km 19.746) to 4 lane configuration.	ROAD452832020045	6145283045	29 Sep 2020	CA: 6743680/-, Addl CA : 0/- PCA: 0/-, CAT : 0/- Safety Zone: 0/-, Addl PA : 0/- NPV: 10036163.2/- Other Charges 0/- Other Charges10/- Other Charges20/- Other Charges30/- Total : 16779843.2/-	Paid	Fund Demand Verified by : 03 Nov 2020 Nodal Officer On Bank Name : Corporation Bank Mode of Payment : NEFT/RTGS (Challan) Challan Generated On : 03 Nov 2020 Transaction Date : 02 Dec 2020	Demand Letter (../writereaddata/Fundpdf/1111212351217918XTDemandNoteRevisedG-D_UKPart.pdf) Generated Challan (../UserAccount/Neft_ChallanCorp.aspx?pid=ROAD452832020045)

परियोजना निदेशक/Project Director
 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
 (सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
 Ministry of Road Transport & Highways
 पी.ओ.बॉक्स-११००, नया दिल्ली, दिल्ली



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For any Technical support, Please Contact EFCCID, NIC, New Delhi, [monitoring-fc\(at\)nic\(dot\)in](mailto:monitoring-fc(at)nic(dot)in)

hb
22/04/21
परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-बसन्त विहार, देहली।

Annexure – 16

Undertaking/certificate for bearing additional cost for increased NPV rate in future

Name of Proposal- "Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration".

Certify that in future, if the rate of NPV is increased by Honourable Supreme Court of India / Government of India, the project proponent is fully agreed to bear it and will be reimbursed / paid the same to the Forest /Wildlife Department on time.

Date 27/08/2020

Place: - Dehradun

GM (Tech) cum Project Director
NHAI-PIU Dehradun

Uttarakhand.

Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग विभाग, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-बसन्त विहार, देहरादून।

Annexure R-9

Letter No.8B/UP/06/160/2020/FC/229

Dt. 20.07.2021

To,

Principal Secretary,
Department of Forest, Environment and Climate Change,
Bapu Bhawan, Government of Uttar Pradesh, Lucknow.

Online Proposal No. FP/UP/Road /45282/2020

Sub: Under the jurisdiction of Shiwalik Forest Division in District Saharanpur, widening and elevated corridor construction of NH 72A (Ganeshpur to Dat Kali Temple) KM 16.00 to KM 33.00 (New Chainage KM 0.000 to 16.160), Regarding permission for use of 47.7054 HA forest land (5.1893 HA Protected Forest & 42.5161 HA Reserve Forest) for non-forest purposes under Forest Conservation Act 1980 and cutting of 8588 obstructing trees (5354 trees and 3234 plants)

Ref: Special Secretary, Uttar Pradesh letter no. 814/81-2-2021-800 (120)/2020, Lucknow, dated 24.06.2021.

Sir,

Kindly refer to the Govt. of Uttar Pradesh letter no. P-113/81-2-2020-800(120)/2020, dated 23.11.2020 vide which the State Govt. had sought the approval of the Government of India under Section (2) of the Protection Act,1980 regarding the subject proposal.

In the proposal under consideration, the in-principle approval was given by this office letter of even number dated 23.12.2020, the compliance of the conditions imposed has been submitted by the Govt. of UP letter referred above. After due considerations of the compliance submitted, I have been directed to inform you that Under the jurisdiction of Shiwalik Forest Division in District Saharanpur, widening and elevated corridor construction of NH 72A (Ganeshpur to Dat Kali Temple) KM 16.00 to KM 33.00 (New Chainage KM 0.000 to 16.160), the final approval for use of 47.7054 HA forest land (5.1893 HA Protected Forest & 42.5161 HA Reserve Forest) for non-forest purposes under Forest Conservation Act 1980 and cutting of 8588 obstructing trees (5354 trees and 3234 plants) has been granted subject to the following conditions:

1. Legal status of the forest land shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department over 95.50 ha. degraded forest land (as detailed below) at the cost of the user agency.

Sl.No.	Name of Forest Division	CA proposed in Area (Ha.)	Details of CA
1.	Mohanda Range Saharanpur /Shivalik FD	10 ha. 10 ha . 10 ha . 7 ha. 15 ha. 5 ha. 10.00	Buddhawan 1B FB Kaluwala FB 1B Par-I Kaluwala FB 1B Par-II Shahajahanpur 1B - part -I Shahajahanpur 1B - part -II Kaluwal comp.3B Shahajahanpur 3B
2.	Badkala- Range Saharanpur/Shivalik FD	18 ha. 10 ha.	Khairawali 2B (Gularia Soat) Part - I Khairawali 28 (Gularia Soat) Part - II
	Total	95.50 ha.	

As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

3. The compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
4. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the tree shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. The user agency shall undertake plantation on both side of the road and median (if available) according to IRC guidelines and order passed by NGT in OA no 27/2015 in the matter of Babulal Jaju v/s State of Rajasthan and others dated 16.11.2015.

6. Speed regulating signage will be erected along the road at regular intervals in the protected Areas/Forest Areas.
7. The user agency shall provide suitable under/over pass in Protected Area /Forest Area as per recommendations of CWLW/NBWL/FAC/REC.
8. The User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
9. The layout plan of the proposal shall not be changed without prior approval of Central Government.
10. No labour camp shall be established on the forest land.
11. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Department Corporation or any other legal source of alternate fuel.
12. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per directions of concerned Divisional Forest Officer.
13. No additional or new path will be constructed inside the forest area for transportation of construction material for execution of the project work.
14. 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.
15. The forest land shall not be used for any purpose other than that specified in the project proposal.
16. The forest land proposed to be diverted shall under no circumstance be transferred to any other agencies, department or person without prior approval of Govt. of India.
17. A detailed report on translocation shall be sent by the State Forest Department, once the process of translocation is completed.
18. Violation of any of these conditions will amount to violation of forest (conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.

19. 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.

Regards,

(Prachi Gangwar)
Deputy Inspector General of Forests(K.)

Copy (by e-mail) :

1. Principal Chief Conservator of Forests (HoFF), Forest Department, 17, Rana Pratap Marg, Lucknow, Uttar Pradesh.
2. Chief Conservator of Forests (Forest Conservation) and Nodal Officer, 17, Rana Pratap Marg, Lucknow, Uttar Pradesh.
3. Nodal Officer / Chief Conservator of Forests Campa, 17, Rana Pratap Marg, Lucknow, U.P.
4. Divisional Forest Officer, Shivalik Forest Division, Saharanpur.
5. Project Director, Project Implementation Unit (PIU), Dehradun, NHAI H.No. 5, Lane No.-4, Teg Bahadur Road, Dehradun (Uttarakhand).
6. Ministry of Environment, Forest & Climate Change, Integrated Regional Office, Lucknow for uploading on the website / order sheet.

Regards,

(Prachi Gangwar)
Deputy Inspector General of Forests(K.)



भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
एकीकृत क्षेत्रीय कार्यालय, लखनऊ
Ministry of Environment, Forest & Climate Change
Integrated Regional Office, Lucknow



केन्द्रीय भवन, पंचम फ्लोर, अलीगंज, लखनऊ-226024
Kendriya Bhawan, 5th Floor, Sector-II, Aliganj, Lucknow-226024, Telefax-2326696
Email: roc.lko-mef@gov.in, pmoefrolko@gmail.com

पत्र सं० 8बी/यू.पी./06/160/2020/एफ.सी./229

दिनांक: 20.07.2021

सेवा में,
प्रमुख सचिव,
वन, पर्यावरण एवं जलवायु परिवर्तन विभाग,
बापू भवन, उत्तर प्रदेश शासन, लखनऊ।

Online Proposal No. FP/UP/Road/45282/2020

विषय: जनपद सहारनपुर में शिवालिक वन प्रभाग, सहारनपुर के क्षेत्रान्तर्गत राष्ट्रीय राजमार्ग सं०-72ए, (गणेशपुर से डाट काली मन्दिर तक) किमी० 16.00 से 33.000 (नया चैनैज 0.000 से 16.160 तक) सड़क चौड़ीकरण एवं एलीवेटेड रोड निर्माण हेतु 47.7054 हे० वनभूमि (5.1893 हे० संरक्षित वनभूमि एवं 42.5161 हे० आरक्षित वनभूमि) का वन संरक्षण अधिनियम 1980 के प्राविधानों के अन्तर्गत गैरवानिकी प्रयोग एवं 8588 बाधक वृक्षों एवं पौधों (5354 वृक्षों एवं 3234 पौधों) के पातन की अनुमति के सम्बन्ध में।

सन्दर्भ: विशेष सचिव, उत्तर प्रदेश का पत्रांक-814/81-2-2021-800(120)/2020, लखनऊ, दिनांक-24.06.2021.

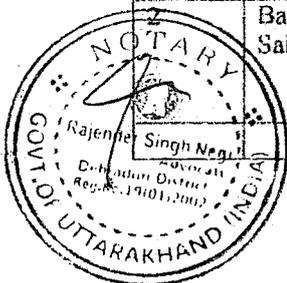
महोदय,

कृपया उपरोक्त विषय पर उत्तर प्रदेश शासन का पत्रांक-पी-113/81-2-2020-800(120)/2020, दिनांक - 23.11.2020 का आशय ग्रहण करने का कष्ट करें जिसके द्वारा राज्य सरकार ने विषयांकित प्रस्ताव पर वन(संरक्षण) अधिनियम, 1980 की धारा (2) के अन्तर्गत भारत सरकार की स्वीकृति माँगी थी।

प्रश्नगत प्रकरण में इस कार्यालय के समसंख्यक पत्र दिनांक-23.12.2020 द्वारा प्रस्ताव में सैद्धान्तिक स्वीकृति प्रदान की गयी थी जिसकी उल्लिखित शर्तों की अनुपालना उत्तर प्रदेश शासन के उपरोक्त संदर्भित पत्र द्वारा प्रस्तुत की गयी है। प्रस्तुत अनुपालना पर विचारोपरान्त मुझे आपको यह सूचित करने का निर्देश हुआ है कि केन्द्र सरकार जनपद सहारनपुर में शिवालिक वन प्रभाग, सहारनपुर के क्षेत्रान्तर्गत राष्ट्रीय राजमार्ग सं०-72ए, (गणेशपुर से डाट काली मन्दिर तक) किमी० 16.00 से 33.000 (नया चैनैज 0.000 से 16.160 तक) सड़क चौड़ीकरण एवं एलीवेटेड रोड निर्माण हेतु 47.7054 हे० वनभूमि (5.1893 हे० संरक्षित वनभूमि एवं 42.5161 हे० आरक्षित वनभूमि) का वन संरक्षण अधिनियम 1980 के प्राविधानों के अन्तर्गत गैरवानिकी प्रयोग एवं 8588 बाधक वृक्षों एवं पौधों (5354 वृक्षों एवं 3234 पौधों) के पातन की विधिवत् स्वीकृति निम्नलिखित शर्तों पर प्रदान करती है:-

1. Legal status of the forest land shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department over 95.50 ha. degraded forest land (as detailed below) at the cost of the user agency.

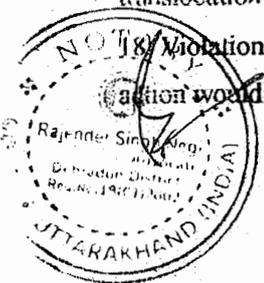
Sl.No.	Name of Forest Division	CA proposed in Area (Ha.)	Details of CA
1	Mohanda Range Saharanpur/Shivalik FD	10 ha.	Buddhawan 1B FB
		10 ha.	Kaluwala FB IB Par-I
		10 ha.	Kaluwala FB IB Par-II
		7 ha.	Shahajahanpur 1B-part-I
		15 ha.	Shahajahanpur 1B-part-II
		5 ha.	Kaluwal comp. 3B
		10.00	Shahajahanpur 3B
	Badkain- Range Saharanpur/Shivalik FD	18 ha.	Khairawali 2B(Gularia Soat)Part-I
		10 ha.	Khairawali 2B(Gularia Soat)Part-II
Total		95.50 ha.	



As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

3. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
4. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. The user agency shall undertake plantation on both side of the road and median (if available) according to IRC guidelines and order passed by NCT in OA no. 27/2015 in the matter of Babulal Jaju v/s State of Rajasthan and others dated 16.11.2015.
6. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.
7. The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.
8. The User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
9. The layout plan of the proposal shall not be changed without prior approval of Central Government.
10. No labour camp shall be established on the forest land.
11. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
12. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
13. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
14. 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.
15. The forest land shall not be used for any purpose other than that specified in the project proposal.
16. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
17. A detailed report on translocation shall be sent by the State Forest Department, once the process of translocation is completed.

18. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.



Annexure P-2

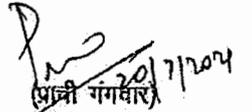
19. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

भवदीया,

(प्राची गंगवार)
उप वन महानिरीक्षक(के०)

प्रतिलिपि (ई-मेल द्वारा) :-

1. प्रधान मुख्य वन संरक्षक(हॉफ), वन विभाग, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
2. मुख्य वन संरक्षक(वन संरक्षण) एवं नोडल अधिकारी, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०,
3. नोडल अधिकारी/मुख्य वन संरक्षक, कैम्पा, 17, राणा प्रताप मार्ग, लखनऊ, उ०प्र०।
4. प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग, सहारनपुर।
5. परियोजना निदेशक, रा०रा०प्र०, परियोजना कियान्वयन इकाई (पी०आई०यू०), देहरादून, म०नं०-5, लेन नं०-4, तेगबहादुर रोड, देहरादून(उत्तराखण्ड)
6. पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, लखनऊ को वेबसाइट पर अपलोडिंग हेतु/आदेश पत्रावली।


(प्राची गंगवार)
उप वन महानिरीक्षक(के०)




परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-बंगला पीसाड, देहरादून।

Annexure R-10

Office of Divisional Logging Manager, UP Forest Corporation

Pocket B-267, Sector-01, Shatabdi Nagarm Meerut.

Email:- ID- dlmme@upfc.in/GSTN0-09AAATU3944K1Z1

Letter-no. 852/Ganeshpur-Dehradun Road Widening Project, Highway
Number 72A Dated 10-08-2021

To,
Project Director,
National Highway Authority of India,
PIU Vasant Vihar,
Dehradun (Uttarakhand).

Subject:- Widening of the Ganeshpur-Dehradun Road in Saharanpur National Highway No. 72A from KM 16 to KM 33 in the Mohand forest Range in Shivalik Forest Division, regarding the deposition of funds for felling, transportation and other expenses for marking & logging of 4903 obstructing trees.

Reference: DFO Shivalik forest division, Saharanpur letter dated 20/22-1/dated 01.07.2021.

Sir,

Kindly refer to the referenced letter vide which allotment of 4903 obstructing trees in the subject project has been done for the purpose of marking and subsequent felling of Lot no. - 35,36,37,37A, 37B, 38, 38A, 38 B, 40, 41, 41A, 41B, 42 & 43/2020/21 (Total 4903 trees & 15 Lots) for logging has been received in this office, the logging of this lot has to be done immediately. For the purpose of logging, the estimate for cutting/felling and transportation and other expenses is as follows:

S. No.	Work Head	Estimated (Average Cost) Expense		
		Volume Cum	Rate	Amount
1.	Round timber cutting- U.K. Machine/ Through Labour	93.0000	407/-	37851.00
2.	Round timber cutting- Mixed machine/ through labour	1734.0000	504/-	873936.00

3.	Firewood Cutting - U.K.	0.0000	166/-	0.00
4.	Firewood Cutting - Mixed	357.0000	234/-	83538.00
5.	Round timber transport (Average distance 13 KM)	1827.0000	607/-	1108989.00
6.	Firewood Transportation (Average Distance 13 KM)	357.0000	200/-	71400.00
7.	Traffic Control (1827 ÷ 10x2 =364)	364.000	520/-	189280.00
8.	Lopping Expense (490 trees)	490.0000	515/-	252350.00
9.	Hand-Held machine Operator (Rs. 100 per cum)	1837.0000	100/-	183700.00
10.	Depo operation cost	1837.0000	171/-	314127.00
11.	Distribution related expense	1837.0000	55/-	101035.00
	Total	-	-	3216206.00
12.	Contingency expense 20% (Of total amount 32,16,206.00)	-	-	643241.00
	Total	-	-	3859447.00
13.	GST 18% (Of Total amount 3859447.00)	-	-	694700.00
	Grand Total	-	-	4554147.00

As per the above estimate kindly deposit amount Rs. 4554147.00 (Rupees Forty Five Lakh Fifty Four thousand One Hundred & Forty Seven) only in the account under the name of M.D U.P. Forest Corporation through RTGS as per the details given below and also intimate this office through written letter after deposition of the funds through RTGS.

Name of Bank	Branch	Account number	IFSC Code
Punjab National Bank	Modipuram, Meerut	0319002100808400	PUNB0090200

Counter Sign

Regards,

Regional Manager (Meerut Region)

(Narendra Kumar)

Uttar Pradesh Van Nigam, Meerut

Divisional Logging Manager
Uttar Pradesh van Nigam Meerut

Letter No. _____ /dated above

Copy To: To the following for kind information and necessary action.

1. General Manager(Production), UP Forest Corporation, Lucknow.
2. Regional Manager (Meerut Region), UP Forest Corporation,
Meerut.
3. Divisional Forest Officer, Shiwalik Forest Division, Saharanpur.
4. Section Officer, UP Forest Corporation, Saharanpur.
5. Logging Branch Divisional Office Meerut.

(Narendra Kumar)
Divisional Logging Manager
UP Forest Corporation, Meerut.



कार्यालय प्रभागीय लौगिंग प्रबन्धक, उत्तर प्रदेश वन निगम,
पॉकेट बी-267, सैक्टर-01 शताब्दीनगर, मेरठ।

Email:- ID- dlmmee@upfc.in / GSTN0- 09AAATU3944K1Z1

पत्रांक-लेखा
सेवा में,

852

/ गणेशपुर-देहरादून सड़क चौड़ीकरण परियोजना, राजमार्ग संख्या-72ए /

दिनांक /0-08-2021

परियोजना निदेशक,
राष्ट्रीय राजमार्ग प्राधिकरण,
पी0आई0यू0 बसन्त बिहार,
देहरादून (उत्तराखण्ड)।

विषय:-

शिवालिक वन प्रभाग की मोहण्ड रेंज के अन्तर्गत गणेशपुर-देहरादून सड़क चौड़ीकरण परियोजना के अन्तर्गत सहारनपुर राष्ट्रीय राजमार्ग संख्या-72ए के किमी 16 से 33 तक चौड़ीकरण में बाधक 4903 वृक्षों का छपान कर पातन हेतु वृक्षों के कटान, दुलान एवं अन्य व्ययों के भुगतान हेतु धनराशि उपलब्ध कराने के सम्बन्ध में।

सन्दर्भ-
महोदय

प्रभागीय वनाधिकारी शिवालिक वन प्रभाग, सहारनपुर का पत्रांक-20/22-1/दिनांक 01.07.2021।

उपरोक्त विषयक सन्दर्भित पत्र द्वारा उपरोक्त विषयक मार्ग पर आवंटित 4903 बाधक वृक्षों का छपान कर पातन हेतु लौट संख्या-35,36,37,37ए,37बी,38,38ए,38बी,40,41,41ए,41बी,42, एवं 43/2020-21 में (कुल 4903 वृक्ष व 15 लौट) विदोहन हेतु प्राप्त हो चुकी है, इस लाट का विदोहन कार्य अतिशीघ्र किया जाना है। जिसके विदोहन हेतु कटिंग/फैलिंग एवं दुलान व अन्य व्ययों का प्राक्कलन निम्नानुसार प्रस्तुत है।

क्र० सं०	कार्य मद	अनुमानित (औसत दर)		
		मात्रा घ०मी०	दर	धनराशि
1	प्रकाष्ठ कटान-यू०के० मशीन/श्रमिकों द्वारा	93.0000	407/-	37851.00
2	प्रकाष्ठ कटान-मिश्रित मशीन/श्रमिकों द्वारा	1734.0000	504/-	873936.00
3	जलीनी कटान-यू०के०	0.0000	166/-	0.00
4	जलीनी कटान-मिश्रित	357.0000	234/-	83538.00
5	प्रकाष्ठ दुलान(औसत दूरी 13 कि०मी०)	1827.0000	607/-	1108989.00
6	जलीनी दुलान(औसत दूरी 13 कि०मी०)	357.0000	200/-	71400.00
7	ट्रैकिंग कन्ट्रील (1827+10X2=364)	364.0000	520/-	189280.00
8	लौगिंग व्यय (490 वृक्ष)	490.0000	515/-	252350.00
9	हेण्ड-हेण्ड मशीन ऑपरटर (रु० 100 प्रति घ०मी०)	1837.0000	100/-	183700.00
10	डिपॉ संचालन व्यय	1837.0000	171/-	314127.00
11	विक्रय सम्बन्धी व्यय	1837.0000	55/-	101035.00
	योग-	-	-	3216206.00
12	आकरिमक व्यय 20% (कुल योग 32,16,206.00 का)	-	-	643241.00
	योग	-	-	3859447.00
13	जी०एस०टी० 18% (कुल योग 38,59,447.00 का)	-	-	694700.00
	कुल योग	-	-	4554147.00

उपरोक्त प्राक्कलन के अनुसार धनराशि रुपये 45,54,147.00 (पैंतालीस लाख चब्वन हजार एक सौ सैतालीस रुपये) मात्र को M.D U.P. Forest Corporation के पदनाम से संचालित चालू खाते में RTGS के माध्यम से निम्न विवरण के अनुसार जमा कराने की कृपा करें, साथ ही RTGS करने के उपरान्त इस कार्यालय को भी लिखित पत्र द्वारा अवगत कराना सुनिश्चित करें।

बैंक का नाम	शाखा	खाता संख्या	आई०एफ०सी० कोड
पंजाब नेशनल बैंक	मोदीपुरम, मेरठ	0319002100808400	PUNB0090200

प्रति हस्ताक्षर

भुवदीय,

क्षेत्रीय प्रबन्धक (मेरठ क्षेत्र)
उत्तर प्रदेश वन निगम, मेरठ।

(नरेन्द्र कुमार)
प्रभागीय लौगिंग प्रबन्धक
उत्तर प्रदेश वन निगम, मेरठ।

पत्रांक- /उक्तदिनांकित।

प्रतिलिपि-निम्नलिखित की सेवा में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1- महाप्रबन्धक (उत्पादन) उत्तर प्रदेश वन निगम, लखनऊ।
- 2- क्षेत्रीय प्रबन्धक (मेरठ क्षेत्र) उत्तर प्रदेश वन निगम, मेरठ।
- 3- प्रभागीय वनाधिकारी शिवालिक वन प्रभाग, सहारनपुर।
- 4- अनुभाग अधिकारी, उत्तर प्रदेश वन निगम, सहारनपुर।
- 5- लौगिंग शाखा प्रभागीय कार्यालय मेरठ

(नरेन्द्र कुमार)
प्रभागीय लौगिंग प्रबन्धक
उत्तर प्रदेश वन निगम, मेरठ।

12-Aug-2021 20:48:12	12-Aug-2021		SWEEP-IN CREDIT - 8598206000001	1182		3,61,748.00	5,000.00
13-Aug-2021 12:15:01	13-Aug-2021		RTGS Dr-ICIC0001407-CALA CUM SDO C PAONTA-DRDN RAJPRD-CNRBR52021081366835556	1182	5,30,000.00		-5,25,000.00
13-Aug-2021 12:15:02	13-Aug-2021		RTGS Dr-PUNB0090200-M D UP Forest Corporation-DRDN RAJPRD-CNRBR52021081366835558	1182	45,54,147.00		-50,79,147.00

DISCLAIMER

Annexure R-11

NHAI/PIU-DDN/33011/Ganeshpur-Dehradun (DPR)72A/2020/961
Dt.13.08.2021

To,

Divisional Logging Manager,

UP Forest Corporation,

Pocket B-267, Sector 01,

Shatabdi Nagar, Meerut.

Subject: Widening & Upgradation of Ganeshpur to Dehradun Section of NH 72A in Uttar Pradesh (Design KM 0+000 to KM 16+160) and Uttarakhand (Design KM 16+160 to KM 19+785)

Reference:

- (i) MoEF&CC, Govt. of India, Regional Office Lucknow letter No. 8B/UP/06/160/2020/FC/1108 dated 23.12.2020
- (ii) NHAI/PIU- DDN/33011/Ganeshpur(UP Forest)72A/2020/920 dated 07.08.2021.
- (iii) Letter no. 852/Ganeshpur-Dehradun Road Widening Project, Highway No. 72A dated 10.08.2021.

Sir,

Kindly refer to your office letter no. 852 dated 10.08.2021 regarding the subject project vide which for the purpose of logging cutting/felling of trees and other expenses the account no. 0319002100808400 was given in which vide RTGS No. CNRBR52021081366835558 dated 13.08.2021 an amount of 45,54,147.00 has been deposited.

Therefore, in view of above it is to inform that the subject project is being monitored at the highest levels. The project being of very important in nature, the process of logging of trees shall be done at the earliest so the work of construction of the project can be completed in the stipulated timeframe.

Thanking You,

Regards,

(Anshul Sharma)
Manager(Tech)
PIU Vasant Vihar

Copy to:

1. Regional Officer- Uttarakhand, NHAI, Dehradun for kind information
2. General Manager(Production), Uttar Pradesh, Forest Corporation, Lucknow.
3. General Manager(West), Uttar Pradesh, Forest Corporation, Meerut.
4. Regional Manager, Uttar Pradesh, Forest Corporation, Meerut.
5. Divisional Forest Officer, Shiwalik Forest Division, Saharanpur for kind information and necessary action.



भारतीय राष्ट्रीय राजमार्गप्राधिकरण
(सड़क परिवहन एवं राजमार्गमंत्रालय, भारत सरकार)
National Highways Authority of India
(Ministry of Road Transport & Highways, Govt. of India)
परियोजनाकार्यान्वयनईकाई-वसन्तविहार,
Project Implementation Unit-Vasant Vihar

टैलीफैक्स/Fax : 0135-2669752
दूरभाष/Phone :
ई-मेल/E-mail : piuvasantvihar@nhai.org
वेबसाइट/Website : www.nhai.gov.in



भारतमाला
भक्ति के पथ पर जयमल

NHAI/PIU-DDN/33011/Ganeshpur-Dehradun (DPR) 72A/2020/ 961

Dt. 13.08.2021.

सेवा में,

प्रभागीय लौगिक प्रबन्धक,
उ०प्र० वन निगम,
पाकेट बी-267, सेक्टर 01,
शताब्दी नगर, मेरठ।

विषय:- उत्तर प्रदेश (डिजाईन कि०मी० 00+000 से कि०मी० 16+160 तक) एवं उत्तराखण्ड (डिजाईन कि०मी० 16+160 से कि०मी० 19+785 तक) स्थित रा०रा०-72ए गणेशपुर से देहरादून भाग के - लेन चौड़ीकरण एवं सुदृढिकरण हेतु।

सन्दर्भ:-

1. भारत सरकार पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय लखनऊ का पत्र संख्या 8बी/यू०पी०/०6/160/2020/एफ०सी०/1108 दिनांक 23.12.2020।
2. NHAI/PIU-DDN/33011/Ganeshpur(UP Forest)72A/2020/920 दिनांक 07.08.2021।
3. पत्रांक -लेखा 852 / गणेशपुर -देहरादून सड़क चौड़ीकरण परियोजना, राजमार्ग संख्या -72ए दिनांक 10.08.2021।

महोदय,

उपरोक्त विषयक कृपया अपने कार्यालय पत्रांक 852 दिनांक 10.08.2021 का सन्दर्भ ग्रहण करने का कष्ट करें, जिसके माध्यम से विदोहन हेतु कंटिंग/फैलिंग एवं ढुलान व अन्य व्ययों हेतु आपके द्वारा दिये गए खाता संख्या 0319002100808400 में RTGS No. CNRBR52021081366835558 द्वारा दिनांक 13.08.2021 को रु. 45,54,147.00 की धनराशि जमा की गयी है।

अतः उपरोक्त के क्रम में अवगत कराना है कि उक्त प्रकरण की समीक्षा उच्च स्तर से की जा रही है। अतिमहत्वपूर्ण परियोजना होने के कारण वृक्षों के पातन की कार्यवाही शीघ्र की जाये जिससे परियोजना निर्माण कार्य को निश्चित समयावधि में पूर्ण किया जा सके।

स-धन्यवाद।

भवदीय

13/08/2021

(अशुल शर्मा)

प्रबन्धक (तक०)

पी०आई०यू० वसन्त विहार।

प्रतिलिपि :

1. क्षेत्रीय अधिकारी-उत्तराखण्ड, भा०रा०रा०प्रा०, देहरादून को सूचनार्थ हेतु प्रेषित।
2. महाप्रबन्धक (उत्पादन), उत्तर प्रदेश, वन निगम, लखनऊ।
3. महाप्रबन्धक (पश्चिमी), उत्तर प्रदेश वन निगम, मेरठ।
4. क्षेत्रीय प्रबन्धक, उत्तर प्रदेश वन निगम, मेरठ।
5. प्रभागीय वनाधिकारी, शिवालिक वन प्रभाग, सहारनपुर को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

Annexure R-12

Office of Divisional Forest Office, Shivalik Forest Division, Saharanpur
Letter no. 506/14-10 dated, Saharanpur 27 August, 2021

To,

Project Director,
National Highways Authority of India,
(Ministry of Road Transport and Highways),
P.I.U. Vasant Vihar,
Dehradun (Uttarakhand).

Sub: Under the jurisdiction of Shivalik Forest Division in District Saharanpur, widening and elevated corridor construction of NH 72A (Ganeshpur to Dat Kali Temple) KM 16.00 to KM 33.00 (New Chainage KM 0.000 to 16.160), Regarding permission for use of 47.7054 HA forest land (5.1893 HA Protected Forest & 42.5161 HA Reserve Forest) for non-forest purposes under Forest Conservation Act 1980 and cutting of 8588 obstructing trees (5354 trees and 3234 plants). (On-line proposal number - FP / UP / Road / 45282 / 2020)

Ref: Your office letter no. NHAI/PIU-VSNT-VHR/33011/BM/GNPR-DDN(Forest)72A/2020/990 dated 21.08.2021.

Sir,

Vide your above referred letter dated 21.08.2021, it has been requested for working permission for the subject project. It is noteworthy that under the provisions contained in the Forest Conservation Act, 1980, the Government of India, Ministry of Environment, Forest and Climate Change through Integrated Regional Office, Lucknow, letter no. 8B/UP/06/160/2020/F.C./1108 dated 23.12.2020 granted in-principle approval & through letter No. 8B/UP/06/160/2020/F.C.0/229 dated 20.07.2021 granted final approval for the subject project. The said project has been proposed in the eco-sensitive zone of Rajaji National Park, and the boundaries of the Shivalik Forest Division, Saharanpur, meet with Rajaji Tiger Reserve (Uttarakhand) in the east, Kalesar National Park (Haryana) in the west and Simbalwara National Park (Himachal Pradesh) in the north-west. This region acts as a corridor for wildlife, therefore, according to Section 38-O.1(g) of the Wildlife (Protection) Act, 1972, for the development and operation of the project, the proposal was submitted for the approval of the National Board for Wildlife, subsequent to which Ministry of Environment, Forest and Climate Change (Wildlife

Division), Government of India, New Delhi vide its letter No. F.No.6-168/2020WL Dated 01-02-2021 granted Wildlife permission subject to certain conditions.

It may be noted that the said project is linear in nature. Ministry of Environment Forest and Climate Change, Government of India, New Delhi in the guidelines issued vide its letter No. F.No. 11-158/2017-FC dated 27.9.2017, has stated the following in relation to linear projects.

" In this regard it is clarified that as per the above referred guidelines read together in principle approval under FC Act may be deemed as the working permission for tree cutting and commencement of work if the required funds for Compensatory Afforestation, NPV, Wildlife Conservation Plan and all such compensatory levies specified in the in principle approval are realized from the user agency and the transfer and mutation of non forest land/revenue forest land in favor of State Forest Department has been given effect to."

For the subject project, the user agency has already deposited all dues related to Compensatory afforestation, Net Present Value, and Wildlife mitigation measure in the CAMPA Fund, and the final approval under the Forest Conservation Act 1980 has also been issued by the Government of India vide its letter dated 20.7.2021. This office vide its letter no. 235/14-10 dated 27.07.2021 submitted to the user agency the conditions that shall form part of the MOU for transplantation of obstructing trees in compliance to the condition no. 22 imposed in the in-principle approval dated 23.12.2020 granted by Govt. of India and request the user agency to submit the draft MOU, but the draft MOU is yet to be submitted by the User Agency.

Therefore, the working permission and permission for felling of trees for the subject project is granted under the condition that the conditions imposed in the in-principle approval dated 23.12.2020, final approval dated 20.07.2021 and Wildlife clearance dated 01.02.2021 issued by the Government of India shall be strictly complied with by the user agency. In such case, if any G.O. is issued by Govt. of Uttar Pradesh and if any additional condition is imposed by the higher authorities, then the compliance of the above additional conditions shall be submitted by the user agency along with MOU for transplantation of obstructing trees including the conditions proposed by letter no. 235/14-10 dated 27.7.2021. If any condition imposed by the Government of India, Government of Uttar Pradesh and Forest Department is violated by the user agency, then the said permission will

automatically deemed to be cancelled. In case of any dispute, the decision of the Conservator of Forests, Saharanpur Division, Saharanpur will be final.

Regards,

(Sweta Sain)

Divisional Forest Officer,
Shivalik Forest Division,
Saharanpur.

Letter no. 506/14-10 dated

Copy for information and necessary action to the following:-

1. Principal Chief Conservator of Forests, Wildlife Uttar Pradesh, Lucknow.
2. Chief Conservator of Forests / Nodal Officer, Uttar Pradesh, Lucknow.
3. Chief Conservator of Forests, Western Zone, Uttar Pradesh, Meerut.
4. Commissioner Saharanpur Division, Saharanpur.
5. Conservator of Forests, Saharanpur Division, Saharanpur.
6. District Magistrate, Saharanpur.
7. Regional Forest Officer, Mohand.

Regards,

(Sweta Sain)

Divisional Forest Officer,
Shivalik Forest Division,
Saharanpur.

कायालय प्रभागाय वनाधिकारी, शिवालिक वन प्रभाग, सहारनपुर।

पत्रांक- 506 /14-10 दिनांकित, सहारनपुर 27 अगस्त, 2021

सेवा में,

परियोजना निदेशक,
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण,
(सड़क परिवहन एवं राजमार्ग मंत्रालय),

पी0आई0यू0-वसन्त विहार,
देहरादून (उत्तराखण्ड)।

विषय:-

जनपद सहारनपुर में शिवालिक वन प्रभाग, सहारनपुर के क्षेत्रान्तर्गत राष्ट्रीय राजमार्ग सं०-72ए, (गणेशपुर से डाट काली मंदिर तक) कि०मी० 16.00 से 33.00(नया चेनेज 0.000 से 16.160 तक) सड़क चौड़ीकरण एवं एलीवेटेड रोड़ निर्माण हेतु 47.7054 हे० वन भूमि (5.1893 हे० संरक्षित वन भूमि एवं 42.5161 हे० आरक्षित वन भूमि) का वन संरक्षण अधिनियम 1980 के प्राविधानों के अन्तर्गत गैरवानिकी प्रयोग एवं 8588 बाधक वृक्षों एवं पौधों (5354 वृक्षों एवं 3234 पौधों) के पातन की अनुमति, (ऑन लाइन प्रस्ताव संख्या- FP/UP/Road/45282/2020) के कम में कार्य करने की अनुमति के सम्बन्ध में।

संदर्भ:-

आपका पत्रांक NHAI/PIU-VSNT-VHR/33011/BM/GNPR-DDN(Forest)72A/2020/ 990 दिनांक 21.8.2021

महोदय,

आपके उक्त संदर्भित पत्र दिनांक 21.8.2021 द्वारा विषयांकित परियोजना के सम्बन्ध में कार्य करने की अनुमति दिये जाने का अनुरोध किया गया है। उल्लेखनीय है कि उक्त प्रस्ताव के सम्बन्ध में वन संरक्षण अधिनियम 1980 में निहित प्राविधानों के अन्तर्गत भारत सरकार पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, लखनऊ के पत्रांक 8बी/यू०पी०/०६/१६०/२०२०/एफ०सी०/११०८ दिनांक 23.12.2020 द्वारा सैद्धान्तिक स्वीकृति, पत्रांक 8बी/यू०पी०/०६/१६०/२०२०/एफ०सी०/२२९ दिनांक 20.07.2021 द्वारा विधिवत स्वीकृति निर्गत की गयी है। उक्त परियोजना राजाजी राष्ट्रीय पार्क की सीमा के ईको सेन्सिटिव जोन में प्रस्तावित की गई है, तथा शिवालिक वन प्रभाग सहारनपुर की सीमायें पूरब में राजाजी टाइगर रिजर्व (उत्तराखण्ड) पश्चिम में कलेसर राष्ट्रीय पार्क (हरियाणा) और उत्तर पश्चिम में सिम्बलवाडा नेशनल पार्क (हिमाचल प्रदेश) से मिलती हैं, यह क्षेत्र वन्य जीवों के कॉरीडोर के रूप में कार्य करता है, इसलिये वन्यजीव (संरक्षण) अधिनियम 1972 की धारा-38-O.1(g) के अनुसार उक्त परियोजना की स्थापना एवं संचालन हेतु राष्ट्रीय वन्यजीव बोर्ड के अनुमोदन हेतु प्रस्ताव सक्षम स्तर को प्रेषित किया गया, जिसके अनुक्रम में भारत सरकार पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय (वन्यजीव डिविजन) नई दिल्ली के पत्रांक F.No. 6-168/2020WL Dated 01-02-2021 द्वारा प्रकरण में शर्तों के आधार पर वन्यजीव अनुमति निर्गत की गयी है।

उल्लेखनीय है कि उक्त परियोजना लीनियर प्रकृति की है। भारत सरकार पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, नई दिल्ली के पत्रांक F.No.11-158/2017-FC Dated 27-9-2017 द्वारा निर्गत गाइड लाइन में लीनियर परियोजनाओं के सम्बन्ध में निम्नवत उल्लेख किया गया है।

"In this regard it is clarified that as per the above referred guidelines read together in principle approval under FC Act may be deemed as the working permission for tree cutting and commencement of work if the required funds for Compensatory Afforestation, NPV, Wildlife Conservation Plan and all such compensatory levies specified in the in principle approval are realized from the user agency and the transfer and mutation of non forest land/revenue forest land in favour of State Forest Department has been given effect to."

उक्त प्रकरण में प्रयोक्ता एजेन्सी द्वारा क्षतिपूरक वृक्षारोपण, शुद्ध वर्तमान मूल्य, एवं वन्य जीव संरक्षण से सम्बन्धित समस्त देय कैम्पा फण्ड में जमा कराये जा चुके हैं, तथा प्रकरण में वन संरक्षण अधिनियम 1980 के अन्तर्गत विधिवत स्वीकृति भी भारत सरकार के पत्र दिनांक 20.7.2021 द्वारा निर्गत की जा चुकी है। प्रयोक्ता एजेन्सी से इस कार्यालय के पत्रांक 235/14-10 दिनांक 27.7.2021 द्वारा भारत सरकार द्वारा निर्गत सैद्धान्तिक स्वीकृति दिनांक 23.12.2020 की शर्त संख्या 22 के अनुक्रम में बाधक वृक्षों के ट्रांसलोकेशन से सम्बन्धित MOU के आलेख हेतु शर्तें प्रस्तावित करते हुये अनुरोध किया गया था कि आलोच्य एम०ओ०यू० का आलेख प्रस्तुत किया जाय, किन्तु प्रयोक्ता एजेन्सी के स्तर से अभी तक एम०ओ०यू० का आलेख प्रस्तुत नहीं किया गया।

अतः उक्त क्रम में कार्य प्रारम्भ करने एवं वृक्ष पातन की अनुमति इस शर्त के साथ दी जाती है कि भारत सरकार स्तर से निर्गत उक्त सैद्धान्तिक अनुमति दिनांक 23.12.2020, विधिवत अनुमति दिनांक 20.7.2021 एवं वन्य जीव अनुमति दिनांक 01.02.2021 में अधिरोपित शर्तों का कड़ाई से अनुपालन प्रयोक्ता एजेन्सी द्वारा किया जायेगा। प्रकरण में उ0प्र0 शासन स्तर से निर्गत होने वाले शासनादेश एवं उच्च स्तर से यदि कोई अतिरिक्त शर्त अधिरोपित की जाती है तो उक्त अतिरिक्त शर्तों का अनुपालन, बाधक वृक्षों के ट्रांसलोकेशन से सम्बन्धित एम0ओ0यू0 हेतु इस कार्यालय के पत्रांक 235/14-10 दिनांक 27.7.2021 द्वारा प्रस्तावित की गयी शर्तों का अनुपालन एवं तदनुरूप एम0ओ0यू0 का आलेख प्रयोक्ता एजेन्सी द्वारा प्रस्तुत किया जायेगा। यदि प्रयोक्ता एजेन्सी द्वारा भारत सरकार, उ0प्र0 प्रदेश शासन, तथा वन विभाग द्वारा अधिरोपित की गयी किसी भी शर्त का उल्लंघन किया जाता है तो उक्त अनुमति स्वतः ही निरस्त समझी जायेगी। किसी भी विवाद की स्थिति में वन संरक्षक, सहारनपुर वृत्त, सहारनपुर का निर्णय अन्तिम होगा।

भवदीया,


(श्वेता सैन)

प्रभागीय वनाधिकारी,
शिवालिक वन प्रभाग,
सहारनपुर।

पत्रांक- 506 / 14-10 दिनांकित

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 1- प्रधान मुख्य वन संरक्षक, वन्य जीव, उ0प्र0, लखनऊ।
- 2- मुख्य वन संरक्षक/नोडल अधिकारी, उ0प्र0, लखनऊ।
- 3- मुख्य वन संरक्षक, पश्चिमी जोन, उत्तर प्रदेश, मेरठ।
- 4- आयुक्त, सहारनपुर मण्डल, सहारनपुर।
- 5- वन संरक्षक, सहारनपुर वृत्त, सहारनपुर।
- 6- जिलाधिकारी, सहारनपुर।
- 7- क्षेत्रीय वन अधिकारी, मोहण्ड।


(श्वेता सैन)

प्रभागीय वनाधिकारी,
शिवालिक वन प्रभाग,
सहारनपुर।

OK

Annexure R-13

**Office of Divisional Forest Officer,
Shivalik Forest Division,
Saharanpur.**

Email Id- dfosiwalik@yahoo.com, Fax No. 0132-2725382, add.- 82 Raj Vihar
Colony, Paper Mill Road

Letter no. 509/14-10 dated Saharanpur 27 August, 2021

To,

Divisional Logging Manager,
UP Forest Corporation,
Meerut.

Subject: Under the jurisdiction of Shivalik Forest Division in District Saharanpur, widening and elevated corridor construction of NH 72A (Ganeshpur to Dat Kali Temple) KM 16.00 to KM 33.00 (New Chainage KM 0.000 to 16.160), Regarding permission for use of 47.7054 HA forest land (5.1893 HA Protected Forest & 42.5161 HA Reserve Forest) for non-forest purposes under Forest Conservation Act 1980 and cutting of 8588 obstructing trees (5354 trees and 3234 plants).

Ref: This office letters no. 2935/14-10(45282) dated 04.06.2021, 137/14-10 dated 15.07.2021 & 380/14-10 dated 10.08.2021.

Sir,

In reference to above, it is to inform that vide this office letter no. 506/14-10 dated 27.08.2021 (**Copy enclosed**), permission to start of work for the project under consideration was granted to Project Director, PIU Vasant Vihar, Dehradun (Uttarakhand) NHAI.

As you are aware that the above referenced project being very important, the work of which needs to be done on utmost priority. In reference to above, all the lots have been allotted to you vide this office letters no. 2820/22-1 dated 23.04.2021, letter no. 2829/22-1 dated 27.04.2021 and letter no. 20/22-1 dated

01.07.2021. The user agency has already deposited the amount for the demand raised for the purpose of logging and transportation of the above trees.

Therefore, in view of the seriousness of the matter it is requested that the work of logging of trees may be started at the earliest.

Enclsoures: As above

Regards,

(Shweta Sain)
Divisional Forest Officer
Shivalik Forest Division,
Saharanpur.

Letter no. 509/14-10 dated

Copy to: Below Mentioned for information and necessary action

- 1- Saharanpur Divisional Commissioner, Saharanpur
- 2- Conservator of Forest, Saharanpur Division, Saharanpur.
- 3- Regional Manager (Meerut Division), UP Forest Corporation, Meerut.
- 4- District Magistrate, Saharanpur.
- 5- Project Director, PIU Vasant Vihar, Dehradun (Uttarakhand), NHAI.

(Shweta Sain)
Divisional Forest Officer
Shivalik Forest Division,
Saharanpur.

// True typed copy //

Annexure R-14

F. No. 11-306/ 2014-FC (pt.)
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110 001
Dated: 28. August, 2015

To

The Principal Secretary (Forests)
All State Governments/Union territory Administrations

Sub: Guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- Simplified procedure for grant of permission for felling of trees standing on forest land to be diverted for execution of linear projects: reg.

Sir,

I am directed to refer to guidelines on the afore-mentioned subject issued by this Ministry vide letters of even number dated 7th May 2015, wherein this Ministry communicated a simplified procedure for grant of permission for tree cutting and commencement of work of linear project in forest land, and to say that after further examination of these guidelines it has been observed that having obtained the permission for tree felling and execution of work on forest land, urgency/need to obtain stage-II approval under the Forest (Conservation) Act, 1980 (FC Act) reduces. It has also been apprehended in some quarters that in many such cases State Governments may not seek and obtain stage-II approval under the FC Act, and consequently many of conditions, other than those relating to payment of compensatory levies and transfer and mutation in favour of State Forest Department of land for compensatory afforestation, may remain unfulfilled.

2. Accordingly, in supersession of this Ministry's, said letter/guidelines of even number dated 7th May, 2015, I am directed, to say as below:

(i) With a view to facilitate speedy execution of projects involving linear diversion of forest land such as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines etc., in-principle approval under the Forest (Conservation) Act, 1980 (FC Act) issued by the Central Government may be deemed as the working permission for tree cutting and commencement of work, if the required funds for compensatory afforestation, net present value (NPV), wildlife conservation plan, plantation of dwarf species of medicinal plants, and all such other compensatory levies specified in the in-principle approval are realised from the user agency and where necessary, for compensatory afforestation, transfer and mutation of non-forest/ revenue forest land in favour of State Forest Department is affected;

After the afore-mentioned compensatory levies specified in the in-principle approval are realised from the user agency and where necessary, for compensatory afforestation, transfer and mutation of non-forest /revenue forest land in favour of State Forest Department is affected, the State Government or a Senior Officer not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Government, shall pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year. The Central Government may extend the permission for one more year subject to submission of reasonable progress report from the State Government as regards to the steps taken to comply with the remaining conditions stipulated in the in-principle approval.

No non-forest activity in the forest area that is covered under Section 2 of the FC Act would be permitted and carried on in any manner whatsoever unless an order specified in para (ii) above has been passed by the competent authority of that State Government and is placed in the public domain by putting it on its website and all other requirements in accordance with law are complied with;

For the purpose of Section 2A of the FC Act and Section 16 (e) of the National Green Tribunal Act, 2010 (NGT Act) the Order for tree cutting and commencement of work of linear project in forest land, specified in para (ii) above, shall be an order under Section 2 of the FC Act;

An appeal as per provisions of section 2 A of FC Act and/or Section 16 (e) of the NCT Act can be filed against any such order specified in para (ii) above for tree cutting and commencement of work of linear project in forest land;

In the event of filing of such appeal, it would be open for the person aggrieved, to assail the order/clearance granted by the Central Government under Section 2 of the FC Act which forms an integral part and sole basis of the order specified in para (ii) above;

The State Government and the project proponent shall take further action as has been stipulated by the Hon'ble National Green Tribunal in their Judgment dated November 2012 in Appeal No.7/2012 to accord publicity and to ensure availability in public domain of in-principle approval under the FC Act accorded by the Central Government and the order specified in para (ii) above. State Government and the project proponent shall also ensure strict compliance of other direction(s) contained in the said -----.

(viii) The State Governments, in such cases shall seek and obtain from the Central Government final/formal approval under the FC Act for diversion of such forest land at the earliest, and in any case not later than five years from the date of grant of the in-principal approval.

This issues with approval of the Minister of State (Independent Charge) for Environment, Forest and Climate Change.

Yours faithfully,

Sd/- (H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (Kind attn.: Shri Santosh D. Vaidya, Director), South Block, New Delhi
2. The Secretary (Coordination), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.

3. Secretary, Ministry of Power, Government of India. Shram Shakti Bhawan, New Delhi
4. Secretary, Ministry of Petroleum and Natural Gas, Government of India, Shastri Bhawan, New Delhi.
5. Chairman, Railways Board, Rail Bhawan, New Delhi.
6. Secretary, Ministry of Road Transport and Highways, Government of India, Transport Bhawan, New Delhi
7. Director General, Border Roads Organization New Delhi.
8. Principal Chief Conservator of Forests, all States/ UTs,
9. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
10. All Regional Offices, Ministry of Environment, Forest, and Climate Change (MoEFCC), Government of India (GoI).
11. Joint Secretary in-charge, Impact Assessment Division MoEFCC, GoI.
12. All Assistant inspector General of Forests/ Directors in the Forest Conservation Division, MoEFCC, GoI.
13. Director, Regional Offices Headquarters Division, MoEFCC, GoI.
14. Sr. Director (Technical) NIC, MoEFCC, GoI with a request to place a copy of this letter on website of this Ministry.
15. Sr. PPS to the Secretary, Ministry of Environment, Forests and Climate Change, GoI.
16. Sr. PPS to the Director General of Forests & Special Secretary, MoEFCC, GoI.
17. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEFCC, GoI.
18. PS to the Inspector General of Forests (Forest Conservation) MoEFCC, GoI.
19. Guard File.

Sd/- (H.C. Chaudhary)
Director

TRUE COPY

Annexure R-15

Letter no. Bha. Sa.-68/14-2-2015-800(95)/2014TC-1

From,

Lal Ji Rai,
Special Secretary,
Govt. of UP.

To,

Principal Chief Conservator of forest,
Lucknow, U.P.

Forest Division-2

Lucknow, dated 16 July 2015

Subject: In continuation to Govt. of India Ministry of Environment Forest & Climate Change New Delhi letter No. F. No.-11-306/2014 F.C. dated 07.05.2015 regarding in-principle approval for grant of permission for felling of trees and grant of working permission in case of Linear Projects.

Sir,

In the above subject matter, I have been directed to state that in compliance to MoEF&CC, New Delhi circular no. 11-306-2014-F.C. dated 08.08.2014, regarding treating in-principle approvals as deemed Working Permission/Tree cutting permission, with certain conditions/restrictions, a G.O. no. 3678/14-2-2014-800(95)/2014/T.C.-1 dated 20.01.2015 has been issued.

2. In the matter under consideration, after holistic thinking over the circular dated 08.08.2014 & 15.01.2015 issued by Government of India for linear category of projects the recent G.O. dated 07.05.2015 has been issued for speedy execution of project.

3. For speedy execution of projects, in compliance to provisions of Govt. of India, New Delhi letter dated 07.05.2015 for linear category of projects, the conditions imposed in the in-principle approval, issued under Forest Conservation act 1980, like deposition of funds for Compensatory Afforestation, Net present Value(NPV), wildlife mitigation plan, plantation of medicinal plants & all such compensatory payable fund which are imposed in the condition of in-principle approval should be get deposited by user agency & wherever necessary after

transfer & mutation of non forest land/Revenue land for compensatory afforestation in favour of state government, the tree cutting permission & working permission shall be granted.

4. In this matter, after deposition of all compensatory payable funds by user agency as per the conditions imposed in in-principle approval by govt of India and wherever necessary after transfer & mutation of compensatory afforestation forest land/ revenue land in favour of state Govt, the concerned DFO/regional director, under whose jurisdiction, such forest area is falling, such concerned DFO/regional director are hereby authorized to accord permission for cutting of trees & commencement of work for projects of linear category.

Kindly ensure necessary action in the matter.

Regards,

(Lal Ji Rai)

Special Secretary.

Letter no. Bha. Sa.-65(1)/14-2-2015-800(95)/2014-TC-1,

Copy to the following for information and necessary action:-

1. Director, Ministry of Environment Forest & Climate Change, Govt. of India
New Delhi in continuation to their letter no. F.C. No. 11-306/2014 F.C.
dated 07.05.2015.
2. All Principal Secretary/Secretary, Govt. of Uttar Pradesh, Lucknow.
3. All Divisional Commissioners, U.P.
4. Principal Chief Conservator of Forest/Nodal Officer, U.P. Lucknow.
5. Guard Book

By Permission of,

(Lal Ji Rai)

Special Secretary.

प्रेषक,

लाल जी राय,
विशेष सचिव,
उ०प्र० शासन।

सेवा में,

प्रमुख वन संरक्षक,
उ०प्र० लखनऊ।

वन अनुभाग-2

लखनऊ, दिनांक /6 जुलाई, 2015

विषय-

भारत सरकार पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, नई दिल्ली के पत्र सं०-एफ०नं०-11-306/2014एफ०सी० दिनांक 07.05.2015 के कम में लीनियर परियोजनाओं हेतु भारत सरकार द्वारा निर्गत सैद्धांतिक स्वीकृति के कम में वृक्षों का पातन एवं कार्य आरम्भ किये जाने की अनुमति प्रदान करने के सम्बन्ध में।

महोदय,

उपर्युक्त विषय के सम्बन्ध में मुझे यह कहने का निदेश हुआ है कि भारत सरकार पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, नई दिल्ली के आदेश सं०-11-306/2014-एफसी दिनांक 08.08.2014 में प्राविधानित व्यवस्थानुसार भारत सरकार द्वारा निर्गत सैद्धांतिक स्वीकृति को कतिपय शर्तों/प्रतिबन्धों के अधीन वृक्षों के पातन एवं कार्य आरम्भ करने हेतु Working Permission माने जाने के सम्बन्ध में शासनादेश सं०-3678/14-2-2014-800(95)/2014टीसी-1 दिनांक 20.01.2015 निर्गत हुआ है।

2- विषयगत प्रकरण में भारत सरकार द्वारा लीनियर श्रेणी के सम्बन्ध में निर्गत दिशा-निर्देश दिनांक 08.08.2014 तथा 15.01.2015 पर सम्यक रूप से विचार करने के पश्चात् लीनियर श्रेणी की परियोजनाओं के त्वरित क्रियान्वयन हेतु भारत सरकार द्वारा नवीनतम शासनादेश दिनांक 07.05.2015 निर्गत किया गया है।

3- भारत सरकार, पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, नई दिल्ली के पत्र दिनांक 07.05.2015 में प्राविधानित यह व्यवस्था के अनुक्रम में लीनियर श्रेणी की परियोजनाओं में त्वरित कार्यवाही हेतु (Speedy execution of Projects) भारत सरकार द्वारा वन संरक्षण अधिनियम, 1980 के अन्तर्गत निर्गत सैद्धांतिक स्वीकृति में अधिरोपित शर्तों यथा-क्षतिपूरक वृक्षारोपण हेतु देय धनराशि, शुद्ध वर्तमान मूल्य (एन०पी०वी०), वन्य जीव संरक्षण योजना, औषधीय पौधों की बौनी प्रजाति का वृक्षारोपण तथा अन्य सभी ऐसे क्षतिपूरक देयक, जो सैद्धांतिक स्वीकृति में अधिरोपित किये गये हो, उसे प्रयोक्ता एजेन्सी से जमा करा

लिया जाय तथा जहाँ आवश्यक हो क्षतिपूरक वृक्षारोपण हेतु प्रयोवता एजेंसी से गैर वनभूमि/राजस्व वनभूमि का हस्तानांतरण एवं अमलदरामद राज्य सरकार के पक्ष में कराये जाने के पश्चात वृक्षों के पातन एवं कार्य प्रारम्भ करने हेतु Working Permission प्रदान किया जायेगा।

4- विषयगत प्रकरण में भारत सरकार द्वारा निर्गत की गयी सैद्धांतिक स्वीकृति में अधिरोपित समस्त क्षतिपूरक देयको को प्रयोवता एजेंसी से जमा कराये जाने के पश्चात तथा जहाँ आवश्यक हो, क्षतिपूरक वृक्षारोपण हेतु वन भूमि/राजस्व भूमि को राज्य सरकार के पक्ष में हस्तानांतरण एवं अमलदरामद कराये जाने के पश्चात प्रदेश के जनपदों के प्रभागीय वनाधिकारी/प्रभागीय निदेशक, जिनके कार्य क्षेत्र में प्रत्यावर्तन हेतु प्रस्तावित वन क्षेत्र पड रहा हो, उन सम्बन्धित प्रभागीय वनाधिकारी/प्रभागीय निदेशक को लीनियर श्रेणी की परियोजनाओं में वृक्षों के पातन तथा कार्य प्रारम्भ करने की अनुमति प्रदान करने हेतु एतद्द्वारा अधिकृत किया जाता है।

वृथथा तदनुसार कार्यवाही सुनिश्चित कराने का कष्ट करें।

भवदीय,

(लाल जी राय)

विशेष सचिव।

संख्या-गैर वन भूमि (1) / 14-2-2015-800(95) / 2014-टी.सी.-1 तददिनांक।

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. डायरेक्टर, भारत सरकार, पर्यावरण वन एवं जलवायु परिवर्तन मंत्रालय, नई दिल्ली को उनके पत्र सं०-एफ० नं०-11-306/2014-एफसी दिनांक 07.05.2015 के अनुक्रम में।
2. समस्त प्रमुख सचिव/सचिव, उ०प्र० शासन, लखनऊ।
3. समस्त मण्डलायुक्त, उ०प्र०।
4. मुख्य वन संरक्षक/नोडल अधिकारी, उ०प्र० लखनऊ
5. गार्ड बुक।

आज्ञा से,

(लाल जी राय)
विशेष सचिव।

महत्वपूर्ण

कार्यालय मुख्य वन संरक्षक/नोडल अधिकारी, उत्तर प्रदेश, लखनऊ।

पत्रांक- 153 / गाइड लाइन, दिनांक, लखनऊ, जुलाई 20, 2015

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं उत्तर प्रदेश शासन के निर्देशानुसार आवश्यक कार्यवाही सुनिश्चित करने हेतु प्रेषित :-

- 1- समस्त क्षेत्रीय मुख्य वन संरक्षक/मण्डलीय मुख्य वन संरक्षक, उत्तर प्रदेश।
- 2- समस्त क्षेत्रीय वन संरक्षक, उत्तर प्रदेश।
- 3- समस्त क्षेत्रीय प्रभागीय वनाधिकारी/निदेशक, उत्तर प्रदेश।

(डा० राजीव कुमार गर्ग)
मुख्य वन संरक्षक/नोडल अधिकारी
वन (संरक्षण) अधिनियम, 1980
उत्तर प्रदेश, लखनऊ।

Annexure R-16

F. No. 11-158/2017-FC

Government of India

Ministry of Environment, Forests & Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 1100 03.

Dated: 27th September, 2017

To

The Addl. Principal Chief Conservator of Forests
Regional Offices

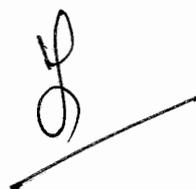
Subject : Guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act 1980 – Simplified procedure for grant of permission for felling of trees standing on forest land to be diverted for execution of linear Projects - regarding

Sir,

Kindly refer to the guidelines dated 8th August 2014 and 15th January 2015 on the above mentioned subject. It has been brought to the notice by the Government of Bihar that one of the conditions imposed by the Regional Office while granting in-principle approval under Section 2(ii) of Forest Conservation Act for linear projects that “Transfer of forest land to user agency should not be effected by the State Government till formal order approving diversion of forest land is issued by the Central Government.”

2. In this regard it is clarified that as per the above referred guidelines read together the in-principle approval under FC Act may be deemed as the working permission for tree cutting and commencement of work if the required funds for Compensatory Afforestation, NPV, Wildlife Conservation Plan and all such compensatory levies specified in the in-principle approval are realized from the user agency and the transfer and mutation of non-forest land/ revenue forest land in favour of State Forest Department has been given effect to.

3. Such working permission and order for felling of tree will be issued by the Divisional Forest Officer, if authorised by the State Government by an order, once the conditions stipulated in Stage – I FC are complied by user agency and required compensatory levies specified in the in-principle approval are realised from the user agency and the transfer and mutation of non-forest land/ revenue forest land in favour of State Forest Department is effected.



-: 2 :-

Kindly follow these guidelines while granting in-principle approval under Section 2(ii) of FC Act 1980 to linear projects.

Yours faithfully,

(Nisheeth Saxena)

Sr. Assistant Inspector General of Forest (FC)

Tel. No. 24695415

Copy to :

1. PPS to DGF&SS
2. PPS to IGF(FC)
3. DIGF(FC)/ Sr AIGF(NS)/ Sr. AIGF(SS)
4. TO(RK)/ TO(MK)/TO(FB)

TRUE COPY

Annexure R-17

F. No. 5-2/2017- FC
Government of India
Ministry of Environment, forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 28th March, 2019

To,
The Principal Secretary/Secretary (Forests),
All State/UT Governments.

Sub: Handbook of guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980.

Sir,

In supersession of all guidelines issued in the past, a handbook of guidelines is issued for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980. All the provisions enshrined in these guidelines will be applicable from 8th March 2019 onwards. The copy of comprehensive guidelines is available on Ministry's website: www.parivesh.nic.in.

This issue with the approval of competent authority.

Yours faithfully,



(Sandeep Sharma)

Assistant Inspector General of Forest (FC)

Copy to:

1. Prime Minister's Office, New Delhi.
2. Secretary, Ministry of Mines/Coal/Steel/MoRTH/MoPNG/MHA/MoP/MoTA, Government of India, New Delhi.
3. Principal Chief Conservator of Forests, all State/UT Governments.
4. Nodal Officer (FCA), all State/ UT Governments.
5. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEF&CC), GoI, New Delhi.
6. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, GoI, New Delhi.
7. All IGF/ DIGF/AIGF in MoEF&CC, GoI, New Delhi.
8. Sr. Director (Technical), NIC, MoEF&CC **with a request to place a copy of the letter on website of this Ministry.**
9. PPS to Secretary (EF&CC)/DGF&SS/ADGF(FC)/ADGF(Wildlife), MoEF&CC, New Delhi.
10. Guard File.



Assistant Inspector General of Forest (FC)

o/k
17/4/19

Handbook of

Forest (Conservation) Act, 1980

and

Forest Conservation Rules, 2003

(Guidelines & Clarifications)



Ministry of Environment, Forest and Climate Change

Government of India

2019

डॉ. हर्ष वर्धन
Dr. Harsh Vardhan



भारत सरकार
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्री
GOVERNMENT OF INDIA
MINISTER OF ENVIRONMENT, FOREST &
CLIMATE CHANGE



FOREWORD

The Forest (Conservation) Act, 1980, is an important Central statute and a living example of the will of the nation to preserve its precious forest, wildlife and biodiversity wealth. It is one of the shortest Act with widest implications on development and biodiversity conservation in the country. It embodies our firm commitment to ensure integrated and sustainable development by striking a balance between the economic and ecological considerations. This Act is of regulatory and not prohibitory in nature. It permits only unavoidable use of forest land for various developmental purposes.

As the Forest (Conservation) Act, 1980 is an evolving statute of the Central Government, implementation of the provisions under the act has been guided by sets of relevant rules, guidelines and directives contained in various court orders. The guidelines in particular have certainly helped the Ministry to implement, clarify and streamline the process of forest clearance under the Forest (Conservation) Act, 1980.

The Ministry, in the past, with a view to align the procedures and provisions of the Act with various rulings of Hon'ble Supreme Court, policy decisions, has issued more than 250 guidelines under the FC Act. Some of these guidelines were contextual to specific cases and specific times. To have better clarity and transparency, the Ministry, in consultation with concerned stakeholders, Regional Offices, State/UT Governments, has consolidated all the information, scattered in guidelines, in the form a handbook and has come up with a set of comprehensive, exhaustive, transparent and easy to understand guidelines in one single document in supersession of all the guidelines issued by the Ministry in the Past.

This Handbook provides comprehensive and updated details of amendments made in the Forest (Conservation) Rules, and guidelines issued by the Ministry so far. The Revised Handbook of the Forest (Conservation) Act, 1980 will serve as a yardstick to help the forest officers, State Governments, user agencies and all practitioners to deal with the issues related to the Forest (Conservation) Act, 1980 more efficiently. It will help various users to readily access the requisite guidelines, procedure, documents issued under the Forest (Conservation) Act, 1980 was earlier scattered in various guidelines.


(Dr. Harsh Vardhan)

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Abbreviations

ACF	Assistant Conservator of Forest
APCCF	Additional Principal Chief Conservator of Forests
BRO	Border Road Organisation
CA	Compensatory Afforestation
CCF	Chief Conservator of Forests
CF	Conservator of Forest
CZA	Central Zoo Authority
DFO	Divisional Forest Officer
ESZ	Eco Sensitive Zone
FAC	Forest Advisory Committee
FCA	Forest (Conservation) Act, 1980
HEP	Hydro Electric Project
IFA	Indian Forest Act, 1927
ITBP	Indo-Tibetan Border Police
LAC	Line of Actual Control
MDDA	Mussoorie Dehradun Development Authority
MHA	Ministry of Home Affairs
NHIDCL	National Highways and Infrastructure Development Corporation Limited
NPV	Net Present Value
OFC	Optical Fibre Cable
PA	Protected Areas
PCCF	Principal Chief Conservator of Forests
PMGSY	Pradhan Mantri Gramya Sadak Yojna
PSU'	Public Sector Undertakings
RCCF	Regional Chief Conservator of Forest
REC	Regional Empowered Committee
RO	Regional Office
RoW	Right of Way
SEZ	Special Economic Zone
UA	User Agency
WPA	Wildlife (Protection) Act, 1972

PARTA

FOREST (CONSERVATION) ACT, 1980 WITH AMENDMENTS MADE IN 1988

An Act to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto.

Be it enacted by Parliament in the Thirty-first Year of the Republic of India as follows: -

1. Short title, extent and commencement-

- (1) This Act may be called the Forest (Conservation) Act, 1980.
- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall be deemed to have come into force on the 25th day of October 1980.

2. Restriction on the de-reservation of forests or use of forest land for non-forest purpose

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing -

- i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;
- ii) that any forest land or any portion thereof may be used for any non-forest purpose;
- iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;
- iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.

Explanation - For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for-

- a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing plants, horticultural crops or medicinal plants;
- b) any purpose other than reforestation;

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

3. Constitution of Advisory Committee

The Central Government may constitute a Committee consisting of such number of persons as it may deem fit to advise that Government with regard to-

- i) the grant of approval under Section 2; and
- ii) any other matter connected with the conservation of forests which may be referred to it by the Central Government.

3A. Penalty for contravention of the provisions of the Act

Whoever contravenes or abets the contravention of any of the provisions of Section 2, shall be punishable with simple imprisonment for a period, which may extend to fifteen days.

3B. Offences by the Authorities and Government Departments

- 1) Where any offence under this Act has been committed -
 - (a) by any department of Government, the head of the department; or
 - (b) by any authority, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the authority for the conduct of the business of the authority as well as the authority;

shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render the head of the department or any person referred to in clause (b), liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

- 2) Notwithstanding anything contained in sub-section (1), where an offence punishable under the Act has been committed by a department of Government or any authority referred to in clause (b) of sub-section (1) and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the head of the department, or in the case of an authority, any person other than the persons referred to in clause (b) of sub-section (1), such officer or persons shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

4. Power to make rules

- 1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
- 2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

5. Repeal and saving

- (1) The Forest (Conservation) Ordinance, 1980 is hereby replaced.
- (2) Notwithstanding such repeal, anything done or any action taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

* * * * *

Forest Conservation (Rules), 2003 (amended up to August 2017)
Ministry of Environment and Forests
Notification

New Delhi, the 10th January, 2003

G.S.R.23(E): - In exercise of the powers conferred by sub-section (1) of section 4 of the Forest (Conservation) Act, 1980 (69 of 1980), and in supersession of the Forest (Conservation) Rules, 1981, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely: -

1. Short title, extent and commencement

- (1) These rules may be called the Forest (Conservation) Rules, 2003.
- (2) They shall extend to the whole of India except the State of Jammu and Kashmir.
- (3) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions - In these rules, unless the context otherwise requires: -

- (a) "Act" means the Forest (Conservation) Act, 1980 (69 of 1980);
- (b) "Committee" means the Forest Advisory Committee constituted under section 3 of the Act;
- ¹(ba) "Conservator of Forests" means an officer appointed by the State Government or the Union Territory Administration, as the case may be, under the designation of Conservator of Forests or the Chief Conservator of Forests or the Regional Chief Conservator of Forests or any such similar designation, to hold charge of a Forest Circle having jurisdiction over the forest land for which the approval of the Central Government under the Act is required;
- (c) "Chairperson" means the Chairperson of the Committee;
- ¹(ca) "Divisional Forest Officer" means an officer appointed by the State Government or the Union territory Administration, as the case may be, under the designation of the Divisional Forest Officer or the Deputy Conservator of Forests or any such similar designation, to hold charge of a Forest Division having jurisdiction over the forest land for which the approval of the Central Government under the Act is required;
- ²(caa) "District Collector" means an officer appointed by the State Government or the Union territory Administration, as the case may be, under the designation of District Collector or Deputy Commissioner or any such similar designation, to hold charge of the administration of the revenue district having jurisdiction over the forest land for which the approval of the Central Government under the Act is required;
- ³(cb) "Chairperson of the Regional empowered Committee" means chairperson of each of the Regional Empowered Committees constituted under rule 4A;

¹Inserted vide GSR 185 (E) dated 14th March, 2014

² Inserted vide GSR 200 (E) dated 6th March 2017.

³Inserted vide GSR 713(E) dated 10th Oct., 2014.

- ¹(cc) “Head of the Regional Office” means senior-most officer in the rank of Additional Principal Chief Conservator of Forests or Chief Conservator of Forests appointed by the Central Government at Regional Office to deal with the forest conservation matters under the Act;
- ¹(cd) “linear projects” means projects involving linear diversion of forest land for purposes such as roads, pipelines, transmission lines etc.;
- (d) “Member” means a member of the Committee;
- (e) “Nodal Officer” means any officer not below the rank of Conservator of Forests, authorised by the State Government to deal with the forest conservation matters under the Act;
- (f) “Regional Office” means a Regional Office of the Central Government in the Ministry of Environment and Forests established as part of the Ministry to deal with the forest conservation matters under the Act;
- (g) “Section” means a section of the Act;
- (h) “User Agency” means any person, organisation or Company or Department of the Central or State Government making a request for diversion or de-notification of forest land for non-forest purpose or using forest land for non-forest purpose in accordance with the permission granted by the Central Government under the Act or the rules.

3. Composition of the Committee

(1) The Committee shall be composed of the following members: -

- | | |
|---|------------------|
| (i) Director General of Forests,
Ministry of Environment and Forests - | Chairperson |
| (ii) Additional Director General of Forests,
Ministry of Environment and Forests - | Member |
| (iii) Additional Commissioner (Soil Conservation),
Ministry of Agriculture - | Member |
| (iv) Three non-official members who shall be experts
one each in Mining, Civil Engineering, and
Development Economics - | Members |
| (v) Inspector General of Forests (Forest Conservation),
Ministry of Environment and Forests - | Member Secretary |

(2) Additional Director General of Forests shall act as the Chairperson in the absence of Director General of Forests

4. Terms of appointment of non-official members shall be as follows -

- (i) a non-official member shall hold his office for a period of two years;
- (ii) a non-official member shall cease to hold office if he becomes of unsound mind, becomes insolvent or is convicted by court of law on a criminal offence involving

moral turpitude;

- (iii) a non-official member may be removed from his office if he fails to attend three consecutive meetings of the Committee without any sufficient cause or reasons;
- (iv) any vacancy in the membership caused by any reason mentioned in clauses (ii) and (iii) shall be filled by the Government for the unexpired portion of two years term.
- (v) travelling and daily allowance shall be payable to the non-official members of the Committee at the highest rate admissible to the Government servants of Group 'A' under the rules and orders made by the Central Government and for the time being in force.

Provided that the payment of travelling allowance and daily allowance to a member who is a Member of the Parliament or a Member of a State Legislature shall be regulated in accordance with the Salary, Allowances and Pension of Members of Parliament Act, 1954 (30 of 1954) or the respective provisions of law pertaining to the member of the concerned State Legislature.

4-A Constitution of Regional Empowered Committee

- (1) The Central Government by notification in the Official Gazette, shall constitute a Regional Empowered Committee at each of the Regional Offices.
- (2) The Regional Empowered Committee at each of the Regional Offices shall consist of the following members to be appointed by the Central Government to deal with the forest conservation matters, namely:
 - (i) Head of the Regional Office; Chairperson
 - (ii) Senior most officer from amongst officers in the rank of Chief Conservator of Forests or Conservator of Forests in the Regional Office; Member
 - (iii) Three non-official members from amongst eminent persons who are experts in the forestry and allied disciplines; Members
 - (iv) Senior most officer from amongst officers in the rank of Deputy Conservator of Forests in the Regional Office. Member- Secretary
- (3) Representatives of the State Government or the Union Territory Administration, as the case may be, not below the rank of a Director to the Government of India, one each from Forest Department and Revenue Department shall also be invited to attend meeting of the Regional Empowered Committee as special invitee, in the examination of the proposals pertaining to such State or Union Territory Administration, as the case may be.
- (4) The terms of appointment of non-official members shall be as specified in rule 4.

⁴ Substituted vide GSR 713(E) dated 10th Oct., 2014.

5. Conduct of business of the Committee -

- (i) The Chairperson shall call the meeting of the Committee whenever considered necessary, but not less than once in a month.
- (ii) The meeting of the Committee shall be held at New Delhi.
- (iii) In a case where the Chairperson is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposal or proposals received under sub-rule (3) of rule 6, he may direct that the meetings of the Committee to be held at a place other than New Delhi from where such inspection of site or sites is necessary.
- (iv) The Chairperson shall preside over every meeting of the Committee at which he is present.
- (v) Every question upon which the Central Government is required to be advised shall be considered in the meeting of the Committee provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson may direct that papers may be circulated and sent to the members for their opinion within the stipulated time.
- (vi) The quorum of the meeting of the committee shall be three.

⁵5A Conduct of Business of the Regional Empowered Committee

- 1) The Chairperson of the Regional Empowered Committee shall hold the meeting of the Regional Empowered Committee whenever considered necessary, but not less than once in a month.
- 2) The meetings of the Regional Empowered Committee shall be held at the headquarters of the Regional Office:

Provided that where the Chairperson of the Regional Empowered Committee is satisfied that inspection of site or sites of forest land proposed to be used for non-forest purposes shall be necessary or expedient in connection with the consideration of the proposals referred to the Regional Empowered Committee, he may direct that the meetings of the Regional Empowered Committee be held at a place other than headquarters of the Regional Office for such inspection of site or sites.
- 3) The Chairperson of the Regional Empowered Committee shall preside over every meeting of the Regional Empowered Committee:

Provided that in the absence of Chairperson of the Regional Empowered Committee, the senior most member in the rank of the Chief Conservator of Forests or the Conservator of Forests shall act as the Chairperson of the Regional Empowered Committee.
- 4) Every proposal referred to the Regional Empowered Committee for advice or decision shall be considered in the meeting of the Regional Empowered Committee:

Provided that in urgent cases if the meeting cannot be convened within a month, the Chairperson of the Regional Empowered Committee may direct that papers may be circulated and sent to members of the Regional Empowered Committee for their opinion within the stipulated time.
- 5) The quorum of the meeting of the Regional Empowered Committee shall be three.

⁵ Inserted vide GSR 713(E) dated 10th Oct., 2014.

6. Submission of proposal seeking approval of the Central Government under section 2 of the Act -

- (1) Every User Agency that wants to use any forest land for non-forest purposes, shall make its proposal in the relevant Form appended to these rules, namely; Form 'A' for proposal seeking first time approval under the Act, Form 'B' for proposal seeking renewal of leases, where approval of the Central Government under the Act had already been obtained, and Form 'C' for prospecting of minerals, to the Nodal Officer of the concerned State Government or the Union Territory Administration, as the case may be, along with requisite information and documents, complete in all respect.
- (2) The User Agency shall endorse a copy of the proposal, along with a copy of the receipt obtained from the office of the Nodal Officer to the concerned Divisional Forest Officer, District Collector and Regional Office as well as the Monitoring Cell of the Forest Conservation Division of the Ministry of Environment, Forests and Climate Change.
- (3) (a) The Nodal Officer of the State Government or the Union Territory Administration, as the case may be, after having received the proposal under sub-rule (1) and on being satisfied that the proposal is complete in all respects and requires prior approval under section 2 of the Act, shall send the proposal to the concerned Divisional Forest Officer and the District Collector within a period of ten days of the receipt of the proposal.
 - (b) If the Nodal Officer of the State Government or the Union territory Administration, as the case may be, finds that the proposal is incomplete, he shall return it within a period of ten days to the User Agency and this time period and the time taken by the User Agency to re-submit the proposal shall not be counted for any future reference.
 - (c) The Divisional Forest Officer shall examine the factual details and feasibility of the proposal, certify the maps, carry out site-inspection and enumeration of the trees and forward his findings in the Format specified in this regard to the Conservator of Forests.
 - (d) The Divisional Forest Officer shall process and forward the application along with his findings on the proposal involving forest land upto forty hectares, above forty hectares and up to one hundred hectares and above one hundred hectares to the Conservator of Forests within a period of thirty days, forty-five days and sixty days respectively.
- ⁷(e) The District Collector shall-
 - (i) complete the process of recognition and vesting of forest rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal;
 - (ii) obtain consent of each Gram Sabha having jurisdiction over the whole or a part of the forest land indicated in the proposal for the diversion of such forest land and compensatory and ameliorative measures, if any, having understood the purposes and details of diversion, wherever required; and

⁶ Substituted vide GSR 185 (E) dated 14th March, 2014

⁷ Substituted vide GSR 200 (e) dated 6th March 2017.

(iii) forward his findings in this regard to the Conservator of Forests;

⁷(f) the entire process referred to in clause (e) shall be completed by the District Collector within the time period stipulated in these rules for grant of in-principle approval under the Act to the proposal;

⁷(g) the Conservator of Forests shall examine the factual details and feasibility of the proposal, carry out site- inspection in case the area of forest land proposed to be diverted is more than forty hectares, and forward the proposal along with his recommendations to the Nodal Officer;

(h) The time taken by the Conservator of Forests to process and forward to the Nodal Officer the proposal involving forest land up to forty hectares and above forty hectares shall not be more than ten days and thirty days respectively.

(i) The Nodal Officer, through the Principal Chief Conservator of Forests, shall forward the proposal to the State Government or the Union territory Administration, as the case may be, along with his recommendations.

(j) The Nodal Officer shall process and forward the proposal along with his findings on the proposal involving forest land, up to five hectares, above five hectares and up to forty hectares, above forty hectares up to one hundred hectares and above one hundred hectares, to the State Government or the Union territory Administration, as the case may be, within a period of ten days, twenty days, twenty five days and thirty days respectively.

(k) In case the State Government or the Union territory Administration, as the case may be, decides not to, de-reserve or divert for non-forest purpose or assign on lease the forest land indicated in the proposal, as the case may be, the same shall be intimated to the User Agency within thirty days of the receipt of proposal from the Nodal Officer:

Provided, all proposals involving diversion of forest land for projects of the Central Government or Central Government Undertakings where the State Government or the Union territory Administration, as the case may be, does not agree in-principle to de-reserve or divert for non-forest purpose or assign on lease the forest land indicated in the proposal, as the case may be, shall be forwarded to the Central Government along with comments of the State Government or the Union territory Administration, as the case may be.

(l) The State Government or the Union territory Administration, as the case may be, shall forward along with its recommendations all those proposals where State Government or the Union Territory Administration, as the case may be, agrees in-principle to de-reserve or divert for non-forest purpose or assign on lease the forest land indicated in the proposal, as the case may be, and all proposals involving diversion of forest land for projects of the Central Government or Central Government Undertakings, to the Central Government within thirty days:

Provided that all proposals involving felling of trees on forest land or a portion thereof for the purpose of using it for reforestation shall be sent in the form of Working Plan or Working Scheme or Management Plan:

Provided further that the concerned State Government or the Union territory Administration, as the case may be, shall simultaneously send the intimation to the User Agency about forwarding of the proposal, along with its recommendations, to the Regional Office or the Ministry of Environment, Forests and Climate Change, as the case may be;

Provided also that total time taken exclusively for transit of a proposal between various authorities in the State Government or the Union Territory Administration, as the case may be, shall not be more than twenty days, over and above the time period specified for processing of proposal by each authority.

- (m) Whenever the time taken by the State Government or the Union territory Administration, as the case may be, for processing the proposal exceeds the time limits stipulated in clauses (a) to (l) above, the proposal shall be considered by the Central Government only if an explanation for the delay is furnished to the satisfaction of the Central Government, together with action taken against any individual held to be responsible for the delay.
- (4) ⁸ (a) The proposal referred to in clause (l) of sub-rule (3), involving forest land up to forty hectares and all proposals related to linear projects irrespective of the area of forest land involved, shall be forwarded by the concerned State Government or the Union Territory Administration, as the case may be along with its recommendations to the concerned Regional Office.
- ⁸(b) The proposal referred to in clause (1) of sub rule (3), involving forest land of more than 40 hectares, other than proposals related to linear projects shall be forwarded by the concerned State Government or the Union Territory Administration, as the case may be, along with its recommendations, to the Secretary, Government of India of Ministry of Environment, Forests, and Climate Change.
- (c) The proposals referred to in clause (l) of sub-rule (3), involving clearing of trees in forest land or portion thereof for the purpose of using it for re-forestation shall be sent to the concerned Regional Office.
- ⁹(5) (a) notwithstanding anything contained in these rules, the proposal to obtain approval under the Act to undertake prospecting of minerals without felling of trees and construction of new road or path in mining blocks falling outside the protected areas, eco-sensitive zone of protected areas, identified tiger corridors and having no forest cover of more than ten percent crown density as per the latest India State of Forest Report published by the Forest Survey of India, shall be submitted by the User Agency in a letter form along with a geo-referenced map indicating boundary of the prospecting block, location of each bore-hole site and roads or paths to be used for prospecting; and a certificate to the effect that the proposal meets the afore-mentioned requirements to the Nodal Officer;
- (b) the Nodal Officer, after having received the proposal under clause (a) and on being satisfied that the geo- referenced map and the certificate are in order, shall send the proposal to the Divisional Forest Officer within a period of ten days of the receipt of the proposal;
- (c) if the Nodal Officer, finds that the geo-referenced map or the certificate are not in

⁸Substituted vide GSR 713 dated 10th October 2014.

⁹ Inserted vide GSR 200 (E) dated 6th March 2017.

order, he shall return the proposal within a period of ten days to the User Agency and the said period taken by the Nodal Officer and the time taken by the User Agency to re-submit the geo-referenced map and the certificate shall not be counted for any future reference;

- (d) the Divisional Forest Officer shall authenticate the geo-referenced map and certificate submitted by the User Agency and forward the same directly to the State Government or Union territory Administration, as the case may be, or an officer not below the rank of the Nodal Officer, authorized by the State Government or Union territory Administration, as the case may be, to finally dispose of such proposals, within thirty days of its receipt;
 - (e) the State Government or the Union territory Administration, as the case may be, or the officer not below the rank of the Nodal Officer, duly authorized by the State Government or the Union territory Administration, as the case may be, to finally dispose of such proposals, after examination of the geo-referenced map and certificate and after such further enquiry as it may consider necessary, grant permission for prospecting of minerals subject to fulfillment of stipulated conditions, or reject the same within twenty-five days of receipt of the proposal from the Divisional Forest Officer and communicate the same to the concerned Divisional Forest Officer and the User Agency, within next five days;
- ¹⁰(6) (a) notwithstanding anything contained in these rules, proposal to obtain approval under the Act to undertake prospecting of minerals without felling of trees and construction of new road or path in mining blocks falling outside the protected areas, eco-sensitive zone of protected areas, identified tiger corridors and having no forest cover of more than forty percent crown density as per the latest India State of Forest Report published by the Forest Survey of India, shall also be submitted in a letter form along with a geo-referenced map indicating boundary of the prospecting block, location of each bore-hole site and roads or paths to be used for prospecting; and a certificate to the effect that the proposal meets the afore-mentioned requirements to the Nodal Officer;
- (b) the Nodal Officer, after having received the proposal under clause (a) and on being satisfied that the geo-referenced map and the certificate are in order, shall send the proposal to the Divisional Forest Officer within a period of ten days of the receipt of the proposal;
 - (c) if the Nodal Officer, finds that the geo-referenced map or the certificate are not in order, he shall return the proposal to the User Agency within a period of ten days and the said period taken by the Nodal Officer and the time taken by the User Agency to re-submit the proposal shall not be counted for any future reference;
 - (d) the Divisional Forest Officer shall authenticate the geo-referenced map and certificate submitted by the User Agency and forward the same directly to the Nodal officer, within a period of thirty days of receipt of the geo-referenced map and the certificate;
 - (e) the proposal received by the Nodal Officer under clause (d) shall be further processed in the manner and within the period as provided in clause (i) to clause (m) of sub-rule (3) and sub-rule (4) of rule 6 and rule 7 of these rules.”;

¹¹7. Processing of proposals received by the Central Government. –

¹⁰ Inserted vide GSR 200 (E) dated 6th March 2017.

¹¹ Substituted vide GSR 185 (E) dated 14th March, 2014

(1) (a) The Regional Office, after having received the proposal referred in clause (a) and clause (c) of sub-rule (4) of rule 6 shall determine the completeness of proposal within five working days.

(b) If the Regional Office finds that the proposal is incomplete, it shall return it within the period of five working days as specified under clause (a), to the State Government or the Union Territory Administration, as the case may be, and this time period and the time taken by the State Government to re-submit the proposal shall not be counted for any future reference.

¹²(2) (a) The regional office shall after examination of the proposal involving forest land up to 5 hectares other than the proposal relating to mining, encroachments, and hydel projects, which are complete in all respect, and after such further enquiry as it may consider necessary, grant in-principle approval subject to fulfillment of stipulated conditions, or reject the same within twenty five days of its receipt from the State Government or the United Territory Administration, as the case may be, and communicate the same to the concerned State Government or the United Territory Administration, as the case may be, within next five days.

¹³(b) In case a proposal involves forest land more than one hundred hectares or renewal of lease, Regional Office shall within forty-five days of the receipt of the proposal complete in all respects from the State Government or the Union Territory Administration, as the case may be, inspect the forest land proposed to be diverted and prepare a site inspection report:

Provided that in case of the proposals seeking approval under the Act for prospecting of minerals in forest land, prior site inspection by the Regional Office shall be required only if the area of forest land required for construction of roads, paths, drilling of bore holes and all such non-forest purpose is more than one hundred hectares.

(c) Regional office shall refer all proposals involving forest land above 5 hectares and up to forty hectares, proposals relating to mining, encroachments, and hydel projects involving forest land up to 5 hectares, and all proposals related to linear projects which are complete in all respect, including site inspection report, wherever required, to the Regional Empowered Committee within ten days of receipt from the State Government or the United Territory Administration, as the case may be:

Provided that the proposals referred to in clause (b) above shall be referred to the Regional Empowered Committee within five days of receipt of the site inspection report.

(d) The Regional Empowered Committee shall within a period of thirty days examine the proposal referred to it under clause (c) above and after such further enquiry as it may consider necessary, grant in-principle approval to the proposals other than proposals relating to mining, encroachment and hydel projects subject to fulfillment of stipulated conditions, or reject the same and the Regional Office shall communicate the decision of the Regional Empowered Committee to the concerned State Government or the United Territory Administration, as the case may be, within next five working days.

(e) The Regional Empowered Committee shall within a period of thirty days examine the

¹² Substituted vide GSR 713(E) dated 10th October, 2014.

¹³ Substituted vide GSR 200 (e) dated 6th March 2017.

proposals relating to mining, encroachments, and hydel projects involving diversion of forest land up to forty hectares and tender its advice:

Provided the Regional empowered Committee may suggest such conditions or restrictions if any, required to be imposed on the use of any forest land for non-forest purpose, which in its opinion would minimize adverse environmental impact.

(f) The Regional office shall within a period of five days of the receipt of the advice of the Regional Empowered Committee on proposals referred to it under clause (e) above, forward such proposal along with advice of the Regional Empowered Committee to the Secretary, Ministry of Environment, Forests, and Climate Change for obtaining the decision of the Central Government, provided that time taken in transit of proposal from Regional Office to the Ministry of Environment, Forests and Climate Change shall not be more than five days.

(g) The Central Government shall, after considering the advice of the Regional Empowered Committee and after further enquiry as it may deem necessary, grant in-principle approval subject to fulfillment of stipulated conditions, or reject the same within thirty days of its receipt from the regional office and communicate the same to the concerned State Government or the United Territory Administration, as the case may be, within next five working days.

(3) (a) All proposals involving clearing of trees in forest land or portion thereof for the purpose of using it for re-forestation shall be finally disposed of by the Regional Office within a period of sixty days of receipt of the proposals from the State Government or the Union territory Administration, as the case may be.

(b) While examining the proposal, the Regional Office shall ensure that the final decision is in conformity with the National Forest Policy, Working Plan guidelines and other relevant rules and guidelines issued by the Central Government from time to time.

(c) The Regional Office shall however seek prior clearance of the Ministry of Environment, Forests and Climate Change whenever the proposal involves clear-felling of forest land having crown density above forty per cent irrespective of the area involved, or clear-felling of forest area of size more than twenty hectares in the plains and ten hectares in the hilly region, irrespective of density.

(4) (a) The Ministry of Environment, Forests and Climate Change after having received the proposal referred to in clause (b) of sub-rule (4) of rule 6 shall determine the completeness of the proposal within ten days.

(b) If the Ministry of Environment, Forests and Climate Change finds that the proposal is incomplete, it shall return it within the period of ten days as specified under clause (a), to the State Government or the Union territory Administration, as the case may be, and this time period and the time taken by the State Government to re-submit the proposal shall not be counted for any future reference.

¹⁴(c) in case the proposal involves forest land more than one hundred hectares or renewal of lease, the Ministry of Environment, Forests and Climate Change shall within ten days of the receipt of a proposal complete in all respects, request the concerned Regional Office to inspect the forest land proposed to be diverted and submit a report to the Ministry of Environment, Forests and Climate Change within a period of forty-five days:

¹⁴ Substituted vide GSR 200 (E) dated 6th March 2017.

Provided that in case of the proposals seeking approval under the Act for prospecting of minerals in forest land, prior site inspection by the Regional Office shall be required only if the area of forest land actually required for construction of roads, paths, drilling of bore holes and all such non-forest purpose is more than one hundred hectares:

Provided further that the total time taken in communication of the request for site inspection from the Ministry of Environment, Forests and Climate Change to Regional Office and communication of the site inspection report from the Regional Office to the Ministry of Environment, Forests and Climate Change shall not be more than ten days, over and above the time taken in undertaking site inspection by the Regional Office.

(d) The Central Government shall refer every proposal, which is complete in all respects, received by it under clause (b) of sub-rule (4) of rule 6 including site inspection reports, wherever required, to the Committee for its advice and the Committee shall give its advice within thirty days from the date of receipt of the said proposal.

(e) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under clause (d), namely: -

(i) whether the forests land proposed to be used for non-forest purpose forms part of a nature reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or of an area lying in severely eroded catchment;

(ii) whether the use of any forest land is for agricultural purposes or for the rehabilitation of persons displaced from their residences by reason of any river valley or hydro-electric project;

(iii) whether the State Government or the Union territory Administration, as the case may be, has certified that it has considered all other alternatives and that no other alternatives in the circumstances are feasible and that the required area is the minimum needed for the purpose;

(iv) whether the State Government or the Union territory Administration, as the case may be, undertakes to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof;

(v) whether the per unit requirement of forest land is significantly higher than the national average for similar projects; and

(vi) whether the State Government or the Union territory Administration, as the case may be, before making their recommendation has considered all issues having direct and indirect impact of the diversion of forest land on forest, wildlife and environment.

(f) While tendering advice, the Committee may also suggest any condition or restriction on the use of any forest land for any non-forest purpose, which in its opinion would minimize adverse environmental impact.

(g) The Central Government shall, after considering the advice of the Committee under clause (e) and clause (f) and after such further enquiry as it may consider necessary, grant in-principle approval subject to fulfillment of stipulated conditions, or reject the same within thirty days of the receipt of advice from the Committee and communicate the same to the concerned State Government or the Union territory Administration, as the case may be, within next five working days.

¹⁵8. Submission of report on compliance to conditions stipulated in the in-principle approval and grant of final approval.

(1)(a) The Nodal Officer shall within five days of receipt of the in-principle approval, endorse a copy of the same to the concerned Divisional Forest Officer and the Conservator of Forests;

(b) On receipt of a copy of the in-principle approval, the Divisional Forest Officer shall prepare a demand note containing item-wise amount of compensatory levies such as cost of creation and maintenance of compensatory afforestation, Net Present Value (NPV), cost of implementation of catchment area treatment plan or wildlife conservation plan *etc.* to be paid by the User Agency and communicate the same, along with a list of documents, certificates and undertakings required to be submitted by the User Agency in compliance with the conditions stipulated in the in-principle approval to the User Agency within ten days of the receipt of a copy of the in-principle approval.

(c) The User Agency shall within thirty days of receipt of demand note and list of documents, certificates and undertakings from the Divisional Forest Officer make payment of compensatory levies and submit a compliance report containing a copy of documentary evidence in respect of the payment of compensatory levies along with documents, certificates and undertakings indicated in the said list to Divisional Forest Officer.

(d) The Divisional Forest Officer, after having received the compliance report shall determine its completeness within a period of fifteen days of its receipt from the User Agency.

(e) If the Divisional Forest Officer finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency within a period of fifteen days of its receipt from the User Agency and if the compliance report is complete in all respect, it shall be forwarded to the Conservator of Forests within a period of fifteen days of its receipt from the User Agency.

(f) The Conservator of Forests, after having received the compliance report shall determine its completeness within a period of fifteen days of its receipt from the Divisional Forest Officer.

¹⁶(g) in case the Conservator of Forests finds that the compliance report is complete in all respect, he shall forward such report along with the report on completion of the process of recognition and vesting of forest rights and consent of the each Gram Sabha received from the District Collector referred to in sub-clause (f) of sub-rule (3) of rule 6, to the Nodal Officer within a period of fifteen days of its receipt from the Divisional Forest Officer:

Provided that in case the Conservator of Forests finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency and the Divisional Forest Officer within a period of fifteen days of its receipt from the Divisional Forest Officer;

(h) The Nodal Officer, after having received the compliance report shall determine its completeness within a period of fifteen days of its receipt from the Conservator of Forests.

¹⁶ (i) in case the Nodal Officer finds that the compliance report is complete in all respect, he

¹⁵ Substituted vide GSR 185 (E) dated 14th March, 2014

¹⁶Substituted vide GSR 200 (e) dated 6th March 2017.

shall forward such report to the State Government or Union territory Administration, as the case may be, within a period of fifteen days of its receipt from the Conservator of Forests:

Provided that the State Government or the Union Territory Administration, as the case may be, may authorize the Nodal Officer to send the compliance report directly to the Ministry of Environment, Forest and Climate Change or the Regional Office, as the case may be;

Provided further that in case the Nodal Officer finds that the compliance report is incomplete, he shall communicate the shortcoming or shortcomings in the compliance report to the User Agency, the Conservator of Forests and the Divisional Forest Officer within a period of fifteen days of its receipt from the Conservator of Forests;

(j) The State Government or Union territory Administration, as the case may be, after having received the compliance report shall determine its completeness within a period of fifteen days of its receipt from the Nodal Officer.

(k) If the State Government or Union territory Administration, as the case may be, finds that the compliance report is incomplete, it shall communicate the shortcoming or shortcomings in the compliance report to the User Agency, the Nodal Officer, the Conservator of Forests and the Divisional Forest Officer within a period of fifteen days of its receipt from the Nodal Officer and if the compliance report is complete in all respects, it shall be forwarded to the Ministry of Environment and Forests or the Regional Office, as the case may be, within a period of fifteen days of its receipt from the Nodal Officer.

(l) The Ministry of Environment, Forests and Climate Change or the Regional Office, as the case may be, after having received the compliance report shall determine its completeness within a period of fifteen days.

¹⁷(m) in case the Ministry of Environment, Forests and Climate Change or the Regional Office, as the case may be, finds that the compliance report is complete in all respect, it shall accord the final approval under the Act and communicate such approval to the State Government or the Union Territory Administration, as the case may be, within a period of twenty days of the receipt of the compliance report:

Provided that in case the Ministry of Environment, Forests and Climate Change or the Regional Office, as the case may be, finds that the compliance report is incomplete, the shortcoming or shortcomings in the compliance report shall be communicated to the State Government or the Union territory Administration, as the case may be, to the Nodal Officer and the User Agency, within a period of twenty days of the receipt of the compliance report.

(n) The report on fulfillment of shortcoming or shortcomings in the compliance report shall be processed and forwarded to authorities concerned in the State Government or the Union territory administration, as the case may be, and Central Government in the manner and within the time limits stipulated in clause (d) to clause (l) above.

(2)¹⁸(a) In cases where compliance of conditions in the in-principle approval is awaited for more than five years from the State Government or the Union Territory Administration, as the case may be, the in-principle approval may be summarily revoked:

¹⁷ Substituted vide GSR 200 (e) dated 6th March 2017.

¹⁸ Substituted vide GSR 713(E) dated 10th Oct., 2014

Provided that in cases where for valid and cogent reasons it has not been possible for the User Agency or the State Government or the Union Territory Administration, as the case may be, to comply with one or more of the conditions stipulated in the in-principle approval for obtaining final approval, the Central Government may extend the period for compliance of such conditions by further period as it deems fit.

(b) If the User Agency or the State Government or the Union territory Administration, as the case may be, is still interested in the project, after its revocation, they may submit a fresh proposal which shall be considered de-novo.

- 3 (a) In case, before submission of a report on compliance to conditions stipulated in the in-principle approval accorded under the Act for a mining project by the State Government or the Union territory Administration, as the case may be, and grant of final approval by the Central Government within five years from the date of grant of in-principle approval, validity of the mining lease expires, instead of submission of a de-novo proposal to obtain approval of Central Government under the Act for diversion of such forest land, for renewal of mining lease, the State Government or Union territory Administration, as the case may be, while submitting report on compliance to conditions stipulated in the in-principle approval may seek final approval of Central Government under the Act for diversion of such forest land for original period of the mining lease for which in-principle approval has already been accorded, and also for renewal of mining lease for a period, as specified by the State Government and Union Territory Administration, as the case may be, not exceeding twenty years.

(b) Report on compliance to statutes, circulars or directives, as applicable to such proposals, which came into force after grant of in-principle approval, if any, shall also be submitted to the Central Government along with the report on compliance to conditions stipulated in the in-principle approval.

¹⁹(c) In cases, apart from grant of final approval under the Act for diversion of such forest land for original period of mining lease, the central government, shall after considering advice of the Forest Advisory Committee or the Regional Empowered Committee, as the case may be, and after further enquiry as it may consider necessary, grant final approval to the proposal of the State Government or the Union Territory Administration, as the case may be, for renewal of the mining lease for a period, as may be specified by the Central Government, not exceeding twenty years, with appropriate conditions, or reject the same.

¹⁹(d) Procedure stipulated in clauses (a) to (c) above, shall also be applicable to the cases where in-principle approval under the Act for diversion of forest land has been accorded on a day more than five years prior to the date of expiry of the lease and for valid and cogent reasons it has not been possible for the User Agency or the State Government or the Union Territory Administration, as the case may be, to comply with one or more of the conditions stipulated in the in-principle approval and obtain final approval within five years from the date of in-principle approval:

Provided such in-principle approval has not already been summarily revoked by the Central Government;

Provided further that in such cases, apart from the report referred to in clause (b) above, the State Government or the Union Territory Administration, as the case may be, shall also submit to the Central Government, reason or reasons for delay in compliance to conditions

¹⁹ Substituted vide GSR 713(E) dated 10th Oct., 2014

stipulated in the in-principal approval.

¹⁹ (e) Procedure stipulated in clause (a) to (e), shall also be applicable to the cases where mining lease expires or has already expired within the period of ten years from the date of grant of in-principal approval under the Act, even if final approval under the Act for diversion of such forest land has been granted prior to the expiry of the mining lease:

Provided that in such cases, in place of a report on compliance to conditions stipulated in the in-principal approval, a report on compliance to conditions stipulated in the final approval under the Act for diversion of such forest land during the validity of the original lease period shall be submitted to the Central Government by the State Government or the Union Territory Administration, as the case may be.

9. Proceedings against persons guilty of offences under the Act -

(1) The Central Government may, by notification, authorize any officer not below the rank of Conservator of Forests or the concerned forest officer having territorial jurisdiction over the forest land in respect of which the said offence is said to have been committed, to file complaints against the person (s) prima-facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.

Provided that no complaint shall be filed in the court, without giving the person(s) or officer (s) or authority (s) against whom the allegations of offence exist, an opportunity to explain his or their conduct and to show cause, by issuing a notice in writing of not less than sixty days, as to why a complaint should not be filed in the court against him or them for alleged offences.

(2) The officer authorized by the Central Government in sub-rule (1) may require any State Government or its officer or any person or any other authority to furnish to it within a specified period any reports, documents, statistics and any other information related to contravention of the Act or the rules made thereunder, considered necessary for making a complaint in any court of jurisdiction and every such State Government or officer or person or authority shall be bound to do so.

APPENDIX (See Rule 6)

FORM – ‘A’

**Form for seeking prior approval under section 2 of the proposals by the
State Governments and other authorities**

PART-I

(to be filled up by user agency)

1. Project details:

- (i) Short narrative of the proposal and project/scheme for which the forest land is required.
- (ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
- (iii) Cost of the project.
- (iv) Justification for locating the project in forest area.
- (v) Cost-benefit analysis (to be enclosed).
- (vi) Employment likely to be generated.

2. Purpose-wise break-up of the total land required:

3. Details of displacement of people due to the project, if any:

- (i) Number of families.
- (ii) Number of Scheduled Castes/Scheduled Tribe families
- (iii) Rehabilitation plan (to be enclosed)

4. Whether clearance under Environment (Protection) Act, 1986 required? (Yes/No).

5. Undertaking to bear the cost of raising and maintenance of compensatory afforestation and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme prepared by the State Government (undertaking to be enclosed).

6. Details of Certificates/documents enclosed as required under the instructions.

Signature

(Name in Block letters)

Designation

Address (of User Agency)

Date: - _____

Place: - _____

State serial No. of proposal _____

(To be filled up by the Nodal Officer with date of receipt)

PART-II

(To be filled by the concerned Deputy Conservator of Forests)

State serial No. of proposal _____

7. Location of the project/Scheme:
 - i) State/Union Territory
 - ii) District
 - iii) Forest Division
 - iv) Area of forest land proposed for diversion (in ha.)
 - v) Legal status of forest
 - vi) Density of vegetation
 - vii) Species-wise (scientific names) and diameter class-wise enumeration of trees (to be enclosed. In case of irrigation / hydel projects enumeration at FRL, FRL-2 meter & FRL-4 meter also to be enclosed.)
 - viii) Brief note on vulnerability of the forest area to erosion.
 - ix) Approximate distance of proposed site for diversion from boundary of forest.
 - x) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed).
 - xi) Whether any rare/endangered/unique species of flora and fauna found in the area-if so, details thereof.
 - xii) Whether any protected archaeological/heritage site/defense establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.
8. Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area item-wise with details of alternatives examined.
9. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.
10. Details of compensatory afforestation scheme:
 - i) Details of non-forest area/degraded forest area identified for compensatory afforestation, its distance from adjoining forest, number of patches, size of each patch.
 - ii) Map showing non-forest/degraded forest area identified for compensatory afforestation and adjoining forest boundaries.
 - iii) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc.
 - iv) Total financial outlay for compensatory afforestation scheme.

- v) Certificates from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view. (To be signed by the concerned Deputy Conservator of Forests).
11. Site inspection report of the DCF (to be enclosed) especially highlighting facts asked in col. 7 (xi, xii), 8 and 9 above.
12. Division/District profile:
- i) Geographical area of the district.
 - ii) Forest area of the district.
 - iii) Total forest area diverted since 1980 with number of cases.
 - iv) Total compensatory afforestation stipulated in the district/division since 1980 on
 - (a) forest land including penal compensatory afforestation,
 - (b) non-forest land.
 - v) Progress of compensatory afforestation as on (date) _____ on
 - (a) forest land
 - (b) non-forest land.
13. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

Signature

Name

Official Seal

Date: - _____

Place: - _____

PART-III

(To be filled by the concerned Conservator of Forests)

- 14. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.
- 15. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.
- 16. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature
Name
Official Seal

Date: - _____
Place: - _____

PART-IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Force department)

- 17. Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.

(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Signature
Name & Designation
Official Seal

Date: - _____
Place: - _____

PART- V

(To be filled in by the Secretary in charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)

- 18. Recommendation of the State Government:

(Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon)

Signature
Name
Official Seal

Date: - _____
Place: - _____

INSTRUCTIONS (for Part-I)

1. The project authorities may annex a copy of the approved project/plan in addition to filling Col. 1 (i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original and duly authenticated jointly by project authorities and concerned DCF – Col. 1 (ii).
3. Complete details of alternative alignments examined especially in case of project like roads, transmission lines, railway lines, canals, etc. to be shown on map with details of area of forest land involved in each alternative to be given - Col. 1 (iii).
4. For proposals relating to mining, certificate from competent authority like District Mining Officer about non-availability of the same mineral in surrounding/nearby non-forest areas.
5. In case the same company/individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.
6. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

GENERAL INSTRUCTIONS: -

1. On receipt of proposal, Nodal Officer shall issue a receipt to the user agency indicating therein the name of the proposal, user agency, area in hectare, serial number and date of receipt.
2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.
3. While forwarding the proposal to the Central Government, complete details on all aspects of the case as per Form prescribed above read with the clarifications issued by the Ministry of Environment and Forests, Government of India, New Delhi should be given. Incomplete or deficient proposals shall not be considered and shall be returned to the State Government in original.
4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding/covering letter.

FORM – ‘B’

(See Rule 6)

Form for seeking prior approval under section 2 of the proposals by the State Governments and other authorities in respect of renewal of leases, which have been earlier granted clearance under Forest (Conservation) Act, 1980

PART-I

(to be filled up by user agency)

1. Letter No. & date vide which clearance under Forest (Conservation) Act, 1980 accorded by the Central Government (copy to be enclosed):
2. Project details:
 - (i) Short narrative of the proposal and project/scheme for which the forest land is required.
 - (ii) Map showing the required forest land, boundary of adjoining forest on a 1:50,000 scale map.
 - (iii) Cost of the project:
3. Purpose-wise break-up of the total land required (already broken & to be broken):
4. Details of Certificates/documents enclosed as required under the instructions.

Signature

(Name in Block letters)

Designation

Address (of User Agency)

Date: _____

Place: _____

State serial No. of proposal _____

(To be filled up by the Nodal Officer with date of receipt)

PART-II

(To be filled by the concerned Deputy Conservator of Forests)

State serial No. of proposal_____

5. Location of the project/Scheme:
 - i) State/Union Territory
 - ii) District.
 - iii) Forest Division
 - iv) Area of forest land proposed for diversion (in ha.)
 - v) Legal status of forest
 - vi) Density of vegetation.
 - vii) Species-wise (scientific names) and diameter class-wise enumeration of trees in unbroken area.
 - viii) Whether forms part of National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed).
6. Whether any work in violation of the Act has been carried out (Yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.
7. Site inspection report of the DCF (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval.
8. Division/District profile:
 - i) Geographical area of the district.
 - ii) Forest area of the district.
 - iii) Total forest area diverted since 1980 with number of cases.
 - iv) Total compensatory afforestation stipulated in the district/division since 1980 on
 - (a) forest land including penal compensatory afforestation,
 - (b) non-forest land.
 - v) Progress of compensatory afforestation as on (date) _____ on
 - (a) forest land
 - (b) non-forest land.
9. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

Signature
Name
Official Seal

Date: - _____

Place: - _____

PART-III

(To be filled by the concerned Conservator of Forests)

- 10. Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.
- 11. Whether the concerned Conservator of Forests agree with the information given in Part-B and the recommendations of Deputy Conservator of Forests.
- 12. Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature
Name
Official Seal

Date: - _____
Place: - _____

PART-IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest department)

- 13. Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.
(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Signature
Name
Official Seal

Date: - _____
Place: - _____

PART- V

(To be filled in by the Secretary in charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)

- 14. Recommendation of the State Government:
(Adverse comments made by any officer or authority in Part-B or Part-C or Part-D above should be specifically commented upon)

Signature
Name
Official Seal

Date: - _____
Place: - _____

INSTRUCTIONS (for Part-I)

1. The project authorities may annex a copy of the approved project/plan in addition to filling Col. 2 (i) e.g. IBM approved mining plan for major minerals/CMPDI plan with subsidence analysis reports, etc.
2. Map has to be in original duly authenticated jointly by project authorities and concerned DCF – Col. 2 (ii).
3. In case the same company/individual has taken forest land for similar project in the State, a brief detail of all such approvals/leases be given as an enclosure along with current status of the projects.
4. Item-wise requirement (Col. 3) should be separately shown for broken up and fresh areas.
5. The latest clarifications issued by the Ministry under Forest (Conservation) Act, 1980 may be kept in mind. In case such information do not fit in the given columns, the same shall be annexed separately.

GENERAL INSTRUCTIONS

1. On receipt of proposal, Nodal Officer shall issue a receipt to the user agency indicating therein the name of the proposal, user agency, area in hectare, serial number and date of receipt.
2. If the space provided above is not sufficient to specify any information, please attach separate details/documents.
3. While forwarding the proposal to the Central Government, complete details on all aspects of the case as per Form prescribed above read with the clarifications issued by the Ministry of Environment and Forests, Government of India, New Delhi should be given. Incomplete or deficient proposals shall not be considered and shall be returned to the State Government in original.
4. The State Government shall submit the proposal to the Central Government within stipulated time limits. In case of delay while forwarding, the reasons for the same to be given in the forwarding/covering letter.

²⁰FORM- 'C'

(Form for seeking prior approval under section 2 of the proposals by the State Governments and other authorities for prospecting of minerals in forest land)

PART – I

(to be filled up by User Agency)

1. Project detail:

- i) Name, address and contact details of the User Agency:
- ii) Legal status of the User Agency:
- iii) Name, designation and full address of the person making application:
- iv) Documents in support of the competence or authority of the person making this application to make application on behalf of the User Agency enclosed: (Yes/No)
- v) Mineral commodity to be explored:
- vi) Short narrative of the activities proposed to be undertaken in both forest and non-forest land:
- vii) Details of approvals accorded by the concerned Ministry or Department in the State or Central Government, as the case may be, for grant of prospecting license in favour of the User Agency:
- viii) Details of forest land non-forest land included in the prospecting lease:
- ix) Total area of forest land required for prospecting: (a) Area of forest land likely to experience permanent change in land use (b) Area of forest land likely to experience temporary change in land use
- x) Total period for which the forest land is proposed to be utilised for prospecting:
- xi) Estimated cost of the project:
- xii) Details of forest land diverted earlier, if any, in favour of the User Agency in the State or Union territory along with current status of the use of such forest land:
- xiii) Details of permission accorded earlier, if any, in favour of the User Agency for prospecting of minerals in forest land along with current status of prospecting in each case:

2. Details of Maps enclosed

(i) Survey of India topo-sheet(s), in original in 1:50,000 scale showing boundary of prospecting block; boundary of each patch of forest land located within the prospecting block; location of each sample plot or borehole site, roads or pathway (existing as well as new pathway to be shown separately) to be used for transportation of drilling equipment; boundary of the adjoining forests and protected areas located within ten (10) Kilometers distance from boundary of forest land identified for prospecting etc.:(Yes/No).

Note 1: In case Survey of India Toposheet in 1: 50,000 scale is not available, especially

²⁰ Inserted vide GSR 185(E) dated 14th March, 2014.

in case of the areas located near International Borders and other strategic locations, in place of Survey of India Toposheet other maps available in public domain may also be used.

Note 2: Due to technical reasons, while undertaking the prospecting activities, the user agency may vary location of boreholes, sample plots, roads or paths *etc.* up to 300 meters, provided area of forest land proposed to be utilised and number of trees proposed to be cut does not exceed the same given in the proposal.

3. (i) Justification for prospecting in forest land:
(ii) Details of alternatives examined;
(iii) Detail of non-invasive prospecting activities, if any, undertaken by the user agency in the forest land indicated in the extant proposal;
4. Whether the forest land identified for prospecting is located in scheduled areas (Yes/No);
5. Details of activities proposed to be undertaken in forest land;
 - (i) **Surface sampling**
 - (a) Grab sampling
 - (b) Chip sampling
 - (c) Groove sampling
 - (d) Channel sampling
 - (e) Bulk sampling
 - (f) Geochemical grid sampling with sample line spacing
 - (ii) **Pitting or trenching**
 - (a) Number and dimension of pits or trenches
 - (b) Total volume of excavation
 - (c) Area of forest land to be utilised for pits or trenches
 - (iii) **Drilling**
 - (a) Number and diameter of boreholes or wells
 - (b) Spacing of boreholes or wells
 - (c) Area to be temporarily disturbed at each bore hole or well
 - (d) Area, if any, to be permanently disturbed at each bore hole or well
 - (e) Total meterage of boreholes or wells
 - (f) Number of drill core samples
 - (g) Volume of drill core samples
 - (iv) **Construction of roads or paths**
 - (a) Length and width of roads or paths proposed to be constructed;
 - (b) Area of forest land proposed to be utilised for roads or paths;
 - (v) **Any other activity (*pl. specify*)**

6. Area of forest land likely to experience temporary change in land use due to:

- (i) Surface sampling;
- (ii) Pitting or trenching;
- (iii) Drilling;
- (iv) Construction of roads or paths;
- (v) Any other activity (*pl. specify.*);

Total:

7. Area of forest land likely to experience permanent change in land use due to:

- (i) Surface sampling;
- (ii) Pitting or trenching;
- (iii) Drilling;
- (iv) Construction of roads/paths;
- (v) Any other activity (*pl. specify.*);

Total:

8. Details of machinery or equipment to be deployed for prospecting:

Sl. No.	Name of equipment or machinery	Mode of traction	Size (L x B x H)	Estimated deployment (machine hours)	Maximum noise level (decibel)
	
	

9. Details of existing paths or roads proposed to be utilised for transport of the equipment or machines in the forest land;

10. Approximate number and approximate duration of stay in the forest land of the persons proposed to be deployed for prospecting;

11. Summary of the estimated quantity of ore and other samples proposed to be collected during the prospecting (not applicable for hydrocarbon sector):

Sl. No.	Details of samples	Qty. proposed to be collected (Metric Tonne)

12. Estimated accuracy and confidence level for mineral reserve assessment;
13. Estimated accuracy and confidence level in case number of bore holes proposed to be drilled are reduced by:

	Accuracy (%)	Confidence Level %
(i) 10 %:
(ii) 20%:
(iii) 30 %:
(iv) 40%:
(v) 50 %:

14. In case the proposal is for extension of the period of the permission granted for prospecting, or for drilling of additional bore holes, please provide following additional information:

(i) Details of approval accorded under the Forest (Conservation) Act, 1980 in the past:

Sl. No.	Number and date of the approval accorded	Area of forest land permitted for prospecting (ha)	Validity period of approval	
			From	To

(ii) Report on status of compliance to the conditions stipulated in the approval accorded in the past enclosed (Yes/No)

(iii) Details of violation(s), if any committed.

(iv) Justification for extension of permission accorded for prospecting.

(v) Details of prospecting activities undertaken, and sample collected, so far.

15. Details of documents enclosed:

Signature
(Name in Block letters)
Designation
Address (of User Agency)

Date:

Place:

State serial No. of proposal -----
(To be filled up by the Nodal Officer with date of receipt)

PART – II

(To be filled by the concerned Deputy Conservator of Forests)

Division serial No. of proposal-----

16. Location of the project or scheme:
 - (i) State/Union Territory
 - (ii) District
 - (iii) Forest Division
 - (iv) Area of forest land proposed to be utilised for prospecting.
17. Legal status of forest land identified for prospecting.
18. Details of vegetation available in the forest land proposed for diversion:
 - i) Forest type;
 - ii) Average crown density of vegetation;
 - iii) Species-wise local or scientific names and girth-wise enumeration of trees required to be felled;
 - iv) Working plan prescription for the forest land proposed to be utilised for prospecting.
19. Brief note on topography and vulnerability of the forest land proposed to be utilised for prospecting to erosion.
20. Approximate distance of the forest land proposed to be utilised for prospecting from boundary of the forest land.
21. Significance of the forest land proposed to be utilised for prospecting from wildlife point of view:
 - i) Details of wildlife present in and around the forest land proposed to be utilised for prospecting;
 - ii) Whether forms part of national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed);
 - iii) Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within ten kilometers from boundary of the forest land proposed to be utilised for prospecting (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed);
 - iv) Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within one kilometer from boundary of the forest land proposed to be utilised for prospecting (If so, the details of the area and comments of the Chief Wildlife Warden to be annexed);
 - v) Whether any rare or endangered or unique species of flora and fauna found in the area - if so, details thereof.
22. Whether any protected archaeological or heritage site or defense establishment or any other important monument is located in the area – (If so, details thereof with no-

objection certificate (NOC) from competent authority to be annexed).

23. Comment as to the reasonability of the extent of the forest land proposed to be utilised for prospecting:

i) Whether the requirement of forest land as proposed by the User Agency in para 6 and para-7 of the Part – I is unavoidable and bare minimum for the project.

ii) If no, recommended area of forest land which may be used for prospecting.

24. Details of violation committed:

i) Whether any work in violation of the Act or guidelines issued under the Act has been carried out (Yes/No).

ii) If yes, details of the violation including period of work done, area of forest land involved in violation, name, address and designation of the person(s) responsible for violation and action taken against the person(s) responsible for violation;

iii) Whether work in violation is still in progress (Yes/No):

25. Details of compensatory afforestation scheme:

i) Legal status of the land identified to raise compensatory afforestation;

ii) Details such as location, Survey or Compartment or Khasra number, area and distance from adjoining forest of each plot of non-forest area or degraded forest land identified for compensatory afforestation;

iii) Survey of India Toposheet (s), in original in 1:50,000 scale showing non-forest or degraded forest land identified for compensatory afforestation and adjoining forest boundaries enclosed? (Yes/No);

iv) Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc. enclosed (Yes/No);

v) Total financial outlay for compensatory afforestation scheme;

vi) Certificates from the concerned Deputy Conservator of Forests regarding suitability of area identified for compensatory afforestation and from management point of view enclosed? (Yes/No);

26. Site inspection report of the Deputy Conservator of Forests highlighting important facts pertaining to the impact of proposed activities on flora and fauna enclosed (yes/No);

27. Specific recommendations of the Deputy Conservator of Forests for acceptance or otherwise of the proposal with reasons.

Signature

(Name in Block letters)

Office seal

Date:

Place:

PART – III

(To be filled by the concerned Conservator of Forests)

- 28. Whether site, where the forest land involved is located has been inspected by the Conservator of Forests (Yes/No). If yes, the date of inspection and observations made in form of inspection note to be enclosed.
- 29. Whether the Conservator of Forests agree with the information given in Part-II and the recommendations of Deputy Conservator of Forests.
- 30. Specific recommendation of Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.

Signature
(Name in Block letters)
Office Seal

Date:
Place:

PART – IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

- 31. Detailed opinion and specific recommendation of for acceptance or otherwise of the proposal with remarks (While giving opinion, the adverse comments made by the Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Signature
Name
Office Seal

Date:
Place:

PART – V

(To be filled in by the Secretary in charge of Forest Department or by any other authorised officer of the State Government not below the rank of an Under Secretary)

- 32. Recommendation of the State Government:
(Adverse comments made by any officer or authority in Part-II or Part –III or Part-IV above should be specially commented upon)

Signature
Name
Office Seal

Date:
Place:

Note: The Principal rules were published in the Gazette of India vide number G.S.R. 23 (E) dated the 10th January, 2003 and subsequently amended vide G.S.R 94 (E) dated the 3rd February, 2004 and vide G.S.R. 107 (E) dated the 9th February, 2004, vide GSR 185 (E) dated 14th March, 2014, GSR 713(E) dated 10th Oct., 2014, and GSR 200(E) dated 6th March 2017.

PART B

Chapter I

Court Orders and General Clarifications

1.1. Meaning of ‘forest’ for the purpose of FCA-1980: As ordered by the Supreme Court of India in their order of 12th December 1996 in WP No. 202/1995 in the matter of T. N. Godavarman Thirumalpad Vs. Union of India “*The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act.*

1.2. Salient features of Lafarge Judgement (2011) : Issuing specific guidelines so that *fait accompli* situations do not recur the Supreme Court in their order dated 6.7.2011 (in IA Nos. 1868, 2091, 2225-2227, 2380, 2568 and 2937 in WRIT PETITION (C) No. 202 of 1995 - Lafarge matter) directed for “completion of the exercise undertaken by each State/ UT Govt. in compliance of this Court’s order dated 12.12.1996 wherein *inter-alia* each State/UT Government was directed to constitute an Expert Committee to identify the areas which are “forests” irrespective of whether they are so notified, recognized or classified under any law, and irrespective of the land of such “forest” and the areas which were earlier “forests” but stand degraded, denuded and cleared, culminating in preparation of Geo-referenced district forest-maps containing the details of the location and boundary of each plot of land that may be defined as “forest” for the purpose of the Forest (Conservation) Act, 1980”.

The Supreme Court also directed “the MoEF&CC for preparation of comprehensive policy for inspection, verification and monitoring and the overall procedure relating to the grant of forest clearances and identification of forests in consultation with the States.”

1.3. Procedure for submission of proposals: All proposals for diversion of forest land for any non-forest purpose, irrespective of its ownership, requiring prior approval of the Central Government under FCA shall be submitted to the Nodal officer of the State/UT Government, online in the appropriate form and as per the procedures & requirements prescribed under the Forest (Conservation) Rules 2003, as amended from time to time.

1.4. Approval in two stages: MoEF&CC accords prior approval on proposals of the State/UT Government in two stages: first In-principle or Stage-I approval, and second on compliance to the conditions of the in-principle approval, final or Stage-II approval. Thereafter, as and when the State Government decides to permit the use of the forest land for non-forest purpose, it has to pass order to that effect along with the conditions and safeguards imposed by the Central Government while according Stage-I and Stage-II clearance (Ref: NGT principal bench order dated 7th November 2012 in appeal no. 7 of 2012).

1.5. No additional condition after Centre issues final approval: While issuing the diversion order, the State/UT government shall not impose any additional condition over and above the conditions stipulated by the Central government in their approval. However, subsequent to approval granted by the Central Government under FC Act, if the State/UT Government feels exceptional/unforeseen circumstances warrant imposition of additional

condition(s), prior approval of the Central Government must be sought by the concerned State/UT Government justifying imposition of such additional condition(s).

1.6. No work/activity can be taken up in the forest land before issue of order for its diversion for the non-forest purpose unless and to the extent permitted in the Forest Conservation (Rules) or guidelines issued there under.

1.7. The Supreme Court in its order dated 29th October 2002 directed that Net Present Value (NPV) of forest land diverted was also to be collected from the User Agency in addition to the monies collected for Compensatory Afforestation etc.

1.8. Monitoring of compliance of conditions: The State /UT Government, who being the custodian of the forests in their respective State/UT, should also monitor compliance of conditions of diversion, including those imposed by the MoEF&CC while giving prior approval under FCA.

1.9. Any diversion of forest land for non-forest purpose is only a “right to use” granted to the User Agency without any change in ownership and legal status of the forest land. As such, the diverted forest land cannot be mortgaged or reassigned or subleased by the User Agency.

1.10. In case the User Agency approached any legal fora against any condition(s) of approval for redressal, the approval shall stand revoked/be kept in abeyance unless the court cases are withdrawn with compliance of conditions or till the cases are decided by the Courts.

1.11. The term ‘Forest’ is not applicable to the plantations raised on private lands, except the notified private forests. However, felling of trees in these private plantations shall be governed by various State Acts, Rules, and Regulations. Felling of trees in private forests will be as per the working /management plan duly approved by the Government of India.

1.12. The term ‘tree’ for the purpose of FCA will have the same meaning as defined in Section 2 of the Indian Forest Act, 1927 or State/Other Forest Act that may be in force in the forest area under question.

1.13. De-reservation orders made before 25.10.1980: The cases in which specific order for de-reservation or diversion of forest lands for any project has been issued by the State Government prior to 25.10.1980, need not be referred to the Central Government. However, in the cases where only administrative approval for the project was issued without specific order regarding de-reservation and/or diversion of forest lands, prior approval of the Central Government under the Forest Conservation Act, 1980 would be necessary.

The Supreme Court ordered on 13.11.2000 in IA No. 2 in WP No.337/1995, re-iterated by the Supreme Court on 9.2.2004 in IA No.16, that “... Pending further orders, no de-reservation of Forests/Sanctuaries/National Parks shall be effected.”

1.14. Projects involving both forest and non-forest lands: Some projects involve use of forest land as well as non-forest land. State Governments/project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the project. Though the provisions of the FCA may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may prove to be infructuous if diversion of forest lands involved is not approved. Therefore, if a project involves forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been obtained unless and to the extent permitted by

the FC Rules or guidelines issued thereunder.

1.15. Diversion of forest land for non-site-specific projects: A number of proposals for diversion of forest land for non-site-specific projects like industries, construction of residential colonies, institutes, disposal of fly ash, rehabilitation of displaced persons, etc. are received by the Central Government. Attention is drawn to items 1(iv) and 8 of the Form 'A' in which the proposal is to be submitted by the State Government. In these columns, justification for locating the project in the forest area giving details of the alternatives examined and reasons for their rejection has to be furnished. Normally, there should not be any justification for locating non-site-specific projects on forest land. Therefore, the State Government should scrutinize the alternatives in more details and must give complete justification establishing its inescapability for locating the project in forest area.

1.16. Diversion of forest land for rehabilitation: Diversion of forest land for rehabilitation of people is normally not allowed. However, such diversion may be considered as a special case, if diversion of forest land is essentially required for the rehabilitation of persons belonging to Scheduled Tribes, Scheduled Castes and other people who may have to be shifted from the core zone of a national park, sanctuary or reserve.

1.17. Nistar and other rights of local people: The provisions of the Forest (Conservation) Act, 1980, do not interfere in any manner or restrict the Nistar, recorded rights, concessions and privileges of the local people for *bonafide* domestic use as granted by the State Government under Indian Forest Act, 1927 or State Forest Acts/Regulations. However, it has to be ensured that while allowing such rights, concessions and privileges to be exercised, the right holders do not resort to felling of trees or break up the forest floor so as to procure stones, minerals, or take up constructions, etc.

Right holders are permitted to collect stones/slates/boulders for *bonafide* domestic use from the forest area within the Gram Panchayats of right holders and to the extent such right are permitted under the IFA 1927 or the State Forest Act.

The forest produce so obtained shall not be utilised for any commercial purposes.

The collection of such forest produce should be manual and should be transported through local modes or transport like bullock carts, camel carts, etc. and no mechanized vehicles shall be allowed to be used in transporting such forest produce and only in exceptional cases with the approval of concerned Divisional Forest Officer, tractors mounted with trolley may be used.

The Supreme Court has passed an order on 14.02.2000 restraining removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses etc. from any National Park or Game Sanctuary.....". In view of this, rights and concessions cannot be enjoyed in the Protected Areas (PAs).

1.18. Explanation - Non-Forest Purpose

- (i) Cultivation of tea, coffee, spices, rubber and palms is a non-forestry activity, attracting the provisions of the Act.
- (ii) Cultivation of fruit bearing trees or oil-bearing plants including *Jatropha*, or medicinal plants would also require prior approval of the Central Government except when:

- (a) The species to be planted are indigenous to the area in question; or are host tree for rearing silk worm/tusser in already identified natural/forest areas for silk cultivation.
- (b) Such planting activity is part of an overall afforestation program for the forest area in question.
- (iii) Cultivation of tea/oil palm/horticultural spp. etc. for stabilization of shifting cultivation/Jhum lands requires prior approval of the Central Government under the provisions of Forest (Conservation) Act 1980.
- (iv) Ecotourism is a non-forest activity requiring prior approval under the FC Act.
- (v) The right holders in whose favour right over the forest land is accorded following the procedure prescribed under the provisions of Forest Rights Act, 2006 are free to raise any crop for their sustenance, agriculture or horticulture or commercial in nature including rubber/tea plantation on such land.

1.19. Clarifications on Sub-clause 2(iv) of the Act

- (i) Sub-clause 2(iv) of the Act prohibits clearing of naturally grown trees in forest land for the purpose of using it for reforestation. The provisions of this sub-clause will be attracted if the forest area in question bears naturally grown trees and are required to be clearfelled, irrespective of their size, for harnessing existing crop and/or raising plantation through artificial regeneration techniques, which may include coppicing, pollarding or any other mode of vegetative propagation.
 - (ii) All proposals involving clearing of naturally grown trees in any forest area, including for the purpose of reforestation, shall be sent by the concerned State/UT Government in the form of Management Plans/ Working Plans to the Additional Principal Chief Conservator of Forests (APCCF) of the concerned Regional Office of the Ministry of Environment and Forests.
 - (iii) The Hon'ble Supreme Court in their order dated 12.12.1996 have ordered that "the felling of trees in all forests is to remain suspended except in accordance with the Working Plans of the State Governments, as approved by the Central Government"
- All proposals in respect of sanction of Working Plans/Management Plans shall be finally disposed of by the concerned Regional Office of MoEF&CC, under Section 2 of the Act. While examining the proposal, the Regional Office would ensure that the final decision is in conformity with the National Forest Policy, Working Plan guidelines and other relevant rules and guidelines issued by the Central Government from time to time. In the cases where the proposal of the State Government is not accepted and are substantially modified, a reference would be made to MoEF&CC along with a copy of the Working Plan.
- (iv) Felling proposals as per the working plan/working scheme received from the State Governments/UT administrations shall be placed before the Regional Empowered Committee (REC) of the concerned Regional Office of this Ministry for examination and advise to the Regional Office on the issue. The APCCF (Central) of the Regional Office of this Ministry will be competent authority to approve the

proposals on the recommendations of the REC as per the existing rules/ acts keeping into account the directions of supreme Court dated 22.09.2000 in Writ petition No. 202/ 95. The APCCF (Central) of the Regional Office will ensure strict monitoring of felling and regeneration as per approved Working Plan/ Working Scheme.

- (v) National parks and Wildlife sanctuaries are to be managed according to approved management plan. The Supreme Court has passed an order on 14.02.2000 restraining removal of dead, diseased, dying or wind-fallen trees, drift wood and grasses etc. from any National Park or Game Sanctuary.....".

1.20. Reopening/reconsideration of Proposals

(i) In cases where the State Government is requested to furnish clarification or additional information relating to a proposal, all particulars should be made available to the Central Government within 90 days. If such particulars are not received within 90 days, the proposal may be rejected by the Central Government for non-furnishing of essential information. Such cases can be reopened provided the following conditions are satisfied:

- a. there is no change in the proposal in terms of scope, purpose and other important aspects.
- b. all the required information has been made available
- c. delay in providing the information is satisfactorily explained

(ii) Any request for reconsideration of any proposal that has been considered and rejected by the Central Government has to be made by concerned State/UT Government within three months from the date of communication of such rejection along with detailed justification for reconsideration and comments on each of the grounds on which proposal has been rejected.

1.21. Ex-post Facto approval and Penal Provisions: Proposals seeking ex-post-facto approval of the Central Government under the Forest (Conservation) Act, 1980 are normally not to be entertained. The Central Government will not accord approval under the Act unless under exceptional circumstances that may justify condonation. In such cases Central Government shall ensure penalty from user agencies/State as follows:

(i) In cases where the proposal under FC Act has not been submitted and forest land is diverted without FC.

- a. The 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 and other State Acts dealing with the conservation of Forests by the State government concerned. The land in question will not be considered as diverted under FCA1980 and the status of the land shall continue to be forest.
- b. 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.

(ii) In cases where the proposal under FC Act is under consideration and forest land is diverted before grant of FC:

- a. 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 deposit is made.
- b. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (a) above.
- c. 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.
- d. 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.

(iii) Violation /noncompliance 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.

- a. In case the offence is proved then the penalty shall be imposed for violation committed over forest area without approval equal to twice the normal NPV.
- b. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (a) above.

(iv) Violation on account of change of land use in the approved mining plan:

- a. 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.
- b. 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.
- c. 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 IV(b).

If the violation is not attributable to the user agency, no penalty shall be imposed on user agency.

1.22. Zoo, Rescue, Rehabilitation Center and captive breeding facility

Zoo, Rescue, Rehabilitation Center and Captive breeding facility for wild life management is treated as a forestry activity for the purpose of applicability of the provisions of FCA 1980. However construction of Zoo over forest land has both forestry and non-forestry components. After thorough deliberation and discussion, it has been decided that detail proposal for construction of Zoo, after approval of plan by CZA, shall be submitted to MoEF&CC as per the procedure prescribed for diversion of forest land. It has been decided that not more than 15 per cent of total forest area, requested for diversion under FCA 1980, may be used for non-forestry activities. Accordingly, 15 per cent of the total NPV calculated for the area sought for diversion will be charged against the proposal. For the purpose of Compensatory afforestation (CA), if the project is being submitted and constructed by central government agency, then it will be done over the degraded forest area equivalent to 30 per cent of the total forest area being diverted. In case if the project is being submitted and constructed by State Government agencies / private agencies then it will be done over non forest land equivalent to 15 per cent of total area being diverted. In such cases the non-forest land shall be transferred, mutated in the name of forest department and notified as Protected Forest prior to stage II approval.

2. Compensatory Afforestation

2.1 Compensatory afforestation (CA) is one of the most important requirement/condition for prior approval of the Central Government for diversion of forest land for non-forest purposes and the purpose of compensatory afforestation (CA) is to compensate the loss of 'land by land' and loss of 'trees by trees'.

2.2 Any proposal submitted by the State/UT Government seeking prior approval of Central Government under the FCA shall have a comprehensive scheme for compensatory afforestation, duly approved by the competent authority of the concerned State/UT administration.

2.3 Land for CA:

- (i) Normally, CA is to be raised on suitable non-forest land, equivalent to the area proposed for diversion, at the cost to be paid by User Agency.
- (ii) As far as possible, the non-forest land for CA is to be identified contiguous to or in the proximity of a Reserve/Protected Forest to enable the Forest Department to effectively manage the newly planted area.
- (iii) Where non-forest land is available but lesser in extent to the forest area being diverted, CA could be carried out over degraded forest twice in extent of the area being diverted or the difference between the forest land being diverted and the available non-forest land, as the case may be. The non-availability of suitable non-forest land for CA in the State / Union Territory would be accepted by the Central Government only on the basis of a Certificate of the Chief Secretary of the State/Union Territory Government to that effect in respect of States/UTs having forest area more than 33% of the geographical area in the prescribed format
- (iv) In case, non-forest land for CA is not available in the same district, it should be identified anywhere else in the concerned/State/Union Territory near to the site of diversion as far as possible, so as to minimize adverse impact on the micro-ecology of the area.
- (v) In exceptional cases where non-forest land for CA is not available in the same State/UT in which the diversion of forest land is proposed, land for CA can be identified in any other State/UTs, preferably in neighboring State/UTs. The corresponding amount for carrying out CA shall be deposited in the CAMPA account of the State/UT in which CA is proposed.
- (vi) In cases where non-forest land for CA is to be acquired by the User Agency through outright purchase from the individual owners, uploading/ submission of copy of letter from each of present owners of the land stating their willingness to sell the land to the user agency for creation, at the time of submission of application for grant of Stage-I approval under the FC Act, will be sufficient for consideration for grant of Stage-I approval for diversion of forestland required by the User Agency. Similarly, in cases where the non-forest land or the revenue forest land for CA is to be provided by the State Government, uploading/submission of a copy of the letter from concerned competent authority

in the State Government stating that land identified for CA will be transferred and mutated in favour of the State Forest Department for creation of CA immediately on receipt of Stage-I approval under the FC Act for diversion of forest land required by the user agency, will be sufficient.

2.4. Clarification:

(i) As a matter of pragmatism, the revenue lands/zudpi jungle/chhote/bade jharka jungle/jungle-jhari land/civil-soyam/orange lands and all other such categories of forest lands not under management and/or administrative control of the State/UT Forest Department, on which the provisions of FC Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation. Such lands on which compensatory afforestation is proposed shall be provided double in extent to the area proposed for diversion and shall be transferred and mutated in the name of State Forest Department. It shall be notified as Reserve Forest (RF)/Protected Forests (PF) under the Indian Forest Act, 1927 prior to Stage-II approval.

(ii) In Arunachal Pradesh, Degraded Unclassed Forests (USF) shall be considered for CA provided such land proposed for CA shall be double the extent of area proposed for diversion. Such land shall be transferred and mutated in the name of State Forest Department and notified as RF/PF, under IFA 1927 or Assam Forest Regulation 1891 or Anchal Forest Reserve/Village Forest Reserve under the Arunachal Pradesh Forest Reserve/Village Forest Reserve (Consolidation and Maintenance) Act 1975 as amended from time to time, prior to Stage-II approval.

(iii) Waste lands of Himachal Pradesh, which come under the category of Protected Forests but have neither been demarcated on the ground nor transferred & mutated in the name of forest department in the revenue records, shall be considered for the purpose of CA provided that double the area of such category is covered under CA and is declared as RF/PF under IFA, 1927 after mutation in the name of SFD prior to Stage-II approval. This dispensation shall be applicable for the Central, State and Private sector projects.

(iv) Provisions of CA will be applicable for renewal of a mining lease, including the area broken up prior to 25.10.1980, if the same was not applied earlier.

(v) Any non-forest land for the purpose of Compensatory afforestation (CA), selected by the State Government, in lieu of forest land to be diverted may be accepted by MoEF&CC irrespective of crown density. All such lands shall be mutated in favour of State forest department and declared as protected forest prior to stage I approval.

(vi) State government shall prepare a CA scheme with 1000 plants per ha for all such non-forest lands. In case it is not possible to raise plantation at the rate of 1000 plants per ha on the selected non-forest land, then the balance plants shall be planted on degraded forest land as per working plan prescriptions. All forest lands which have crown density below 40 percent should only be treated as degraded forest land for the purpose of CA.

(vii) Any degraded forest land for the purpose of CA, selected by State Government may be accepted by MoEF&CC only if the crown density of the area is below 40 percent.

(viii) In case of bifurcation of States, during processing of proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980, if the land identified for creation of CA is within the undivided State, and the forest land proposed to be diverted does not fall in the same newly created State, proposals shall continue to be processed without insisting on identification of non-forest land for creation of compensatory afforestation in the State in which the forest land proposed to be diverted is located. In such cases, if Central Government agrees In-principle for diversion of forest land for non-forest purpose, it shall be subject to a condition that amounts realized from the user agency for creation and maintenance of compensatory afforestation shall be transferred from the State with which the money has been deposited to the State in which the land identified for creation of compensatory afforestation is located. In case for some valid and cogent reason, cost of creation and maintenance of compensatory afforestation needs to be revised, additional amount, if any, will be realized from the concerned user agency and transferred to the State where CA is proposed. All other levies realized from the user agency in lieu of diversion of such forest land will however be retained in the State in which the forest land proposed to be diverted is located.

(ix) Non-forest land, not coming under the purview of FC Act, 1980 reclaimed by any user agency by planting native species of a minimum of 1000 trees per hectare and of minimum 10 cm diameter at breast height can be considered as CA in lieu of forest land to be diverted, without levying planting cost. The ownership of the non-forest land identified for the purpose of CA is to be transferred and mutated in favour of the State/UT Forest Department and declared as RF/PF under the Indian Forest Act, 1927 or State Forest Act / Rules / Regulations, before the Stage II approval.

2.5 Special provisions for CA for certain categories of projects:

- (i) CA shall be raised and maintained at the cost of the user agency on degraded forest land twice in extent of the forest area diverted in the cases of:
- a. Laying of transmission lines;
 - b. Laying of telephone/optical fibre lines;
 - c. Mulberry plantation undertaken for silkworm rearing,
 - d. Diversion of linear or 'strip' plantations declared as protected forest along road/ rail/canal sides for widening or expansion of road/rail/canal,
 - e. Extraction of minor materials from the river beds,
 - f. The projects implemented by the Central Government/PSUs, excluding Central Govt./Central PSUs Projects implemented by/through State Government and State Sector Projects implemented by the Central Government/PSUs
 - g. Construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the areain hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 hectares.

- h. For construction of small hydro-electric project (up to 25 MW) duly approved by the competent authority in the Government which would directly benefit the people of the area, i.e. in hill districts of the country having forest area exceeding 50% of the total geographical area, provided diversion of the forest land doesn't exceed five (5) hectares
- (ii) For extraction of minor minerals from the river beds, if forest area to be diverted is above 500 hectares, CA over equivalent area of degraded forest shall be required to be done instead of twice the area being diverted, subject to a minimum of 1000 plants/hectare for compensatory afforestation.
- (iii) CA shall be raised and maintained over an equivalent area proposed for diversion in a degraded forest in RFs or such other forest land which are already under administrative control of the State Forest Department at the cost of the user agency in cases of Strategic Defence projects including infra-structure and road projects undertaken by the BRO or falling within 100 km aerial distance from the Line of Actual Control (LAC) along Indo-China border and undertaken by any user agency identified by the Ministry of Defence.
- (iv) CA shall be raised over equivalent degraded forest land of the forest area being diverted for actual impact zone of the Field Firing Range (FFR). If diversion of forest land for Field Firing Ranges for actual impact area, CA has to be over degraded forest equal in extent of the forest area diverted, otherwise, it has to be over 10% of the forest area diverted.
- (v) In case of proposal for construction of zoobeing submitted by central Government agency, then CA will be done over the degraded forest area equivalent to 30 per cent of the total forest area being diverted. In case, the project is being submitted and constructed by State Government agencies /private agencies, then CA will be done over non-forest land equivalent to 15 per cent of total area being diverted. In such cases the non-forest land shall be transferred, mutated in the name of forest department and notified as Protected Forest/Reserved forest (PF/RF) prior to stage II approval.
- vi) In the State of Maharashtra, in lieu of diversion/regularization of encroachment over 86,409 ha. of zudpi jungle land (which has already under various non-forestry use) under Forest (Conservation) Act 1980, CA shall not be insisted by the Central Government subject to the condition that:
- (a) the State Government will ensure the notification of 92,115 ha of Zudpi Jungle as RF/PF (16, 309 ha already notified and 75,806 ha to be notified), which has been considered suitable for forestry management, development and conservation, by the High-Powered Committee.
 - (b) the State Government shall submit a 10 years perspective plan for greening of the zudpi jungle land being notified to the Ministry of Environment & Forests which may also include compensatory afforestation to be taken against future diversions of the forest lands for State Government's purpose.

2.6. Provision for plantation of specified number of trees by way of CA in certain cases:

- (i) In the following cases, cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation:
 - (a) Clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation,
 - (b) Diversion of forest land up to one hectare,
 - (c) Underground mining in forest land without surface rights,
 - (d) Renewal of mining lease for the forest area for which CA has already been paid,
 - (e) Diversion of forest land under the General Approval (GA) up to one hectare,
 - (f) Diversion of forest land upto 5.0 ha. in accordance with the General Approvals granted for activities carried out by Govt. Dept. in notified LWE Districts.
- (ii) In respect of diversion of forest land for safety zone around a mine, User Agency shall deposit the amount for afforestation on degraded forest land, to be selected elsewhere measuring one and a half times the area of forest land under safety zone with the State Forest Department in addition to depositing funds with State Forest Department for the protection and regeneration of the Safety Zone area. The State Forest Department shall execute the afforestation .

2.7 Identification of land banks for CA

- (i) The States and UTs shall create land bank for CA for speedy disposal of the FC proposals under FC Act 1980.
- (ii) In addition to non-forest land, the degraded forest land with crown density upto 40% under the administrative control of forest department may be identified using the Satellite imagery and in consultation with Forest Survey of India and will be made available for CA.
- (iii) The category of lands as specified in para 2.4 are applicable and other waste lands and non-forest lands may also be identified as land bank for the purpose of CA.

To expedite creation of land bank in a systematic manner a Committee under Chairmanship of the Principal Chief Conservator of Forests may be constituted with the Chief Wildlife Warden and representatives of revenue department in the State as members of the Committee. The committee may identify the following and other such forest areas on priority for inclusion in the land bank:

- (a) Areas falling in wildlife corridors to improve connectivity between habitats;
 - (b) Areas falling in and around the Protected Areas (PAs), eco-sensitive zone of PAs, forest areas to ensure consolidation of such areas;
 - (c) Habitat of rare, threatened and endangered species of flora and fauna to ensure long term conservation of such habitats;
 - (d) Areas falling in catchment areas of important rivers, water supply schemes, irrigation projects, hydro-electric projects etc.
- (iv) To monitor the progress of creation of land bank for CA following committee,

at each Regional Offices of the MoEF&CC will be constituted:

- (a) The Head of Regional Office - Chairman
- (b) Representatives of the National Tiger Conservation Authority (NTCA)- Member,
- (c) Representatives of the FSI-member
- (d) The Nodal Officers (FCA) of States/UTs under each Regional Offices of MoEF&CC-Members

The committee will review the progress in creation of land bank for CA in the States/UTs falling under jurisdiction of the Regional Offices and submit annual report or as and when required to the MoEF&CC.

2.8. Elements of Schemes for Compensatory Afforestation:

- (i) **CA over Non-Forest Land (NFL):** Number of plants to be planted over Non-Forest Land identified for CA, shall be at least 1000 plants per hectare.

If the requisite number of plants @ 1000/ha cannot be planted on the non-forest land identified for taking up CA, then the balance number of the plants will be planted in degraded forest land as per the provisions of working plans. The State Government will intimate to the MoEF&CC the names of the R.F./P.F. in which the balance seedlings will be planted. The User Agency will deposit the cost of planting (including maintenance for ten years).

- (ii) **Scheme for CA:** The scheme for CA, to be submitted/uploaded at the time of applying for diversion of forest land for non-forest purpose, should be site specific, and include the following details: -
 - a) Details of non-forest or degraded forest land, along with land kism (NF land) forest type, crown density, etc. (degraded forest) identified for raising CA.
 - b) Map showing the proposed NF/degraded forest area for CA and that of the nearby forest area and map of degraded forest land proposed.
 - c) Geo-referenced digital maps of CA (Polygon map with DGPS coordinates).
 - d) KML file of CA site in polygon shape to be uploaded online.
 - e) Detailed work schedule including year wise operations including saplings to be planted along with soil & moisture conservation, regeneration cleaning, silvicultural and other activities as prescribed in the working plan, species to be planted, including maintenance for 10 years and annual total costs in conformity with cost norms of the State/UT.
 - f) Agency responsible for afforestation.
 - g) Details of proposed monitoring mechanism, including infrastructural facility, if any required by the State/UT Govt.
 - h) Technical and administrative approvals from the competent authority.
 - i) The cumulative achievement of the State/UT Governments in respect of compensatory afforestation.

- j) Undertaking by the UA to bear the cost of raising and maintenance of compensatory afforestation, Additional CA and/or penal compensatory afforestation as well as cost for protection and regeneration of Safety Zone, etc. as per the scheme (undertaking to be enclosed).

SAMPLE FORMAT

Format of certificate of non-availability of land for compensatory afforestation in the State/Union Territory to be issued by the Chief Secretary on official letterhead

No.....

Dated.....

Certificate of Non-availability of Land for Compensatory Afforestation

I....., Chief Secretary.....(Name of State/ Union Territory) do here by certify that:

- (i) Relevant records pertaining to non-forest land, revenue lands, ***zudpi jungle, chhote jhar ka jungle, bade jhar ka jungle, jungle jhari land, civil-soyam lands*** and all other such categories of forest lands (except the forest land under management and administrative control of the Forest Department) on which the provisions of Forest (Conservation) Act, 1980 are applicable, available in each district of..... (name of the State/UT) have been examined; and

- (ii) I have also conducted such further enquiry as is required to satisfy myself for issue of this certificate. On the basis of examination of relevant records and such further enquiry, as was required for issue of this Certificate, I do hereby certify that non-forest land, revenue lands, ***zudpi jungle, chhote jhar ka jungle, bade jhar ka jungle, jungle-jhari land, civil-soyam*** lands and all other such categories of forest lands (except the forest land under management and administrative control of the Forest Department) on which the provisions of Forest (Conservation) Act, 1980 are applicable, which as per the extant guidelines of the Central Government may be utilized for creation of compensatory afforestation in lieu of forest land diverted for non-forest purpose, is not available in the entire (name of State/UT)

Issued under my hand and seal on this.....day of.....

Signature & Official Seal

Chapter 3

Net Present Value

3.1 In pursuance of the orders of 29th Oct 2002 of the Supreme Court in Writ Petition (Civil) No. 202/95 in addition to the funds realized for compensatory afforestation, the Net Present Value (NPV) of forest land diverted for non- forest purposes is also to be recovered from the user agencies, for undertaking forest protection, other conservation measures and related activities.

3.2 NPV is recoverable in all cases where diversion is approved on or after 29th Oct 2002 and also the cases for which in-principle clearance was granted before 29th October 2002 and final clearance after that.

3.3 In their orders of 28th March 2008, 28th April 2008 and 9th May 2008, the Apex Court decided the rates of NPV per ha. of the forest area diverted effective from 28th March 2008 for three years and subject to variation after three years, and also exemptions in specified categories of non-forest uses.

3.4 NPV Rates

The rates of NPV recoverable from the User Agency with effect from 28th March 2008 depending upon the type of forest land diverted are as mentioned below:

Eco-Value class	VDF	DF	OF
	NPV (in Rs.)		
Class I	10,43,000	9,39,000	7,30,000
Class II	10,43,000	9,39,000	7,30,000
Class III	8,87,000	8,03,000	6,26,000
Class IV	6,26,000	5,63,000	4,38,000
Class V	9,39,000	8,45,000	6,57,000
Class VI	9,91,000	8,97,000	6,99,000

Eco-Class I - Tropical Wet Evergreen Forests,
Tropical Semi Evergreen Forests and
Tropical Moist Deciduous Forests

Eco- Class II- Littoral and Swamp Forests

Eco-Class III- Tropical Dry Deciduous Forests

Eco-Class IV - Tropical Thorn Forests and Tropical Dry Evergreen Forests

Eco-Class V - Sub-tropical Broad-Leaved Hill Forests,
Sub-Tropical Pine Forests and
Sub-Tropical Dry Evergreen Forests

Eco-Class VI - Montane Wet Temperate Forests,
Himalayan Moist Temperate Forests,
Himalayan Dry Temperate Forests,
Sub Alpine Forest,
Moist Alpine Scrub and Dry Alpine Scrub

However, for following specified areas of diversion/ projects the following rates of NPV will be applicable:

1.	Forest land falling in National Parks, if permitted in exceptional circumstances	10 times NPV for the forest area
2.	Forest land falling in Wildlife Sanctuaries, if permitted in exceptional circumstances	5 times NPV for the forest area
3.	Non-forest land falling within the National Parks and Wildlife Sanctuaries, if permitted.	NPV payable for the adjoining forest area
4.	Non-forest land falling within marine National Parks / Wildlife Sanctuaries, if permitted	5 times NPV for adjoining forest areas
5.	Re-diversion of already diverted forest land	Normal NPV for re-diverted forest land, except when such re-diversion is for the same UA and for same project (i.e. change of land use for the same project for which diversion has been approved)
6.	Mining area broken up before 25.10. 1980	Normal NPV for the forest area at the time of renewal of mining lease.

3.5 Exemption from payment of NPV

The following category of projects have been given exemption to the extent mentioned in the list below:

S. No.	Category	Particulars of Exemptions
1.	(i) Schools	Full exemption up to 1 ha., of forest land provided: (a)no felling of trees is involved (b)alternate forest land is not available; (c)the project is of non-commercial nature and is part of the Plan/Non-Plan Scheme of Government; and (d)area is outside any National Park or Wild Life Sanctuary.
	(ii) Hospitals	
	(iii) Children's playground of non-commercial nature	
	(iv) Community centers in rural areas	
	(v) Over-head tanks	
	(vi) Village tanks,	
	(vii) Laying of underground drinking water pipeline up to 4" diameter	
	(viii) Electricity distribution line up to 22 KV in rural areas	

2.	Relocation of villages from National Parks/Sanctuaries to alternate forest land	Full Exemption	
3.	Collection of boulders/silts from the river belts in the forest area	Full exemption provided: (a) area is outside National Park/Sanctuary; (b) No mining lease is approved/signed in respect of this area; (c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee; (d) the activity is necessary for conservation and protection of forests; and (e) the sale proceeds are used for protection/conservation of forests	
4.	Laying of underground optical fiber cable	Full exemption provided: (a) no felling of trees is involved; and (b) area falls outside National Park/Sanctuary	
5.	Regularization of eligible encroachments before 22.10.1980, and conversion of forest villages into revenue villages	Full exemption	
6.	Underground mining	Surface strain predicted by 3-D subsidence prediction model	NPV
		Up to 5mm/m	NIL
		5mm to 10mm/m	10% of normal rates of NPV
		10mm/m to 15 mm/m	25% of normal rates of NPV
		15 mm/m to 20 mm/m	50% of normal rates of NPV
		more than 20 mm/m	Normal rates of NPV
7.	Other underground works requiring diversion of forest land	50% of normal rates of NPV	

8.	Grant of Petroleum Mining Lease [under P& NG Rules under Oil Field (Regulation and Development) Act 1954]	2% of the NPV for entire forest land in the mining lease.
9.	Wind Energy	50% at the minimum NPV rate provided minimal tree felling is involved, irrespective of the eco-class in which the project lies.
10.	Field firing range by the Defence Ministry not involving felling of trees and no likelihood of destruction of forests	Full exemption
11.	Small Hydro-Electric Project (upto 25 MW)	50% of the normal NPV, as granted to Wind mill energy Projects
12.	Regularization of encroachment over Zudpi Jungle land prior to 12.12.1996 (Category-II) as per the decision of the FAC dated 26.10.2017	Full Exemption
13.	Prospecting	
	Seismic Surveys	1%
	Forest area with vegetation density 0.1 to 0.4	2%
	Forest area with vegetation density 0.4 to 0.7	5%
14.	Zoo	15%

3.6 Vide their order dated 5th October 2015 the Apex Court ordered to transfer various applications for exemption from payment of NPV to the MoEF&CC for consideration in accordance with law as expeditiously as possible.

3.7 The latest ISFR of FSI may be followed for determination of density for the purpose of NPV rates.

Chapter 4

General Approval under Section 2(ii) of FCA – Development of Critical Public & Strategic Defence Infrastructure

4.1 The Forest (Conservation) Act, 1980 and the Forest (Conservation) Rules, 2003, and amendments issued therein, provide the regulatory procedures for prior approval of the Central Government for diversion of forest land for non-forest use required by various User Agencies including the Central/State Government Departments and PSUs. However, the Central Government has granted General Approvals for diversion of forest land for the specified area in each case and for specified public utility services and critical/strategic defence infrastructure as detailed below, subject to the following:

- (a) User Agency shall apply, online, in the “Form A” of the Forest (Conservation) Rules, 2003 and amendments issued therein.
- (b) The procedure for processing of the applications as stipulated in the Forest (Conservation) Rules 2003 as amended up to date will be strictly followed. However, in view of General Approval granted by the Central Government the decision for diversion of the forest land or rejection thereof will be taken by the respective State/UT Government and a copy of the decision will be forwarded to the MoEF&CC and the its concerned Regional Office.
- (c) The forest area involved is not within a National Park and/or a Wild Life Sanctuary.
- (d) User Agency (UA) shall explore all feasible alternatives to minimize use of forest land.
- (e) Forest land to be used shall be restricted to the bare minimum and shall be used only when it is unavoidable.
- (f) The UA will submit scheme for Compensatory Afforestation as per extant guidelines in the matter.
- (g) The UA shall pay the applicable NPV in pursuance of the orders of the Hon’ble Supreme Court.
- (h) In addition to monthly report of diversions of forest land under General Approval accorded by MoEF&CC, each State/UT Government shall submit half yearly reports for the period ending June 30 and December 31 containing details of all forest lands diverted under the General Approval along with the actual status of actual utilization of the forest lands so diverted for the stated purpose, to the MoEF&CC and its concerned Regional Office.
- (i) The diversions and compliance to the conditions will be monitored by the concerned Regional Office, MoEF&CC.

4.2 Laying of Under Ground Optical Fiber Cables (OFC), telephone lines, drinking water supply pipelines, electricity cables, CNG/PNG and Slurry pipelines.

General approval is accorded for the above listed projects along the roads within existing RoWs (trench size not more than two meter in depth and one meter in width) not falling in National Parks and Wildlife Sanctuaries' without felling of trees. Approval, in addition to general conditions mentioned above under para 4.1, is subject to the following specific conditions:

- 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:

- i. Addl. Chief Secretary/ Principal Secretary of the State – Chairman
- ii. APCCF Regional Office of MoEF&CC - Member
- iii. Expert Member of the Regional Empowered Committee – Member
- iv. PCCF & HoFF of the State - Member
- v. Nodal Office (FCA) of the State – Member convener

The Committee which will examine and approve the proposal submitted for diversion of forest land as per the provisions of the Forest Conservation Act and FCA Rules made thereof with amendment and guidelines issued by the Ministry from time to time.

- b. The constitution of such committee shall be communicated to the Ministry. The State Government shall send the report of such diversion undertaken under this dispensation to the Regional office every month.
- c. It has been decided that the State Government shall provide in the proforma given below the details of all forest diversion granted by the State Government under the general approval granted vide below referred letters up to December 2017 and in future on monthly basis for review of the general approval granted under Forest Conservation Act and mitigation measures undertaken by the State Government.

Date of approval	Details of proposal including location along with proposal number	Area Diverted (ha.)	Number of trees felled	Compensatory afforestation (ha/number of plants) undertaken with location	NPV & other compensatory levies collected and deposited in CAMPA fund (Rs)	Remarks

- d. The general approval in LWE areas, is in addition to general conditions mentioned above under para 4.1 This general approval is valid till 31st December, 2020.

4.5 General approval is accorded under Section 2 (ii) of the Forest (Conservation) Act, 1980 for diversion of forest land required for creation of the following:

4.5.1 Roads in border areas along LAC (with China) and Army

Diversion of forest land (outside PAs) in the area falling within 100 kilometers of aerial distance from the LAC required for:

- (a) Construction and widening of two-lane roads by the BRO and other road construction agencies entrusted with the job by the Ministry of Defence,
- (b) Widening of roads (by BRO, Indo-Tibetan Border Police and other road construction agencies including NHIDCL which are identified by the Ministry of

Defence as link roads, between Border Roads in the area within 100 Km of aerial distance from the LAC and National Highway/State Highways/Other State Roads, and similar roads by ITBP for which funds are provided by MHA, and

- (c) Army Infrastructure Development Project(s).

State Govt. to realize funds for creation of CA over equivalent forest area.

4.5.2 Creation of border security related :

Diversion of forest land for creation of Border Security related infrastructure such as, Border Roads, Fencing, Border Outposts, Floodlights, Surveillance Infrastructure, and Power Infrastructure within;

- a. sixteen-kilometer aerial distance from the Indo - Bhutan and Indo-Myanmar International Borders
- b. fifteen-kilometer aerial distance from the Indo-Nepal International Border and
- c. within 100 km aerial distance of Line of Actual Control (LoC) along Eastern and Western Borders only
- d. within five kilometers of all other International Borders

4.5.3 All such proposals to be executed by the paramilitary organizations of the Ministry of Home Affairs, such as Border Security Force (BSF) and Sashastra Seema Bal (SSB), Border Road Organization (BRO) and other Central Government agencies and PSUs such as National Highway & Infrastructure Development Corporation Limited (NHIDCL) involved in the implementation of such infrastructural projects related to national security from funds provided by the Ministry of Home Affairs, subject to the following conditions:-

- (i) Legal Status of the forest land shall remain unchanged;
- (ii) The user agency shall submit the project proposal to the State Government in the prescribed i.e. Form -A as provided in Rules- 6 of the Forest (Conservation) Rules, 2003;
- (iii) State Government shall accord approval to the proposal duly recommended by Principal Chief Conservator of Forests;
- (iv) Forest land proposed to be diverted shall be located outside the Protected Areas notified' under the Wild Life (Protection) Act, 1972;
- (v) User agency shall explore all feasible alternatives to minimize use of forest land. Forestland to be used for creation of border infrastructure shall be restricted to the bare minimum and shall be used only when it is unavoidable. The concerned Divisional Forest Officer shall certify to this effect;
- (vi) Nodal Officer, the Forest (Conservation) Act, 1980 shall submit monthly report to the concerned Regional Office by 5th of every month regularly regarding approval of such cases. In the event of failure, the exercise of power by the State Government to grant such permission may be suspended by the Central Government for a specified period of time of till the information is submitted;
- (vii) State Government shall realize from the user agency funds for creation of compensatory afforestation over degraded forest land equal in extent to the area of forest land utilised for construction/ widening of the roads;

- (viii) User Agency shall be responsible for any loss to the flora/fauna in the surroundings and therefore, shall take all possible measures to conserve the same;
- (ix) User Agency shall pay the Net Present Value (NPV) of the diverted forest land at the rates stipulated by this Ministry from time to time;
- (x) Permission accorded by the State Governments shall be subject to the monitoring by the concerned Regional Office of this Ministry;
- (xi) Forest land utilized for creation of the border infrastructure projects shall not be used for any purpose other than that specified in the approval accorded by the State Government. Any change in the land use without prior permission of the Central Government shall amount to violation of the Forest (Conservation) Act, 1980. Request of such changes shall be made to this Ministry by the Nodal Officer (Forest Conservation) of the concerned State;
- (xii) State Forest Department/ State Government or the concerned Regional Office of this Ministry may impose from time to time any other condition in the interest of conservation protection and / or development of forests; and
- (xiii) This general approval shall be valid till 31st December 2020.

4.6 Underground optical fiber cables by the Ministry of Defence along the roads

For underground optical fiber cables by the Ministry of Defence along the roads within existing Right of Way not falling in National Parks and Wildlife Sanctuaries, without felling of trees, where maximum size of the trench is not more than 2.0 -meter depth and 1.0 meter wide.

The concerned representative of the Ministry of Defence to submit an application in the letter form (in hard copy) along with a duly certified map indicating layout of the OFC, proposed to be laid by them along the roads within existing RoW, directly to the officers authorized by the State Government in this regard. The Government/UT Governments may authorize Officers, not below the rank of Divisional Forest Officer having jurisdiction over the forest land proposed to be utilised for laying of underground optical fiber cables.

In view of the fact that proposal of the Ministry of Defence involves secret data of Defence network and is very confidential in nature, details of approval granted by the concerned officer for this optical fiber cable may not be uploaded on web-portal for online submission and monitoring of forest clearance proposals. Details of approvals accorded for laying of this OFC may however, be provided to the MoEF&CC and its concerned Regional Office for information and records.

4.7 General Approval for diversion of forest land for approach road to road side establishments for private entrepreneurs.

Central Government has agreed to accord general approval under the Forest (Conservation) Act, 1980 for diversion of **not more than 0.1 hectare of forest land** in each case to government departments/private establishment. This general approval is applicable for approach/access passing through the strip plantation along the linear projects, which has been declared as protected forest under the provisions of IFA, 1927 and not owned by the Forest Department. The general approval shall be subject to fulfillment of following conditions:

- (i) The forest land to be diverted for approach/access should not be more than 0.1 ha in each case.
- (ii) The clearance of such approach/access to development of project shall be subject to the condition that the project is need based.
- (iii) The legal status of the land shall remain unchanged.
- (iv) The user agency shall submit the project proposal to the State/UT Governments in the prescribed format online on Ministry's web portal <https://parivesh.nic.in> under the Forest (Conservation) Rules, 2003 as amended from time to time.
- (v) The project site should be outside Protected Area Network and eco-sensitive zones (ESZ).
- (vi) The concerned Divisional Forest Officer shall assess the bare minimum requirement of the forest land for the project which shall not exceed 0.1 ha in each case and will also certify to this effect.
- (vii) The user agency will seek permission for diversion of forest land duly recommended by Principal Chief Conservator of Forests and from State/UT Government.
- (viii) The Nodal Officer (Forest Conservation) shall submit monthly report to the concerned Regional Office by 5th of every month regularly regarding approval of such cases.
- (ix) The User Agency shall plant minimum 50 plants or 10 times the no. of trees/plants to be felled whichever is more on Government land to be identified and certified by DFO.
- (x) The User Agency shall pay the Net Present Value (NPV) of the diverted forest land at the rates approved by the Ministry.
- (xi) The User Agency shall be responsible for any loss to flora/fauna in the surroundings and therefore, shall take all possible measures in this regard.
- (xii) The permission granted by the State/UT Government shall be subject to the monitoring by the concerned Regional Office of the Ministry of Environment, Forest & Climate Change.
- (xiii) The forest land shall not be used for any purpose other than specified in the proposal.
- (xiv) Entire process for settlement of rights in accordance with the provisions of FRA, 2006 shall be completed before grant of approval for diversion of such forest land.
- (xv) The State/UT Forest Department or State/UT Government or the concerned Regional Office, may impose any other condition from time to time in the interest of conservation, protection and/or development of forests.
- (xvi) This general approval under Forest (Conservation) Act, 1980 is valid for a period of one year ending **31.12.2019** and will be subject to review thereafter.

Chapter 5

Transfer/Re-diversion

Any forest land diverted for a non-forest use with prior approval of GOI under FCA shall be used by the User Agency for the purpose for which it has been diverted.

However, transfer of user agency for same purpose, or re-diversion for another purpose by same or another user agency may be considered on following basis:

5.1 Transfer of User Agency:

The following procedure shall be followed:

- (a) An application from the concerned State/Union Territory Government along with an undertaking from the new user agency shall be submitted.
- (b) The undertaking shall state that the new user agency will abide by all conditions on which diversion of forest land was approved in favour of the previous user agency.
- (c) Transfer of User Agency can be considered by the Central Government (MoEF&CC) for same use and on same conditions.
- (d) The Central Government shall levy a transfer fee, to discourage middle men from processing applications and then selling it to other, @10% of NPV or Rs. 100,000 whichever is less.
- (e) The transfer fee will not be applicable to change of UA associated with change in legal heir, and wind power generation projects involving of transfers.
- (f) However, in case the transfer is from a Central Government Department/Central Government Undertaking (CPSU) to a User Agency other than Central Government Department /CPSU, the proposal will be examined by the Central Government afresh, and transfer can be agreed to with additional conditions so as to ensure that special concessions given to Central Government Department/CPSU while granting the approval are not extended to the new User Agency.

5.2 Change of the name of UA without any change in shareholding pattern

When change in the name of user agency without any change in its shareholding pattern becomes necessary, permission of the Central Government would be required. The State Govt., shall submit following documents within three months:

- (a) no-objection certificate for such change by the State Government.
- (b) A certified copy of fresh certificate of incorporation consequent upon change of name issued by the Registrar of Companies
- (c) An explanatory statement from the user agency for such change.

Similarly, when change in the name of user agency due to inheritance (change in legal heirs) becomes necessary, permission of the Central Government would be required. For this purpose, the State Government, within three months from the date of issue of legal heir certificate shall submit documents as specified in para (b) and (c) above.

a. Transfer of leases - Wind Energy projects

For transfer of leases from the developer i.e. the User Agency to investors /power producers, State Government shall submit following details:

1. User Agency shall submit duly filled up prescribed form given at Annexure-3 to the Nodal Officer (FC) of the concerned State/UT.
2. A copy of the application will also be marked to the MoEF&CC.
3. The Nodal Officer will examine the particulars furnished by the UA in 45 days of the date of submission of the application and forward it to the State/UT Government.
4. The State/UT Government, or an Officer authorized by will forward its recommendation within 45 days to the Central Government. If decision is not communicated by the State/UT Government on the proposal within the expiry of a period of 90 days i.e. from the date of submission of the proposal, action, as considered appropriate will be initiated by the Central Government.

5.4 Cancelled allocation of Coal Blocks: In respect of 204 coal blocks whose allocation was cancelled by the Hon'ble Supreme Court, two types of situations are possible:

- (i) Final approval for diversion of forest land has already been issued, and
- (ii) Application for in-principle approval of diversion of forest land under FCA of was in process at either the State or the Central Government, on the day of cancellation of the allocation.

In cases under category (i) above transfer of FC to the new user agency will be done by MoEF&CC on submission by the Ministry of Coal details of the new user agency along with an undertaking from the new user agency that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government/State Government in future.

In cases under category (ii) above the applications will be processed as if they have been submitted by the new user agency decided by the Central Government on completion of the following:

- (a) Duly filled in part-I of the application in Form-A appended to the Forest (Conservation) Rules, 2003 and amendments issued therein along with all necessary undertakings/certificates, including documentary proof in support of allocation of such block in favour of the new use agency and details of non-forest/revenue land identified for creation of compensatory afforestation, wherever required, is submitted by the new user agency to the Nodal Officer concerned
- (b) Non-forest / revenue land identified by the new user agency for compensatory afforestation, wherever required, is inspected and found to be suitable for compensatory afforestation and for management point of view by the Divisional Forest Officer(s) having jurisdiction over such land, and
- (c) A copy of Part-I of the Form A along with all necessary undertakings/certificates submitted by the new User Agency along with a certificate from the Divisional Forest Officer(s) having jurisdiction over the non-forest/revenue land identified for creation of compensatory afforestation, wherever required, stating there in that such land is suitable for creation of compensatory afforestation and from management point of view, is provided by the Nodal Officer or the State Government concerned to the

authority with whom the proposal submitted by the original user agency is presently pending. Such documents will substitute and replace the corresponding documents available in the proposal submitted by the original user agency.

In case of these 204 coal blocks, reimbursement of amount paid by the original user agency in compliance of conditions stipulated in approval accorded under the Forest (Conservation) Act, 1980 for use of forest land for non-forest purpose will be dealt with in the manner, as prescribed in the Coal Mines (Special Provisions) Second Ordinance, 2014 and the rules framed thereunder.

5.5 Cancelled allocation of Iron Ore mines:

In respect of 49 mining leases (operating iron ore mines falling in Category 'C') cancelled on the Orders dated 18th April 2013 of the Hon'ble Supreme Court of India and put to auction, the Hon'ble Supreme Court has ordered on 30.7.2015 that "the existing statutory approval/clearances in favour of the lessee of the erstwhile category 'C' leases will be transferred in favour of new lessees. The concerned authority will take expeditious action for grant of statutory approval such as Environment Clearance, TWP/Forest Clearance under the Forest Conservation Act 1980."

5.6 Re-diversion

(a) In case of change in land use or re-diversion of forest land becomes necessary for the same project and same User Agency, the State Government can request for prior approval under FCA to the Central Government giving details of primary approval and the new proposed use/land use.

(b) In case the re-diversion of a forest land becomes necessary for another purpose by another user agency a fresh proposal for prior approval under FCA has to be sent to GOI. The re-diversion while continuing the use by the primary user agency (in whose favour the diversion has been approved) can be permitted by GOI provided the use is compatible with the primary use and does not hinder it and the primary user agency gives its written consent, without taking any payment for the same.

If the primary user agency refuses to give its consent, and the User Agency seeking re-diversion feels that the other use is compatible with and does not in any way hinder the primary use, it can apply to the State nodal officer along with all details, who will after hearing the primary user giving him advance notice, give his agreement for the re-diversion or otherwise giving reasons for his decision in the form of a note and forward the proposal to the Central Government for decision on re-diversion.

While permitting re-diversion, Central Government may if considered necessary modify original conditions or impose additional conditions to be fulfilled by the primary User Agency and conditions (including rights and responsibilities) to be fulfilled by the secondary User Agency along payment for (i) payment of NPV at the applicable rates; and (ii) if not already recovered from primary user agency the cost of Compensatory Afforestation, in respect of the forest land proposed to be re-diverted in favour of the secondary User Agency.

5.7 Transfer of Zudpi lands:

In case of diversion of Zudpi Jungle land used for Public purpose/public infrastructure, encroachments excluding commercial purposes prior to 12/12/1996, the transfer of forest land proposed to be diverted (which is not notified as forest and status is a revenue land) shall under no circumstances be transferred to any other user agency, department or person without the prior approval of the State government.

Format for Transfer of Lease - Wind Energy Projects

(A) To be filled in by the User Agency

S. No.	PARTICULARS	DESIRED INFORMATION
1	Name of the proposal approved under the Forest (Conservation) Act, 1980	
2	Forest Area diverted (in ha)	
3	Name of the User Agency	
4	Order No. and date of final approval of the proposal under Forest (Conservation) Act, 1980	
5	Name(s) along with details of the proposed investors/ power producers (attach a table)	
6	Details of the transfer of lease with specific location(s) depicted on a copy of the original map submitted by the User Agency, viz i. Area (ha) involved in the transfer of lease ii. Location(s) of the leased area (on map) proposed to be transferred. iii. Essential features of the agreement for transfer of lease (with a copy of the agreement). iv. Other important details	
7	No objection of the User Agency to the lease-transfer agreement (Certificate to be enclosed)	
8	No objection of the investors/power producers to the lease transfer agreement (Certificate to be enclosed)	
9	Under taking by the investors/power producer to comply with all the conditions stipulated by the Central Government under Forest (Conservation) Act, 1980 while granting final approval (see col. 4)	

In the event of breakdown of the lease-transfer agreement due to the investors/power producers moving out by breach of the lease-transfer agreement thereby abandoning the project fresh proposal for transfer of lease to the new investors/power producers shall be moved by the User Agency according to these guidelines.

Signature on behalf of User Agency with Date

(B) Recommendation of the State Forest Department:

(to be signed by Nodal Officer/Principal Chief Conservator of Forests/Head of Forest Department)

Signature with Stamp and Date

(C) Recommendation of the State Government:

(to be signed by Principal Secretary/Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of Under Secretary)

Signature with Stamp and Date

Chapter 6

Survey and investigation

Prospecting of minerals in forest areas without felling of trees and construction of new road(s) or path(s) in mining blocks falling outside the protected areas, eco-sensitive zone of protected areas, identified tiger corridors involving forest shall be regulated as per the provisions under Rule 5 and Rule 6 of the Forest (conservation) Rules, 2003 as amended from time to time.

6.1 While processing proposals under Forest Conservation Act, LiDAR (Light Detection and Ranging) technology may also be used for geo-referencing spatial data.

6.2 Survey & Investigations and surveys for mining projects involving clearing of forest area or felling of trees, prior permission of the Central Government is mandatory.

6.3 To undertake investigation and surveys including reconnaissance surveys in forest lands in connection with development projects other than for mining, including hydro-electric projects, establishment of wind energy farms, will not attract the provisions of the FC Act as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of trees branches for purpose of sighting, permission of the State Forest Department under the Indian Forest Act, 1927 or the State Forest Act will however be required to be taken.

6.4 Surveys to be undertaken in connection with development projects such as transmission line, hydro-electric projects, seismic survey, exploration for oil drilling, mining etc. in wildlife sanctuaries, national parks and sample plots demarcated by the Forest Department also will not attract the provisions of the FC Act as long as these surveys do not involve any clearing of forest or cutting of trees and operations area restricted to cleaning of bushes and lopping of the branches for purpose of sighting. Permission from the Chief Wildlife Warden, as provided in the said O.M. No.6-133/2014(part) dated 26th September 2014 issued by the Wildlife Division in the MoEF&CC, will however be required to be obtained for such activities to be carried out in wildlife sanctuaries and national parks. The Chief Wildlife Warden should exercise the mandate provided in section-28 of WLPA, 1972 and consider prescribing appropriate guidelines for application and safeguards to be followed for grant of permission to enter protected areas for survey/investigation if no physical disturbance on the PA is contemplated.

6.5 However, any permission given to survey, exploration or prospection would not *ipso facto* imply any commitment on the part of the Central Government for diversion of forest land.

6.6 Drilling of large number of bore-holes i.e. 15-20 bore-holes per sq. km. For prospecting of minerals in forest area is a non-forestry activity and cannot be exempted from the requirement of obtaining prior approval under the Forest (Conservation) Act, 1980.

6.7 However, to facilitate expeditious decision on applications seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for prospecting of minerals in forest areas the Ministry, in consultation with the Ministries of Mines, Coal and Petroleum and Natural Gas formulated a simplified format of the application for obtaining prior approval of Central Government under the Forest (Conservation) Act, 1980 for prospecting in forest areas.

6.8 After recommendation of Forest Advisory Committee in connection with prospecting of

minerals to further simplify the process of grant of approval under the FCA, 1980 for prospecting of mineral in forest areas, it has been decided that:

- (i) Prospecting in National Parks, Wildlife Sanctuaries, Biosphere Reserves, Tiger Reserves and notified wildlife corridors shall not be allowed.
- (ii) Investigations and surveys carried out in connection with development projects such as transmission lines, hydro-electric projects, seismic surveys, exploration for oil drilling etc. will not attract the provisions of the Act as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting.
- (iii) Any investigation or survey operation, that involves clearing of forest area or felling of trees, prior permission of the Central Government shall be obtained.
- (iv) Prospecting of any mineral, done under prospecting license granted under MMDR Act, including collection, removal of samples and seismic survey in the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under the Forest (Conservation) Act, 1980 would be required. However, for drilling up to 25 boreholes of maximum 4" dia per 10 sq. km for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act.
- (v) For prospecting of minerals (including hydrocarbons) which requires drilling of more than 25 boreholes of maximum 4" dia per 10sq. km and/ or felling of trees, the following guidelines will be followed:
 - a. For seismic survey prior permission of Central Government under the Act would be required. NPV @ 1% will be charged of total lease area proposed for prospecting.
 - b. The user agency shall apply for diversion of forest area for prospecting and the proposal will be processed as per the procedure laid down in Rule 5 and 6 of Forest (Conservation) Amendment, Rules 2016.
 - c. In case of proposal in forest area with vegetation density between 0.1 and 0.4 NPV @ 2% will be charged for the total lease area proposed for prospecting.
 - d. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forest land having vegetation density between 0.4 and 0.7, the State Government shall forward the on-line application to the Regional Office of the Ministry for approval. The REC may consider the proposal and may grant approval on merit to the concerned State/UT, with mandatory conditions inter alia that user agency will pay NPV @ 5.0 percent of the total prospecting lease area in which exploration/prospecting /survey is proposed.
 - e. Both in-principle and final approval may be granted by the Regional Office in one go. The amount of NPV and/or payments towards planting of trees, shall be deposited online in the stipulated account, as per the instructions issued by Ministry of EF&CC from time to time. State government shall ensure that the NPV and other levies, if any, have been deposited prior to commencement of actual work.
 - f. Any amount of NPV deposited in the stipulated Government account is non-refundable. However, the NPV deposited for prospecting in the area, will be adjusted against the estimated NPV to be levied, in case the approval is obtained for diversion of the same forest land for mineral extraction, under section 2 of FCA 1980.

- g. Permission for carrying out survey/investigation/prospecting/ exploration or any payment of NPV deposited for such operations will not confer any right with user agency to get forest clearance of that particular land under section 2(ii) of FCA 1980. All decisions will be taken as per procedure prescribed in Forest Conservation Rules 2003 (as amended upto date) and on merit.
 - h. User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the State.
 - i. User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area or degraded forest land, as per prescription of working plan.
- (vi) Special dispensation is being made for exploration for Hydrocarbons. In case of switching to exploitation/extraction of hydrocarbon, if the bore-well hit the reserve during exploration, the same shall not be treated as a technical violation. However, the user agency shall submit complete online application for diversion, within three months of start of extraction

Chapter 7

Mining Projects

7.1 Extraction of minerals from/beneath the Earth's surface is an important site-specific activity regulated under various acts viz. Mines and Mineral (Development and Regulation) Act through grant of mining leases, or allocation of areas acquired under Coal Bearing Area Act, Petroleum & Natural Gas Rules under the Oil Field (Regulation and Development) Act 1954. Mining, including open cast and underground mining as also for removal of boulders, bajri, stones, sand etc. from/in the river beds, is a non-forestry activity and if any mining lease/project involves forest land as defined by the Apex court in its order of 12.12.1996, prior approval of the Central Government is required under the FCA 1980 and rules made there under.

7.2 The Supreme Court of India in its order of 6th July 2011 issued guidelines so as to not create *fait accompli* situation in the matter of diversion of forest land under the FCA, 1980. Therefore, in the case of new mining leases/projects having forest land in part or in full, approval under FCA for diversion of entire forest land located within the mining lease/project is to be obtained before execution/renewal of mining lease/project.

7.3 Mining in respect of minerals (other than coal, lignite, and atomic minerals) regulated under MMDR Act:

- (i) In case of mining projects, having forest land in part or in full, approval of Central Government under Section 2(iii) of the FC Act, for the entire forest land located within a mining lease shall be obtained before execution of a mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the rules framed there under. Mining in the forest land within the ML area, including government can be done only after diversion of the forest area under section 2(ii) of the FC Act, 1980.
- (ii) In case of existing mining leases having forest land in part or in full for which mining lease has already been executed at least once before 1st April, 2015 but approval under the FC Act for even a part of forest land falling in such mining leases has not been obtained no mining shall be allowed in such mining leases after 31.03.2017 till approval under Section 2(iii) of the FC Act for the entire forest land falling in such mining lease is obtained and NPV of forest land falling in such mining leases as stipulated in such approval is realized from the user agency and provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Rights) Act 2006 are complied with. Any mining in the forest land within the ML area can be done only after diversion of the forest area under section 2(ii) of the FC Act, 1980.
- (iii) In case of existing mining leases, where approval under section 2 (ii) of the FC Act for the entire forest land in the mining lease has been obtained before 1.4.2015 the FC validity is deemed to have been extended co-terminus with ML in accordance of the provision of the MMDR Act. The extension of validity of FC is subject to realization of NPV before 31.3.2017, if not already realized earlier, failing which the Forest Clearance shall remain in abeyance till NPV is realized. Moreover, this deemed extension shall not apply to forest land falling in a Mining Lease for which renewal has been rejected, or which has been determined or lapsed before 1.4.2015.
- (iv) In case of existing mining leases having forest land in part or in full where approval under section 2 (ii) of the FC Act for a part of the forest land has only been obtained, the

Central Government accorded General Approval on 1st April 2015 under section 2(iii) of the FC Act for the remaining area of the forest land falling within such mining leases subject to the following conditions for execution of Mining Lease.

- a. State Government shall realize from the user agency NPV of the entire forest land falling in the mining lease, in case NPV of such forest land has not already been realized and deposit of NPV is confirmed by the concerned authority under CAMPA/Ad-hoc CAPMA.
- b. The provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 are complied with for the entire forest area. However, mining may not be stopped in the forest area for which FC has already been obtained before grant of General Approval with compliance to the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- c. No mining activities in such mines shall be allowed till such time after 01-04-2016 up till full realization of NPV.
- d. The General Approval shall be valid for a period co-terminus with the period of mining lease in accordance with provisions of the Mines and Minerals (Development and Regulation) Act, 1957, as amended, and the rules framed thereunder;
- e. Grant of the General Approval under Section 2(iii) does not in any manner create any right or equity in favour of the user agency for grant of approval under Section 2(ii) of the FC Act and decision on the proposals under Section 2 (ii) will be taken purely on the merit of each case.
- f. However, mining in the forest land within the ML area can be done only after diversion of the forest area under section 2(ii) of the FC Act, 1980 obtained following the procedure prescribed under the Rules made under the FC Act 1980.
- g. Grant of this General Approval does not in any manner exonerate the concerned authorities in the State Government or any other authority from the proceedings under Section 3A and 3B of the FC Act liable to be initiated for violation, if any, of the FC Act committed by them by assigning such forest land for mining lease without obtaining prior approval of the Central Government under Section 2 of the FC Act.
- h. State Government shall submit the report every quarter (as on 1st January, 1st April, 1st July and 1st October every year) for all such cases for which permission has been granted by the State Government for signing mining lease agreement under general approval under section 2(iii) of FC Act to the Central Government (MoEF&CC) in the following proforma:

Report for the quarter										
S. No.	Detail of FC Clearance under section 2(ii)						Permission for mining lease (ML) by State Government under			
	Case/ File no.	Date of FC	Total Forest Area (FL)	Total Non-forest area (NFL)	Total Lease area (FL+ NFL)	FC granted for FL area	Date	Forest area for which lease granted	NPV Deposited (In Rs)	FRA 2006 complied or not (Y/N)

- (v) In case of mining leases having forest land in part or in full, the concerned user agency may execute a single mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the Rules framed there under, for the entire area falling in the mining lease after final approval under Section-2 of the Forest (Conservation) Act, 1980 for the entire forest land falling in such mining lease is obtained.

However, the State Government, if so desires, may execute a separate mining lease for a whole or part of non-forest land falling in such mining lease, once stage-I approval under Section 2 of the Forest (Conservation) Act, 1980 for the entire forest land falling in such mining lease is obtained. The Government, in such cases, shall take all measures to ensure that no violations of the Forest (Conservation) Act, 1980 occurs on the forest land.

- (vi) The existing period of validity of forest clearance granted for diversion of forest land under section-2(ii) of Forest (Conservation) Act 1980 for mining of minor mineral in the State regulated under Rules made under section 15 of MM (DR) Act, 1957 shall be for a period co-terminus with the period of mining lease as deemed extended under the Rules made under section 15 of MM (DR) Act, 1957 subject to the following conditions:

- a. The State Government shall, realize from the user agency the Net Present Value (NPV) of the forest land so diverted, if not realized so far, within two years in two equal installments from the date such Rules became enforceable.
- b. In case of NPV of forest land for which a period of approval under the FC Act, 1980 has been extended has not been realized and the State Government fails to realize the same within the period of two years as per the clause (i), approval under the FC Act for such forest land shall be deemed to have been kept in abeyance, till such time, the NPV of such forest land is realized by the State Government and all mining operations shall be suspended during the period the FC has been kept in abeyance.
- c. In case where diversion of forest land has been accorded in single proposal to a State agency for cluster of mines assigned to more than one lease holder, the entire NPV as applicable shall be deposited within two years in two equal installments by the State agency in whose favor the FC has been granted.
- d. The Regional Office of the Ministry shall regularly monitor status of compliance to conditions stipulated in approvals accorded under the FC Act for diversion of forest land falling in mining leases so as to ensure that the user agencies comply with all the conditions before the land falling in such leases is surrendered to the concerned State Government/Union Territories on expiry of the mining lease.
- e. Those mining leases whose mining lease had expired but were under extension (deemed or otherwise) when these Rules came into force and had not obtained Forest Clearance will be required to obtain fresh Forest Clearance under section 2(ii) of FC Act, 1980.
- f. 'Provisions' of here-in, notwithstanding anything contained therein, shall not apply to forest land falling in a mining lease for which renewal has been rejected, or which has been determined or lapsed before 30.11.2017.

7.4 Mining in respect of atomic minerals regulated under MM(DR) Act, 1957

In case of existing mining leases in respect of Atomic Minerals specified in Part B of the First Schedule of the Mines and Minerals (Development and Regulation) Act, 1957, period of validity of approvals Mineral Concessions Rules 2016 accorded under the Section-2 of the FC Act shall be extended and shall be deemed to have been extended up to a period coterminus with the period of mining lease or a period of 50 years, whichever is earlier from the date of notification of the Atomic Mineral Concessions Rules, 2016 on 11th July 2016, subject to the following conditions:

- (i) Realization of NPV by the State Government, if not already realized, within the period specified by the MoEF&CC i.e. on before 25.02.2018.
- (ii) In case NPV has not been already realized and the State Government fails to realize NPV as mentioned in (i) above, approval accorded under FC Act shall be kept in abeyance till such time NPV is realized.
- (iii) This provisions not withstanding anything contained therein, shall not apply to forest land falling in a mining lease for which renewal has been rejected, or which has been determined or lapsed.
- (iv) In the cases where the forest Clearance has expired and has not been renewed, fresh forest clearance under FC Act would be mandatory required before renewal of the mining lease.

7.5 Mining of minor minerals

- (i) Extraction of minor minerals like boulders, bajri, stone, shell, etc. from the riverbeds shall not be permitted if the river bed is in a national park or a wildlife sanctuary unless such extraction is for the benefit of the forest or wildlife. Extraction of minor minerals when permitted shall be from the middle of the riverbed after leaving one fourth of the river bed on each bank untouched.
- (ii) There shall be no labour camp in the forest area for the labour involved in the extraction work.

7.6 Coal mining

User Agency shall apply for diversion of forest land for coal mining under the FCA, 1980, in respect of entire forest land within a coal mine project in the case of coal mines in/over an area vested in a Government Company under the Coal Bearing Area Act 1957, or a coal mine vested in a Government under the Coal nationalization act 1973, or a coal block allotted under Allocation of coal blocks, Coal Blocks Allocation Rules, 2017 under the MMDR Act 1957, including at the time of renewal.

The validity of clearance granted under FC of FC shall be coterminous with the life of the mine as per the approved mine plan subject to a maximum of 30 years as provided in the MMDR Act, 1957 as amended up to Mines and Minerals (Development and Regulation) Amendment Act, 2015.

For extension of period of validity of FC not involving change in Mine Area or total quantity of coal to be extracted, application may be made in the form of a letter to the MoEF&CC through the State Government along with justification for extension requested, and the

present status of compliance of the conditions of all previous FCs duly certified by the concerned Regional Officer of the MoEF&CC.

7.7 Petroleum Mining

Non-forest use of forest land included in the petroleum mining lease under the Petroleum & Natural Gas Rules under the Oil Field (Regulation and Development) Act 1954, will be permissible after diversion of forest land involved for undertaking drilling of oil well and associated activities with prior approval of the Central Government under the FC Act 1980, and payment of NPV for such forest areas. The NPV so payable will be in addition to NPV payable at the time of approval for the Grant/re-grant of Petroleum Mining lease.

7.8 Mining Proposals:

(i) It has been observed by the Central Government that a large number of proposals relating to mining are submitted which are located deep inside the forest areas. Locating such proposals inside makes entire forest area vulnerable due to ancillary activities like construction of approach road, movement of vehicles and coming up of colonies for the workers. Therefore, Ministry has decided that whenever a proposal for fresh mining is submitted, a brief profile of the lessee/company should be submitted giving details of their existing mining leases in the State with their capacity of production, the present level of average annual production, location of these pits and the status of reclamation of forest land that are exhausted minerals. Along with this, the State Government should also submit details of all other mining leases for that particular mineral with their capacity and average annual production and projected future requirements. They should fully justify the necessity of opening new mining leases for that particular mineral. Mining proposals in forest areas in respect of coal and other major minerals should be accompanied with the following documents: -

(a) In respect of underground mining in stratified deposits in forest areas

The mining plan in stratified deposits in forest areas should include the predicted subsidence, slope and strain values and their impact on forests and surface and their mitigation. The maximum tensile strain of 20 mm per meter and thereby the surface cracks of width of about 200-300 mm is to be permitted in forest areas. Accordingly, the mining plans should be made to restrict the subsidence movement within these limits along with mitigation measures. All mining plans in respect of coal and other major minerals should be accompanied with numerical modeling in 3-Dimension for subsidence prediction through an expert mining engineer/organization to assess long term damage on surface vegetation due to underground mining preferably from Banaras Hindu University, or Indian School of Mines, Dhanbad, or any of the IITs or M/s CMRI along with the mitigation measures suggested by them should be submitted along with the proposal. The surface layout of mining area should be designed so as to use minimum possible land; and wherever feasible, the surface facilities should be planned over non-forest areas.

(b) Open cast mining in forest areas

In respect of open cast mining in forest areas, a comprehensive study of solid waste management and land reclamation with post mining land use plan and de-commissioning should be made and the plan should envisage the minimum possible overburden dumping outside the mine. In place where the non-forest land is available, the external dumping of the overburden should be planned on non-forest land. Special attention should be given to top-soil and sub-soil handling and management.

Installation of temporary Crushing and screening Plants in mining lease area already approved by the Central Government shall be subject to following guidelines:

- To suppress the fugitive dust at the crushing screen mobile plant, special water jets with mist spray should be provided at dumper platform crusher, screens, transfer points and unloading points. At all transfer points sprinkling of water with the help of spray nozzles will be done to suppress fugitive dust.
- In sensitive areas, mobile crusher screening unit(s) should adopt wet dust suppression measures augmented by foam injection to control dust from the material handling and processing operations, if found necessary.
- As an administrative control, any movement of these mobile plants should be informed to the State Pollution Control Board or the Regional Office of the MoEF&CC to keep a track of their location and monitor/check pollution control measures taken by the operator.
- As far as possible, no such unit should be located within 02 kilometers from the Forest/Colony/NH or SH without effective wet suppressing measures at the crusher, screening, transfer and unloading points.
- There should be sufficient safeguards against noise pollution and safe noise level should be maintained.
- If found necessary for better control in such location, prior permission to operate, shall be taken from the State Forest Department and the State Pollution Control Board.
- Since all these are mobile operations, the local administration and forest official should be kept posted with the change of location and possible time period of its operations within leasehold.

(c) Land use pattern:

As per the MMDR (Amendment) Act 2015 & Mineral (Evidence of Mineral content) Rules, 2015, a mining lease can be granted pursuant to ensuring G-2 level of exploration (prospecting) and lessee has to prove the mineral up to G-1 level in next 5 years of time, hence land use in the mining plan should be prepared up to conceptual period and the land use of diversion proposal should be same as land use in the Mining plan. After G-1 level of exploration, the mining plan/scheme should be modified accordingly and final land use pattern should be submitted to MoEF&CC for information and record.

(d) Any proposal for diversion of forest for mining involving any forest land in respect of which diversion has been approved earlier will invariably be submitted along with the present status of compliance of the conditions of all previous FCs duly certified by the concerned Regional Officer of the MoEF&CC.

(e) Approach road/conveyor belt and other ancillary activities related to mining shall be considered as part of the mining project and should therefore be processed accordingly.

7.9 Safety Zone:

All mining projects, including cluster-mines, are required to have a 7.5-meter-wide peripheral safety zone within the Mining Lease area, properly demarcated with boundary pillars with DGPS coordinates inscribed on them and to be maintained as effective green belt. This shall be applicable prospectively to all fresh diversion proposals approved after 27th May 2015. However, the mining projects for which diversion of forest land have been approved before 27th May 2015, the UA shall take approval of forest land in the safety zone, if not already taken.

Any forest land within the safety zone if put to non-forest use shall require prior approval under the FCA along with other forest land in the ML for execution of ML under MMDR Act, 1957 as amended from time to time.

Further:

- i. The width of 10m and 50 m strip on either side of public road and natural stream respectively located inside the mining lease shall be protected but will not be considered as a part of safety zone.
- ii. Safety zone will be redrawn taking the cluster of all the mining leases taken together. if all the leases are carried by the same user agency.
- iii. CA and NPV will be regulated as per the guidelines related to CA & NPV.

Chapter-8

Wind Energy

8.1 Any proposal for establishment of wind energy farms/wind mills shall include requirement of forest land inclusive of transmission lines, corridors between successive wind mills, statutory buildings, earthing pits and roads including provision for repose, breast walls, drains, curvature etc. The proposal shall also have full details of alternative explored on non-forest land, benefit cost analysis as per extant guidelines, and other details such as employment generation, economic viability of the project etc.

8.2. Reconnaissance surveys in forest lands for planning establishment of wind energy farms shall not require prior approval under FCA if the surveys do not involve any clearing of forest or cutting of trees and the operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting. If wind data are not available, erection of one wind mast per 500 ha. of forest land can be permitted on payment of Rs. 1.00 lakh per wind mast. The wind masts will have to be removed within two years.

8.3. General guidelines for establishment of wind mills/farms requiring forest land:

- (i) State/Union Territory Governments should decide the ratio of the wind energy vis-à-vis other sources of energy i.e. thermal, nuclear, hydel, etc. consistent with the national policy in the matter.
- (ii) Areas in National Parks and Sanctuaries, Areas of Outstanding Natural Beauty (AONBs), sites of natural heritage, archaeological importance, special scientific interests and important landscapes should not be considered for establishment of wind energy farms. Wind energy farms shall be located at a safe distance from such sites.
- (iii) The State Government shall take sufficient precaution while considering the location of the wind mills so as not to cause any disturbance to the migratory birds, as the turbine of the wind mills produces a humming sound, which may cause disturbance to the avian habitat.
- (iv) The wind mills should be located at a safe distance, normally more than 300 meters from the highways and villages.
- (v) A large number of small wind turbines, together with their access paths, constitute higher disturbances to the forest area compared to a small number of large wind turbines. Large size wind turbines up to 4.5 MW capacity are being now utilised in most of the countries which are not only cost effective and but also have low impact area. Therefore, in forest areas wind mills of power generating capacity less than 500 KW shall not be allowed except in the periphery of wind farms having higher capacity turbines, for optimization of production of wind energy, and stand-alone (not requiring transmission grid) off grid wind mills up to 10 KW.
- (vi) Above parameters relating to establishment of wind mills/farms shall be reviewed after 5 years with a view to promote/facilitate adoption of latest technology at par in the world.
- (vii) The forest land will be leased in favour of the developers for a period of thirty years on payment of lease rent of Rs. 30000/- per MW. Within a period of 5 years of Stage-II approval, the developer shall apply for transfer the lease in the name of investors/power producers, for prior permission of the Central Government following the procedure for transfer of User Agency.
- (viii) CA and NPV will be regulated as per the concerned guidelines.

Chapter-9

Irrigation and Hydro-Electric Projects, including Catchment Area Treatment (CAT) Plan

9.1. Proposals for diversion of forest lands falling within an irrigation / hydroelectric project need to be processed in their entirety to avoid creation of *fait accompli* situations. However, keeping in view the long gestation period for such projects, user agency may split such projects into different phases for valid and cogent reasons. State Govt. while submitting proposals to obtain “in principle (stage-I)” approval of Central Government under the Act for diversion of the entire forest land required for the project, may intimate the extent of forest land required and time schedule for execution of its each phase as may be specified by them, and may request the Central Government to consider grant of “final (stage-II) approval” under the Act in phased manner. In such cases, at the time of submission of the proposal, scheme for compensatory afforestation for the forest land required for execution of initial phases, consisting of *inter-alia* the dam, reservoir and main canals originating from the reservoir as indicated by the State Government may only insisted upon. The Regional Empowered Committee while examining such proposals shall stipulate time schedule for transfer and mutation of non-forest land and funds for creation of Compensatory Afforestation in lieu of the forest land required for execution of remaining phases in favour of the State Forest Department so as to ensure that expenditure incurred on initial phases of the project does not become infructuous.

9.2. Catchment Area Treatment (CAT) plans: A proposal for diversion of forest land for Irrigation/Hydro-electric projects shall invariably be accompanied by detailed CAT plan except in respect of small hydel projects (maximum up to 10 MW capacity), which are either canal head or run-of the river projects and do not involve impounding of water/submergence of forest land.

The CAT Plan is an important and essential plan for enhancing and maintaining the ecological health of the catchment area of the proposed irrigation/hydroelectric project through site-specific biological and engineering measures for conservation of soil & moisture and management of water regime. Among other provisions, the measures should focus on arresting soil erosion, improving effective drainage in the area, and rejuvenation of the degraded eco system in the catchment. Following general principals should be kept in view while formulating CAT plans.

- (i) In the dense forest areas major concentration should be on soil & water conservation including water harvesting for which various water harvesting structures like check dams, gully plugging, gabion dams, contour trenches and vegetative structures should be made.
- (ii) In the open forest areas besides taking up soil & water conservation measures, plantation of local indigenous tree and shrub species, including rare/medicinal plants, should be done. In higher altitudes plantation of Chir pine should be avoided.
- (iii) The CAT plan should include a component of fodder development on the civil soyam forest or on revenue/private lands in order to meet the requirement of fodder/small timber/fire wood for the local population with a view to reduce pressure on the forests.

- (iv) The CAT Plan should have a socio-economic component including supply of CNG connections to the project affected families to be implemented through Joint Forest Management Committees (the nomenclature may vary among the States/UTs).
- (v) The infrastructure component like construction of buildings, vehicles, salaries of staff etc. may be provided based on a careful analysis of the need for the same with detailed justification and should constitute a very small percentage (say up to 5%) of the total cost of the CAT plan.
- (vi) CAT plan shall be approved by the Principal CCF & HoFF or any other officer authorized by him for the purpose.
- (vii) Regular monitoring is essential for effective implementation of the CAT Plan. The Chief Project Officer of the User Agency must be associated in implementation as well as monitoring of the progress of CAT plan. For this, a committee with following composition may be constituted at State level for quarterly review of progress of implementation of various CAT plans and take immediate steps to ensure the same:

- | | |
|---|-------------------|
| 1. PCCF & HoFF | - Chairman |
| 2. Secretary (Agriculture) or his representative | - Member |
| 3. Secretary (Animal Husbandry) or his representative | - Member |
| 4. Project Officer-User Agency | - Member |
| 5. Concerned Conservator of Forests | - Member |
| 6. Nodal Officer (FC) o/o PCCF | -Member Secretary |

9.3. CA and NPV will be regulated as per the concerned guidelines.

Chapter-10
Transmission lines
(Bare conductor and underground/Insulated cable)

10.1 Transmission through bare conductor(s): As a general principle, where routing of transmission lines through the forest areas is unavoidable, these should be aligned in such a way that it involves the least number of trees cutting, and as far as possible, the route alignment through forest areas should not have any line deviation. The following table gives the width of Right of Way (RoW), clearance below each conductor, and minimum clearance between conductors for laying transmission line of different voltages.

Transmission Voltage	Width of Right of Way (Meter)	Width clearance below each conductor or conductor bundle for stringing purpose (meter)	Minimum clearance between conductor and trees (Meters)
11Kv	7	Not required	2.6
33KV	15	Not required	2.8
66KV	18	Not required	3.4
110KV	22	Not required	3.7
132KV	27	Not required	4.0
220KV	35	Not required	4.6
400KV S/C vertical delta configuration	46	3 twin bundle, 5 triple bundle	5.5
400 KV D/C	46	7	
+/- 500KV HVDC	52		7
765 KV S/C (With delta configuration)	64	7 quadruple bundle 10 hexagonal bundle	9
765 KV D/C	67		
1200 KV	89	To be decided	13

In case of the demand for reduction in the width of Right of Way (RoW) of transmission lines in forest areas in the cases where Aerial Bunched Cable (ABC) are used in place of overhead lines, it is clarified that as per definitions in Measures relating to Safety and Electric Supply, Regulations, 2010 conductor is defined as bare or insulated and as such the vertical & horizontal clearance specified in Regulation 61 have to be maintained for both bare and insulated conductors like ABC etc.

To prevent death of animals like elephants due to electrocutions the distribution companies shall preferably use ABC or underground cables in forest areas. In case of the overhead lines, the clearance above ground of the lower conductor of 11kv and 33 KV overhead lines should

be as per the CEA regulation 58(3) and 58(4) or above maximum trunk height of the elephant, whichever higher.

10.2 Transmission through insulated cable: The norms/ standards for laying underground insulated cables through forest areas shall be as below:

Lines Voltage	Trench Width	Trench Depth
33 KV	600 mm	1200 mm
11 KV	300 mm	900 mm

However, for laying double circuit (D/C) underground cables through forest areas trench width shall be twice the afore-mentioned width stipulated for the single circuit cable.

10.3. Compensatory afforestation (CA) and Net Present Value (NPV) will be regulated as per the concerned guidelines.

Chapter – 11

Infrastructural Projects incl. roads, railway lines, border roads, critical utility infrastructure development, residential / building construction

11.1 Infrastructure projects requiring diversion of forest land under the FCA, 1980 fall under following categories, (in addition to the General Approval granted by the Central government for the specified public utility services and critical/strategic defence infrastructure for the specified periods):

- (i) Road Widening and construction, including widening in existing RoW.
- (ii) Construction of railway lines including conversion of meter gauge railway line to broad gauge including widening within RoW of existing meter gauge.
- (iii) Repair and maintenance of roads constructed on forest lands prior to 25th October 1980
- (iv) Approach/exit roads to petrol pumps etc.
- (v) Residential projects in forest lands
- (vi) Construction of residential buildings in private forests
- (vii) Non-site-specific projects like: Industries, residential colonies, institutes, disposal of fly ash and rehabilitation of displaced persons
- (viii) Ecotourism in Forest Areas
- (ix) School in hilly areas
- (x) Passenger Ropeways

11.2 Any proposal for linear projects such as roads, railway line, transmission lines, etc. need to be processed in their entirety for comprehensive assessment of requirement of forest land and consequences if approval for any forest land is not granted. No work on forest land shall be taken up unless diversion of forest land is ordered by the concerned State /UT Government after obtaining approval of the Central Government under the Forest (Conservation) Act, 1980.

Provided that consequent to grant of Stage I approval in respect of linear projects such as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines etc. by the Central Government under FCA, the State Government or a Senior Officer not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Government can pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year.

Such orders shall be passed only after full realization of funds for compensatory afforestation, Net Present Value (NPV), wildlife conservation plan, plantation of dwarf species of medicinal plants, and all such other compensatory levies, specified in the Stage I (in-principle) approval from the UA, and where ever applicable, transfer and mutation of non-forest/ revenue forest land in favour of State Forest Department.

11.3 To facilitate phased preparation and processing, the proposals for such projects may be prepared Forest Division/ State-wise subject to submission of a map indicating alignment of the entire project, highlighting the portions passing through forest land, along with a write up

on salient features of the entire project and details of approvals already obtained and/ or sought under the Act for other sections of the project.

Moreover, in case of linear projects involving both forest as well as non-forest land, work on non-forest land may be executed subject to submission of details of all stretches involving forest lands along with alternate alignments identified to bypass the forest land. To prevent occurrence of *fait accompli* situations, User Agency needs to undertake that in case diversion of forest land is denied, project shall be executed along alternate alignment and work on non-forest land shall not be cited as a reason for grant of approval of diversion of forest land under the Forest (Conservation) Act, 1980. Work on non-forest land will not confer any right on the User Agency with regard to grant of approval under the Act. Further, in case approval under the Act is declined for widening of road, width of the portion of road falling in the forest land will be maintained at its existing level.

The above facilitation is not applicable to the roads falling in the Protected Areas and the Eco-sensitive zones around the Protected Areas where impact on wildlife is to be considered.

11.4 Roads/Railways/Canals: Non-forest lands which were acquired by the concerned Government departments for construction of roads/railways/canals and the vacant areas in the Right of Way (RoW) were subsequently planted and notified as Protected Forests for management purposes will attract the provisions of Forest (Conservation) Act, 1980. Similarly, breaking of any land, recorded as forest, for conversion of meter gauge railway line to broad gauge railway line or road widening even if such forest land falls within the existing RoW will require prior approval of the Central Government under the FC Act, 1980.

11.5 Railway projects passing through the notified ESZ or located within 10 km radius of PAs (Protected Areas) or Tiger Reserves (TR) are not required to obtain Wildlife Clearance from the NBWL as these projects do not need Environment Clearance. However, railway projects passing through the areas linking one TR with another PA or TR diversion cannot be allowed for ecologically unsustainable use, except in public interest with the approval of NBWL on the advice of NTCA as provided under section 38 (O) (1) (g) of WLPA 1972

11.6 Repair and maintenance of roads constructed in forest lands: The up-gradation of roads, constructed in forest areas prior to 25th October 1980, from 'Kutchha to Pucca' is permissible without attracting the provisions of FC Act, 1980 and black topping and bituminous work of forest roads (management works) which have been brought under Pradhan Mantri Gramin Sadak Yojana (PMGSY) is permitted subject to fulfillment of the following conditions:

- (a) Bitumen cold mix for black topping should be prepared outside the forest or at a site approved by the Divisional Forest Officer.
- (b) The user agency shall maintain the curves of the roads, inside the forest, and will not straighten the same.
- (c) The user agency shall install speed breakers and speed control signage at regular intervals to avoid accident with wild animals.
- (d) The user agency shall try to maintain the road surface as rough as possible to act as regular speed governor, even if it means going below the standards prescribed for the particular class of roads, the intention being only to make it an all-weather road.
- (e) The user agency shall provide side drains for proper drainage.

- (f) No tree felling is involved.
- (g) No widening of road should be undertaken without prior approval of the Central Government under the Forest (Conservation) Act, 1980

11.7 Approach/Exit Roads to Fuel stations for distribution of petrol, diesel, LPG, CNG etc.: Fuel stations should generally be part of rest area complex having other amenities like place for parking, toilets, restaurants, rest rooms, shops, etc. Proper planning should be done by the User Agencies, in advance, for construction of such complexes along the highways so that destruction of road side forests is minimized.

Requirement for diversion of forest land for construction of acceleration/de-acceleration lane and exit/entry opening shall be based on the approved layout plan provided in the extant guidelines issued by the Ministry of Road Transport and Highways in this regard.

However, if approach/exit road for a fuel station involves forest land already diverted for construction/widening of a road, fresh approval for re-diversion of such forest land for construction of approach/exit for fuel station will be required only if it involves clearing of or felling of any tree.

If two or more fuel station are to be constructed in close proximity or adjacent to each other for some reasons, diversion of forest land for a common access/exit shall only be approved.

11.8 Infrastructure ancillary to Forest Management: According to the explanation in the Act, any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check- posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes, is not a non-forest use and therefore, taking up such work in the forest land does not require diversion under the FC Act. As such all States Government should ensure that the basic spirit and essence of the Forest (Conservation) Act, 1980 is not to divert forest land for construction of residential buildings, Bungalows, quarters etc. Bare minimum (operational) buildings, which are essential for management of forest and conservation of bio-wealth such as forest guard hut, check posts, range offices, small inspection bungalow (2-3 room), un-tarred single lane roads etc., can be taken up in selected areas without causing damage/destruction to the forests thereon. But if the structures are large and would impact on conservation, prior permission under the Forest (Conservation) Act, 1980 would be required.

11.9 Residential Projects: The Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses. However, the Central Government has accorded permission for construction of residential houses in their private forests land for construction of residential or dwelling houses in the MDDA areas of Uttarakhand subject to fulfillment of following conditions:

- (a) Construction activity for residential purpose in private forest shall be allowed only for domestic purpose and shall not be extended to any institutional buildings or commercial development
- (b) The construction activates shall be restricted to a maximum of 250 square meter of built up area in each case.
- (c) The construction of residential building in private forest is permitted in MDDA areas and other parts of Uttarakhand State only in order to alleviate hardship of homestead owners for constructing/completing their bonafide residential buildings.

Above stipulation is strictly restricted to construction of residential or dwelling houses in private forest land in MDDA areas of Uttarakhand, where non-forest land is not available.

11.10 Eco-tourism: Construction of permanent structures for the purpose of ecotourism on forest land shall be considered as non-forestry activity. In such cases, prior approval of the Central Government under the Forest (Conservation) Act, 1980 is required.

11.11 Construction of schools in hilly areas: The Central Government has conveyed approval for construction of Government schools in hilly areas, over an area of 4 acres or 1.62 ha, where non-forests land is not available with the following conditions:

1. A certificate from the district Magistrate that non-forest land is not available for the school building/other building construction in the area.
2. Reserve forest land with density more than 0.4 shall not be allowed.
3. Felling more than 75 trees per hectare shall not be considered in any kind of forest.
4. Besides Compensatory Afforestation as per the Guidelines, the concerned authority should be ensured plantation in vacant areas, wherever available within the school premises.

11.12 Passenger Ropeways:

- a. The alignment of ropeways should be such that it involves least tree-cutting
- b. The route alignment through the forest areas should not have any line deviation and it should be above tree height with minimum clearance of 5 meters from the highest tree.
- c. The land required for construction of terminal stations, line towers, etc. will be included for diversion under FCA.
- d. Forest land under the ropeway, in the alignment of ropeways where no felling is involved, will also need diversion as this area cannot be diverted to any other project. However, for such areas no CA charges shall be levied, but NPV has to be paid in full as applicable.
- e. The minimum clearance prescribed for maintaining the distance between the cables and trees in the width of right of way be exempted as there is no electricity passing through the cables

11.13 CA and NPV will be regulated as per the guidelines related to CA & NPV.

CHAPTER – 12

Projects in/near Protected Areas, Tiger Reserves, Elephant Reserves, Eco-sensitive Zones, Zoos

12.1 Protected areas – National Park or Wildlife Sanctuaries etc. are notified and managed under the provisions of the Wildlife (Protection) Act, 1972 and may comprise of RFs and other areas of ecological, faunal, floral, geo-morphological, or zoological association or importance.

12.2 In pursuance of order dated 13.11.2000 in Writ Petition (C) No. 337 of 1995 of the Supreme Court, there shall be no de-reservation / de-notification of forests, National Parks and Sanctuaries without approval of the Supreme Court. Further, in pursuance of the orders of the Hon'ble Supreme Court all mining operations in National Parks and Sanctuaries shall continue to remain suspended, and no mining activity is permissible within 1 km of the boundary of a PA.

12.3 Any proposal for taking up non-forest activity in Protected Areas is required to be cleared by the Standing Committee of National Board for Wildlife (NBWL) under the provisions of Wildlife (Protection) Act, 1972, apart from prior approval of Central Government under the Forest (Conservation) Act, 1980. The proforma for such proposals seeking clearance for Standing Committee of NBWL for non-forestry activities within Protected Areas are enclosed in Annexure-I. Such proposals for non-forest use of PA areas may be processed concurrently for prior approval of diversion of forest land under FCA, 1980 and seeking prior recommendation of the standing Committee on NBWL. However, clearance in one aspect will not confer any right upon the UA and complete clearance is obtained when all requisite clearances have been obtained by the UA (User Agency).

12.4 In case the entire forest land involved in the proposal, is located within one or more PAs, the Central Government shall refer such proposals, complete in all respects, along with site inspection reports, wherever necessary, to the forest Advisory Committee (FAC) or Regional Empowered Committee, as the case may be, only after use of such forest land for non-forestry purpose has been recommended by the Standing Committee of NBWL.

12.5 Prior recommendation of Standing Committee of NBWL under the provisions of Wildlife (Protection) Act, 1972 is also required for taking developmental activities in/over an area falling within eco sensitive zones around notified PAs in addition to prior approval of diversion of forest land for non-forest purposes if such area involved is "Forests" as defined by Hon'ble Supreme Court in their order of 12.12.96.

12.6 Zoo/Rescue Centers: Establishment/Re-location of zoos or rescue centers in forest area, including rescue centers in a zoo/wild life safari or otherwise where wild animals are kept also for exhibition to the public, requires diversion of forest land with prior approval of Central Government under FCA, 1980. However, establishment of a rescue center inside the forest by the State Government purely for rehabilitation and recapitulation and not for public display and enjoyment is not treated as a non-forest activity (Explanation b under Section 2 of the FCA, 1980)

The establishment of Zoo and Wildlife Safari whether stationary or mobile, where captive animals are kept for exhibition to the public that does not include a circus and an establishment of a licensed dealer in captive animals, are non-site specific and requires diversion of forest land with prior approval of Central Government under FCA 1980.

Proposals of construction of Zoo shall be entertained under the provisions of FCA 1980 only when accompanied by CZA approved plan along with mandatory documents

It is empirically arrived at that not more than 15% of the activities in the establishment of a new zoo shall be non-forestry in nature. Therefore, the following general conditions are arrived at for approving new Zoos:

- a. The State Government shall ensure that the non-forestry activities should be limited to the minimum, and in any case should not be more than 15% of the diverted area
- b. The conditions imposed by Central Zoo Authority shall be strictly adhered to
- c. NPV at the rate of 15% of the entire diverted area under Section 2(ii) and (iii) shall be charged.
- d. Compensatory afforestation shall be raised as per dispensation specified in guidelines 2.5 (v).

12.7 Activities required to be done in a Zoo as per the approved Management Plan will not attract the provisions of Forest (Conservation) Act provided such activities are necessary for management of animals and imparting education & have the prior approval of CZA.

12.8 Relocation of villages from Protected Areas: Diversion of forest land under FCA for relocation of villages from National Parks/Sanctuaries are to be approved without payment of NPV subject to final orders in I.A. No 566 regarding NPV.

12.9 The legal status of forest land, diverted under Forest (Conservation) Act, 1980 for relocation/rehabilitation of villages from National Parks/Wildlife Sanctuaries/Tiger Reserves will cease to be a forest land in accordance with Hon'ble Supreme Court order dated 28th January, 2019.

12.10 Survey for Development Projects : Surveys carried out in connection with development projects such as transmission line, hydro-electric projects, seismic survey, exploration for oil drilling, mining etc. in wildlife sanctuaries, national parks and sample plots demarcated by the Forest Department also will not attract the provisions of the FC Act as long as these surveys do not involve any clearing of forest or cutting of trees and operations area restricted to cleaning of bushes and lopping of the branches for purpose of sighting. Permission from the Chief Wildlife Warden, as provided in the said O.M. No.6-133/2014(part) dated 26th September 2014 issued by the Wildlife Division in the MoEF&CC, will however be required to be obtained for such activities to be carried out in wildlife sanctuaries and national parks. The Chief Wildlife Warden may exercise the mandate provided in section-28 of WLPA, 1972 and consider prescribing appropriate guidelines for application and safeguards to be followed for grant of permission to enter protected areas for survey/investigation if no physical disturbance on the PA is contemplated.

12.11 Felling of trees in Eco-Sensitive Zone: In accordance with the extant guideline, permission for tree felling in non-forest land in eco-sensitive zone of protected area for widening of a highway which involve forest and non-forest land may be accorded only after in-principle approval under FC Act 1980 for diversion of forest land required for widening of such highway is obtained. Felling of trees in the Eco Sensitive Zone of the Protected Areas, is subject to following:

- (a) There shall be no felling of trees on the forest, non-forest land or government or revenue or private lands falling within the Eco Sensitive Zone of Protected Areas without prior permission of the competent authority duly notified by the State Government.

(b) In case there is no Competent Authority notified by the State Government in such interim period, the Principal Chief Conservator of Forests in-charge of the territorial forests shall be the competent authority for this purpose and will grant permission for tree felling on the recommendation of the Divisional Forest Officer in whose jurisdiction the ESZ falls who will recommend in accordance with the existing provisions of the Central or State Act and rules made thereunder by the State Government for protection of trees in the State.

12.12 Transmission Lines: For laying of 11KV transmission lines for supply of electricity to rural areas passing through Protected Areas, the project shall not be referred to Supreme Court for their approval after obtaining approval from NBWL as per Hon'ble SC order dated 14.9.2007 in IA no 1220 and IA No. 548 of WP©202/1995. In all other cases approval from the Supreme court is required.

12.12.1 In case of transmission lines passing through National Parks, Wildlife Sanctuaries and Wildlife Corridors, insulated conductors shall only be used to prevent electrocution of animals. In case of transmission lines passing through elephant reserves/corridors, additional clearances of at least 6 m shall be provided over and above minimum clearance [as stipulated under Central Electricity Authority (Measures relating to safety & Electricity Supply) Regulations, 2010] above the ground from the lowest conductor of the transmission lines”.

12.13 Eco-Tourism: Ecotourism is a non-forestry activity, and will be allowed in Protected Areas if the said activities are part of the Management Plan/ Tiger Conservation Plan and are duly approved by the Central Government.

12.14 Roads Passing through Protected Areas: The Standing Committee of NBWL has clarified regarding consideration of proposals for roads within PA as follows.

- (a) The principles provided in the report of the sub-committee (*Refer F. No 6-62/2013WL dated 22 December 2014*) have been adopted as generic principle.
- (b) New roads shall not be proposed inside National Park & Wildlife Sanctuary.
- (c) The cases of resurfacing and strengthening of existing roads, not involving widening within protected area will be possible without reference to Standing Committee of National Board for Wildlife.
- (d) The cases of widening of existing roads, if unavoidable due to reasons of purpose and alignment, could be placed before the Standing Committee, which shall consider such cases keeping in view the feasibility of mitigation measures irrespective of cost.

12.15 CA and NPV will be regulated as per the guidelines related to CA & NPV and Supreme Court orders.

Proforma for proposals seeking clearance from Standing Committee of NBWL for NBWL for taking up non-forestry activities in National Parks & Sanctuaries.

FORMS

(All documents to be submitted in triplicate and signed in Blue ink)

PART-I

Proposal for investigation and Survey in the National Park/ Sanctuary

(Details to be provided by the Applicant)

1. Name of the Organization:
2. Aims and Objectives of the proposed Project:
3. Location and Map (1:150000) scale) of the area duly authenticated by the competent authority to be investigated/surveyed.
4. Whether investigation/survey requires clearing of vegetation
5. If yes, please specify the extent (in Ha.)
6. Opinion of the Officer in Charge of the N.P./WLS (Attach signed copy)
7. Opinion of the Chief Wild Life Warden (Attach signed copy).

The following be included in the opinion:

- (i) Brief history of the Protected Area:
- (ii) Current status of Wildlife:
- (iii) Current status of pressures on Protected Areas:
- (iv) Projected impacts of projects on wildlife habitat management and access/use of resource by various stakeholders.
- (v) Contiguous wildlife areas which would benefit wildlife if added to National Park/ Sanctuary.
- (vi) Other areas in the State which have been recommended by the State Government, Wildlife Institute of India, BNHS, SACON, IISC, IUCN or other expert body for inclusion in Protected Area network.

Signed Project Head

Officer in Charge of the NP/WLS

CWLW

Office Seal

Date of submission to Govt. of India by the CWLW: -

PART-II

(To be filled in by the Applicant)

1. Project details:
 - (i) Copy of the investigation and Survey report
 - (ii) Self-contained and factual project report for which NP/WLS area is required
 - (iii) Map (Duly authenticated by the Divisional/ District Head of the Department dealing with Forests and Wild Life) on a scale of 1:150000 showing the boundaries of the NP/WLS, delineating the area in question in red colour)
 - (iv) Self-contained and factual report of at least two alternatives considered by the project authorities along with technical and financial justification for opting National Park/Sanctuary area.
 - (v) Copy of the Bio-diversity Impact Assessment report in case the proposal involves diversion of more than 50 ha. NP/WLS area.
2. Location of the Project/Scheme
 - (i) State/Union territory
 - (ii) District
 - (iii) Name of the National Park/Sanctuary
3. Details of the area required (in Hectares only)

(Provide breakup of the land use under the project e.g. construction of dam, submergence, housing for staff, road etc.)
4. Details of displacement of people, if any, due to the project
 - (i) Total number of families involved in displacement
 - (ii) Number of Scheduled Caste/Scheduled Tribe families involved in displacement
 - (iii) Detailed rehabilitation plan
5. Any other information relevant to the proposal but not covered in any of the columns above.

Signed by
Project Head
Name
Organization

Date of submission to the Head of the National Park/ Sanctuary

PART-III

(To be completed by the Officer-in-Charge of the National Park/Sanctuary completed and submitted to the Chief Wild Life Warden or officer authorized by him in this behalf within 30 days of the receipt of PART-II)

1. Date of receipt of the PART-II.
2. Total Area (Ha.) of National Park/Sanctuary
3. Total area (Ha.) diverted from the NP/WLS so far for development purposes
4. List the past projects and the area (Ha.) diverted.

Name of the Project	Area diverted	Year of diversion
---------------------	---------------	-------------------
5. Positive impact/s due to the diversion of area for the projects referred to in column 4 above.

Name of the Project/s	Positive impact	Scientific Basis of Assessment
(Attach separate document, if required)		
6. Negative impact/s due to the diversion of area for the projects referred to in column 4 above.

Name of the Project/s	Positive impact	Scientific Basis of Assessment
(Attach separate document, if required)		
7. Management Plan Period

Attach copy of the Management Plan/ Management Scheme/Recommendation of Chief Wildlife Warden
8. List Management actions taken/proposed to be taken in the whole Block/Zone in which the proposed area is located.
9. Type of forest in which the proposed area falls.
10. Location of the proposed area w.r.t. the critical/intensive wildlife management areas/wildlife habitats (attach Map to scale)
11. List the likely POSITIVE AND NEGATIVE impact/s of the proposed project giving scientific and technical justification for each impact.
12. Provide COMPREHENSIVE details of the impact of the proposal in Terms of Sections 29 and/or section 35(6) of the Wild Life (Protection) Act, 1972 as the case may be.
13. Whether the project authorities have ever committed violation of the Wild Life (Protection) Act, 1972 or Forest (Conservation) Act, 1980. If yes, provide the EXHAUSTIVE details of the offence and the present status of the case.

(Concealing or misrepresenting the facts will lead to rejection of the case in addition to any other penalty as prescribed under Law)

14. Have you examined the Project Appraisal document and the alternatives as provided in PART-II?
15. Have you examined the Bio-diversity impact Assessment Report?
16. If yes, please give your comments on the recommendations given in the report.
17. Dates and duration of your field visits to the proposed site.
18. Do you agree that the present proposal of diversion of NP/WLS area is the best or only option and is viable?
19. Any other information that you would bring to the notice of the State Board, National Board or its Committee that may be relevant and assist in decision making.
20. Do you recommend the project?
(Please provide full justification to support your recommendations)

The Officer in Charge of the N.P./WLS

Official Seal

Date of submission to the Chief Wild Life Warden or any other officer authorized by him in this regard

PART-IV

(To be completed by the Chief Wild Life Warden within 15 days of the receipt of PART-II and III)

1. Date of RECEIPT of PART-II AND III by the Chief Wild Life Warden or the Officer authorized by him in this regard.
2. Do you agree with the information and recommendation provided by the Officer-in-Charge in PART-III?
3. If not, please provide the reasons.
4. Have you visited the site yourself and held discussions with the applicant?
5. Do you agree that the present proposal for permitting use of NP/WLS area is the best option or only option and is viable?
6. Please provide specific comments w.r.t. Section 29 of the Wild Life.
7. Any other information that you would bring to the notice of the State Board, National Board or its Committee that may be relevant and assist in decision making.
8. Do you recommend the project?
(Please provide full justification to support your recommendations)
9. Conditions, if any, to be ensured in the interest of wildlife for allowing use of the Area.

Signed by

The Chief Wild Life Warden

Name

State

Official Seal

Date of submission to the State Government

PART-V

(To be completed by the Department in charge of Forestry and Wild Life in consultation with the State Board for Wild Life within 30 days of the receipt of PART-II, III and IV)

1. Date of RECEIPT of PART-II, III and IV by the Department.
2. Do you agree with the recommendation/s of the Chief Wild Life Warden?
3. If not, please provide reasons
4. Did you provide PART-II, III AND IV to the members of the State Board?
5. Attach copy of the opinion of the State Board for Wild Life.
6. Give details of the recommendations of the State Government.

Signed by

The Principal Secretary

Name

State

Official Seal

Date of submission to the Central Government.

Ensuring compliance to the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

The Forest (Conservation) Rules 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016]vide Rule (3) (a) provides that after having received the proposal for diversion of forest land for non-forest purpose the Nodal Officer of the concerned State Government or the Union territory Administration, and on being satisfied that the proposal is complete in all respects and requires prior approval under the Act, shall send the proposal to the concerned Divisional Forest Officer and the District Collector.

Rule 6 (3) (e) of the above rules requires the District Collector to complete the process of recognition and vesting of forest rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal, obtain consent of each Gram Sabha having jurisdiction over the whole or a part of the forest land indicated in the proposal for the diversion of such forest land and compensatory and ameliorative measures, if any, having understood the purposes and details of diversion, wherever required; and forward his findings to the Conservator of Forests.

In compliance of the above mentioned, the District Collector shall submit a certificate along with other specified documents in respect of (a) plantations that were raised on non-forest land and notified as “protected forest” on or after 13th December 1930 and located in villages having no recorded Scheduled Tribe Population as per 2001 and 2011 census; (b) linear projects involving forest land other than plantations covered in (a); and (c) projects other than linear projects and plantations covered in (a) and (b); in the formats enclosed as Form I, Form II, and Form III respectively.

Passenger Ropeway project shall be considered as linear project for the purpose of submission of evidences for having initiated and completed the process of settlement of rights under ST &OTFD (RoR) Act 2006

FORM –I

(for linear projects other than Plantations)

[Rule 6(3) (e) of Forest (Conservation) Rules 2003 as amended up to date]

Government of

Office of District Collector

No.Dated.....

TO WHOMSOEVER IT, MAY CONCERN

In compliance of the Rule 6(3)(e) of the Forest (Conservation) Rules, 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016] it is certified that hectares of forest land proposed to be diverted in favour of (name of user agency) for (purpose for diversion of forest land) in the district falls within the jurisdiction of..... village(s) in..... tehsils. It is further certified that:

- (a) the complete process of recognition and vesting of forest rights under the FRA has been carried out for the entirehectares of forest land proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub- Division Level Committee(s) and the District Level Committee are enclosed as attachmentto attachment
- (b) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA, 2006 have been completed and the Gram Sabhas have given their consent to it;
- (c) the proposed area does not involve recognized rights of Primitive Tribal Groups and Pre-Agricultural Communities.

Encl.: As above.

Signature
(Full name and official seal of the District Collector)

FORM-II

(for projects other than linear projects and plantations)

[Rule 6(3) (e) of Forest (Conservation) Rules 2003 as amended up to date]

Government of
Office of District Collector
No.Dated.....

TO WHOMSOEVER IT, MAY CONCERN

In compliance of the Rule 6(3)(e) of the Forest (Conservation) Rules, 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016] it is certified that hectares of forest land proposed to be diverted in favour of (name of user agency) for (purpose for diversion of forest land) in the district falls within the jurisdiction of village(s) in..... tehsils. It is further certified that:

- (a) the complete process of recognition and vesting of forest rights under the FRA, 2006 has been carried out for the entirehectares of forest land proposed for diversion. A copy of records of all consultation and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub- Division Level Committee(s) and the District Level Committee are enclosed as attachmentto..... attachment
- (b) the proposal for such diversion (with full details of the project and its implications, vernacular/ local language) have been placed before each concerned Gram Sabha or forest-dwellers, who are eligible under the FRA, 2006;
- (c) each of the concerned Gram Sabha(s), has certified that all formalities/ processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensation and ameliorative measures, if any, having understood the purpose and details of proposed diversion. Copies of certificate issued by the Gram Sabha(s) of villages(s) are enclosed as attachmentto attachment.....;
- (d) the discussion and decisions on such proposals had taken pace only when there was a quorum of minimum 50 % of the members of Gram Sabhas present;
- (e) the diversion of forest land for facilities managed by the Government as required under Section 3 (2) of the FRA have been completed and the Gram Sabhas have given their consent to it;
- (f) the rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable have been specifically safeguarded as per Section 3 (1) of the FRA, 2006.

Encl.: As above.

Signature
(Full name and official seal of the District Collector)

FORM- III

(for plantations on non-forest land and notified as “protected forest” on or after 13th December 1930 and located in villages having no recorded Scheduled Tribe Population as per 2001 and 2011 census)

[Rule 6(3) (e) of Forest (Conservation) Rules 2003 as amended up to date]

Government of

Office of District Collector

No.Dated.....

TO WHOMSOEVER IT, MAY CONCERN

In compliance of the Rule 6(3)(e) of the Forest (Conservation) Rules, 2003 [as amended vide the Forest (Conservation) Amendment Rules 2014; Forest (Conservation) second Amendment Rules 2014; and Forest (Conservation) Amendment Rules 2016] it is certified that hectares of forest land proposed to be diverted in favour of(name of user agency) for(purpose for diversion of forest land) in the district falls within the jurisdiction of village(s) in..... tehsils having no recorded population of Scheduled Tribes as per Census of India 2001 and 2011. It is further certified that:

- a) The Protected Forest (s) namely _____ involved in the above villages are plantations raised on non-forest land on or after 13th December 1930 and were notified as PF vide notification no (s)..... dated.....;
- b) Therefore, these PFs neither have residing Scheduled Tribes nor have Other Traditional Forest Dwellers (residing in the PFs for more than 75 years) having rights recognized under Forest Rights Act, 2006.

Encl.: As above.

Signature

(Full name and official seal of the District Collector)

Conducting cost-benefit analysis for projects involving forest diversion

- (i) While considering proposal for diversion of forest land for non-forestry use, it is essential that ecological and environmental losses and eco-economic distress caused to the people who are displaced are weighted against economic and social gains.
- (ii) Whenever the forest land is involved in the development projects, the cost of ecosystem services and fragmentation of habitat of wildlife and economic distress caused to people dependent on forests and the cost of settlement of people dependent on forest should also be added as the cost of forest diversion in addition to the standard project cost which would have been incurred by the user agencies without involvement of forest land while conducting the cost benefit analysis of the project. Similarly, the benefits from the project accruing due to diversion of forest land and used in the project should also be accounted for in the benefits component in addition to the standard benefits of the project which would have been accrued without involvement of forest land while conducting the cost benefit analysis and determining the benefit and cost ratio (BC ratio).
- (iii) The cost of compensatory afforestation and its maintenance in future and soil & moisture conservation at present discounted value and future benefits from such Compensatory Afforestation accruing over next 50 years monetized and discounted to the present value should be included as cost and benefits respectively of compensatory afforestation while conducting the cost benefit analysis and determining the benefit and cost ratio (BC ratio).
- (iv) **Table-A** lists the details the types of projects involving forest land for which cost-benefit analysis will be required. **Table-B** lists the parameters according to which the cost aspect of forest land diverted for the development projects will be determined, while **Table-C** lists the parameters for assessing the benefits accruing to the project using of forest land.
- (v) A cost-benefit analysis as above should accompany the proposals sent to the Central Government for forest clearance under the Forest Conservation Act.

Table-A: Cases under which a cost-benefit analysis for forest diversion are required

S. No.	Nature of proposal	Applicable/ not applicable	Remarks
1	All categories of proposals involving forest land upto 20 hectares in plains and upto 5 hectare in hills.	Not applicable	These proposals may be considered on a case-to-case basis and value judgment.
2	Proposal for defence installation purposes and oil prospecting (prospecting only).	Not applicable	In view of national Priority accorded to these sectors, the proposals would be critically assessed to help ascertain that the utmost minimum forest land is diverted for non-forest use.

3	Habitation, establishment of industrial units, tourist lodges complex and other building construction.	Not applicable	These activities being detrimental to protection and conservation of forest, as a matter of policy, such proposals would be rarely entertained.
4	All other proposals involving forest land more than 20 hectares in plains and more than 5 hectares in hills including roads, transmission lines, minor, medium and major irrigation projects, hydro projects, mining activity, railway lines, location specific installations like micro-wave stations, auto repeater centers, TV towers etc.	Applicable	These are cases where a cost-benefit analysis is necessary to determine when diverting the forest land to non-forest use in the overall public interest.

Table-B: Estimation of cost of forest diversion

S. No.	Parameters	Remarks
1	Ecosystem services losses due to proposed forest diversion.	Economic value of loss of eco-system services due to diversion of forests shall be the net present value (NPV) of the forest land being diverted as prescribed by the Central Government (MoEF&CC). <i>Note: In case of National Parks the NPV shall be ten (10) times the normal NPV and in case of Wildlife Sanctuary the NPV shall be five (5) times the normal NPV or otherwise prescribed by the ministry or any other competent authority.</i>
2	Loss of animal husbandry productivity, including loss of fodder.	To be quantified and expressed in monetary terms or 10% of NPV applicable whichever is maximum.
3	Cost of human resettlement.	To be quantified and expressed in monetary terms as per approved R&R plan.
4	Loss of public facilities and administrative infrastructure (Roads, building, schools, dispensaries, electric lines, railways, etc.) on forest land, which would require forest land if these facilities were diverted due to the project.	To be quantified and expressed in monetary terms on actual cost basis at the time of diversion.

5	Possession value of forest land diverted.	30% of environmental costs (NPV) due to loss of forests or circle rate of adjoining area in the district should be added as a cost component as possession value of forest land whichever is maximum.
6	Cost of suffering to oustees.	The social cost of rehabilitation of oustees (in addition to the cost likely to be incurred in providing residence, occupation and social services as per R&R plan) be worked out as 1.5 times of what oustees should have earned in two years had he not been shifted.
7	Habitat Fragmentation Cost.	While the relationship between fragmentation and forest goods and services is complex, for the sake of simplicity the cost due to fragmentation has been pegged at 50% of NPV applicable as a thumb rule.
8	Compensatory Afforestation and soil & moisture conservation cost.	The actual cost of compensatory afforestation and soil & moisture conservation and its maintenance in future at present discounted value.

Table-C–Existing guidelines for estimating benefits of forest-diversion in CBA

Sr. No.	Parameters	Remarks
1	Increase in productively attribute to the specific project.	To be quantified & expressed in monetary terms avoiding double counting.
2	Benefits to economy due to the specific project.	The incremental economic benefit in monetary terms due to the activities attributed to the specific project.
3	No. of population benefited due to specific project.	As per the Detailed project report.
4	Economic benefits due to of direct and indirect employment due to the project.	As per the Detailed project report.
5	Economic benefits due to Compensatory afforestation.	Benefits from such Compensatory Afforestation accruing over next 50 years monetized and discounted to the present value should be included as benefits of Compensatory Afforestation. *For benefits of CA the guideline of the Ministry for NPV estimation may be consulted.

Note-1: Net Present value (NPV) of environment and ecosystem services loss:

The concept of Net Present Value of the forest land diverted is a scientific method of calculating the environmental cost and other losses caused due to diversion of

forest land for non-forestry purposes. The NPV represents the net value of various ecosystem services and other environmental services in monetary terms which the forest would have provided if the forest would not have been diverted.

Note-2: Possession value of forest land diverted:

The forest land diverted for the project such as irrigation, hydropower, railways, roads, wind, and transmission lines and mining etc. are unlikely to be returned and remains in possession of the user agencies. Therefore 30% of the net present value (NPV) of forest land diverted or market rate of adjoining area in the district should be added as a cost component as "possession value of forest land" in addition to the environmental costs due to loss of forests.

PART C

The following are general and standard conditions pertaining to different categories of project. These conditions may be incorporated in all cases along with different specific conditions recommended by the RO/REC/FAC/State Government (for general approval projects)

Hydro Electric Project (HEP)

In-principle/Stage-I approval.

1. Compensatory afforestation:
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha Non-forest land / degraded forest land (Compartment no. / Khasra No., Village-....., Tehsil-, District-.....) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
 - b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original 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 State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
3. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. **Copy of approved Catchment Area Treatment (CAT) Plan, if applicable shall be submitted in accordance to para no. 4.8 (i) of Forest (Conservation) Act, 1980 Handbook.**
6. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through *e-portal* (<https://parivesh.nic.in/>).
8. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. **The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project.**
7. **The Catchment Area Treatment Plan (CAT) shall be implemented as per approved scheme.**
8. **User agency shall undertake afforestation along the periphery of the reservoir.**
9. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
10. The layout plan of the proposal shall not be changed without prior approval of Central Government.
11. No labour camp shall be established on the forest land.
12. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
13. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
14. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
15. 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.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
17. The forest land shall not be used for any purpose other than that specified in the project proposal.
18. User agency shall provide free water for forestry related activities/ projects.
19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.

21. 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.

B. Industry Project

In-principle/ Stage-I approval.

1. Compensatory afforestation:
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha. Non-forest land / degraded forest land (Compartment no. / Khasra No., Village-....., Tehsil-, District-.....) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
 - b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original 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 State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
3. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e-portal** (<https://parivesh.nic.in/>).
7. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

Formal /Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over ha non-forest/ degraded forest land (Compartment/ Khasra No., Village-....., Tehsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.
7. **The user agency shall maintain green belt (33%) within the allotted area as per the directions of the concerned Divisional Forest Officer.**
8. No labour camp shall be established on the forest land.
9. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
10. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
11. The forest land shall not be used for any purpose other than that specified in the project proposal.
12. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
13. **The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.**
14. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
15. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
16. 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. The State Government shall ensure compliance of all the above conditions.

C.Irrigation Project

In-principle/ Stage-I approval

1. Compensatory afforestation:
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha. Non-forest land / degraded forest land (Compartment no. / Khasra

- No., Village-....., Tehsil-, District-.....) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
- b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original 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 State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
 3. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
 4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
 5. **Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted in accordance to para no. 4.8(i) of Forest (Conservation) Act, 1980 Handbook, if applicable.**
 6. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through *e-portal* (<https://parivesh.nic.in/>).
 8. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost

- of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 5. **The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project.**
 6. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
 7. **User agency shall undertake afforestation along the periphery of the reservoir.**
 8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
 9. No labour camp shall be established on the forest land.
 10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
 11. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
 12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 13. 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.
 14. The forest land shall not be used for any purpose other than that specified in the project proposal.
 15. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
 16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
 17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
 18. 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.

D Mining Project

In-principle/ Stage-I approval

1. Compensatory afforestation:
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha. Non-forest land / degraded forest land (Compartment no. / Khasra No., Village-....., Tehsil-, District-.....) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
 - b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the

- original 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 State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
 3. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
 4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
 5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through *e-portal* (<https://parivesh.nic.in/>).
 7. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.
7. **The User Agency either itself or through the State Forest Department shall undertake fencing, protection and afforestation of the safety zone area (7.5 meter**

strip shall be kept within the mining lease or mining cluster, as applicable and such other areas as specified in the approved mining plan) at the project cost. Area of safety zone of a mining lease shall be a part of the total area of the mining lease.

8. **The period of diversion of the said forest land shall be co-terminus with the period of the mining lease granted under the Mines and Minerals (Development & Regulating) Act, 1957 or Rules framed thereunder.**
9. **The user agency shall undertake mining and reclamation of the mined out area as per the approved mining plan and the directions of the concerned Divisional Forest Officer.**
10. No labour camp shall be established on the forest land.
11. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
12. **The boundary of the diverted forest land, mining lease area and safety zone shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.**
13. The forest land shall not be used for any purpose other than that specified in the project proposal.
14. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
15. **The change in the layout plan of the mining lease, if required, shall be done as prescribed in the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.**
16. **The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.**
17. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
18. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
19. 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. The State Government shall ensure compliance of all the above conditions.

E. Prospecting proposals

Formal approval

1. The User Agency shall be allowed exploratory drilling of a maximum of borehole of” diameter over ha of forest land.
2. The prior approval of Govt. of India under Section 2 of FC Act for prospecting in this forest area under consideration is only for resource assessment and mapping and does not confer in any manner any right to the State Government to divert such forest land under Section 2(ii) of Forest (Conservation) Act, 1980 for mining purpose in future in

- favour of this user agency or any other mining company on the plea that forest clearance for prospecting has been granted.
3. Charges towards NPV & CA as applicable shall be realized by the State Govt. from the User agency & deposited in Ad-hoc CAMPA fund through e-portal.
 4. User agency shall seek permission of concerned Divisional Forest Officer before entering into the forest area and borehole shall be dug with prior permission of the concerned Divisional Forest Officer and also furnish detailed report thereof on completion of the project.
 5. Proper plugging of borehole shall be made after exploration activities are complete to the satisfaction of the concerned Divisional Forest Officer.
 6. No tree felling shall be undertaken for exploration activities. Project activities shall be restricted to clearing of bushes and lopping of tree branches if any for the purpose of site preparation.
 7. The user agency shall be responsible for any loss to the flora and fauna in the surrounding. Any damage done in this regard shall be compensated by the user agency from the project cost as per assessment of the concerned Divisional Forest Officer.
 8. No new road shall be constructed by the user agency for transporting prospecting tools and machines. The user agency may use the existing forest road/ path with prior information to the concerned Divisional Forest Officer. The area used for path during the prospecting work shall be restored to its original status of forest after completion of prospecting work.
 9. No other construction activities shall be done by the user agency on forest land. Existing path and roads only will be used by the user agency for the purpose of prospecting activities and drilling of borehole will be limited tono. with diameter of” within forest land will be dug.
 10. Any change in the diameter of borehole and number of bore holes will be reported to the concerned Regional Office in advance for consideration and recommendations to the Central Government.
 11. Adequate measures shall be taken by the user agency to ensure that prospecting activities do not harm the wildlife in the area. Any damage done in this context, shall be compensated by the user agency as per assessment, by the concerned Divisional Forest Officer.
 12. No labour camp shall be established on the forest land and no work shall be allowed after sunset.
 13. In case, rights over forest land proposed to be used for prospecting purpose, has already been settled in favour of eligible claimants as per provisions of the Forest Rights Act, 2006, the claimants shall either be compensated appropriately or location of borehole by suitably re-located.
 14. Initially the permission for prospecting will be granted for two years from the date of issue of this approval which can be extended for one more year with convincing justification from the State Government for extension.
 15. In case of violations of conditions by the user agency, the permission for prospecting of minerals shall be suspended by the concerned Divisional Forest Officer. Further it shall be enquired by the Nodal Officer (FCA) of the State Government and report to be submitted to the concerned Regional Office for appropriate action.
 16. The samples collected during the prospecting shall be used purely for investigation purposes and shall in no case be used for trade or commerce purpose.

17. To minimize disturbance to the wildlife, user agency shall take all possible measures to minimize noise during prospecting operations and halt the prospecting activities during night and during such periods in the day as may be advised by the concerned Chief Wildlife Warden, concerned State Forest Department.
18. The user agency and the State Government shall ensure compliance to provisions of the MoEF&CC Guidelines F. No. 11-96/2009-FC dated 4th July, 2014 issued by the Ministry regarding drilling in the forest land.
19. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dated 29/01/2018.
20. The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, guidelines, NGT order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

F. Railway Project

In-principle/ Stage-I approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original 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 State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
 7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through (<https://parivesh.nic.in/>).
 8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 9. **Speed regulating signage will be erected along the railway line at regular intervals in the Protected Areas/ Forest Areas.**
 10. **The user agency shall provide suitable under/ over passes in ProtectedArea/ Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
 11. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
 12. The layout plan of the proposal shall not be changed without prior approval of Central Government.
 13. No labour camp shall be established on the forest land.
 14. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
 15. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
 16. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 17. 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.
 18. The forest land shall not be used for any purpose other than that specified in the project proposal.
 19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
 20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
 21. 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.
 22. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.

3. Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **Speed regulating signage will be erected along the railway line at regular intervals in the Protected areas/ Forest Areas.**
6. **The user agency shall provide suitable under / over pass in Protected area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
7. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
9. No labour camp shall be established on the forest land.
10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. The boundary of the diverted forest land shall be demarcated on ground at the project cost as per the directions of the concerned DFO.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. 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.
14. The forest land shall not be used for any purpose other than that specified in the project proposal.
15. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project
17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
18. 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.

G. Road Project

In-principle/ Stage-I approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**

- a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original 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 State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
 5. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
 6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
 7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through *e-portal* (<https://parivesh.nic.in/>).
 8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 9. **User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.**
 10. **Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.**
 11. **The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
 12. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
 13. The layout plan of the proposal shall not be changed without prior approval of Central Government.
 14. No labour camp shall be established on the forest land.

15. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
16. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
17. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
18. 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.
19. The forest land shall not be used for any purpose other than that specified in the project proposal.
20. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
21. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
22. 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.
23. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. User agency shall restrict the felling of trees to minimum numbers in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
6. **User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.**
7. **Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.**
8. **The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
9. The User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
10. The layout plan of the proposal shall not be changed without prior approval of Central Government.
11. No labour camp shall be established on the forest land.

12. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
13. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
14. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
15. 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.
16. The forest land shall not be used for any purpose other than that specified in the project proposal.
17. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
18. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
19. 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.

H. Thermal Power Project

In-principle/ Stage-I approval.

1. Compensatory afforestation:
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha. Non-forest land / degraded forest land (Compartment no. / Khasra No., Village-....., Tehsil-, District-.....) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
 - b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original 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 State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
3. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566

in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.

- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
 5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through *e-portal* (<https://parivesh.nic.in/>).
 7. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. **The State Govt. shall ensure that no non-forest / construction activity shall be carried out by the user agency within specified distance beyond HFL of River, if thermal power plant is located on the bank of river.**
7. **The user agency shall ensure that ash produced due to the unit shall not pollute the air and water of the nearby areas for which, green belt shall be maintained around the proposed unit and necessary plantation in the nearby villages/ habitation should be carried out in consultation with the local people.**
8. **User agency shall undertake afforestation along the periphery of the reservoir, if thermal power plant is reservoir based project.**
9. **The user agency shall also utilize the ash generated by supplying for construction of road project within the 100 Km radius and also facilitate supply of ash to brick industries as per latest fly ash notification.**
10. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
11. The layout plan of the proposal shall not be changed without prior approval of Central Government.
12. No labour camp shall be established on the forest land.

13. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
14. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of concerned Divisional Forest Officer.
15. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
17. 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.
18. The forest land shall not be used for any purpose other than that specified in the project proposal.
19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
21. 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.

I. Transmission Line Project

In-principle/ Stage-I approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original 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 State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. NPV:

- a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
 7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal.
 8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 9. **The User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species (preferably medicinal plants) in right of way under the transmission line for execution of the said scheme to the State Forest Department.**
 10. **The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.**
 11. **The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.**
 12. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
 13. The layout plan of the proposal shall not be changed without prior approval of Central Government.
 14. No labour camp shall be established on the forest land.
 15. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
 16. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
 17. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 18. 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.
 19. The forest land shall not be used for any purpose other than that specified in the project proposal.
 20. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.

21. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
22. 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.
23. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.**
6. **The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.**
7. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
9. No labour camp shall be established on the forest land.
10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. 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.
14. The forest land shall not be used for any purpose other than that specified in the project proposal.
15. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
16. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.

18. 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.

J. Underground Gas / water pipeline / OFC Project

In-principle/ Stage-I approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original 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 State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
 - c) **Full exemption of NPV in case of laying of underground OFC cable provided no felling of trees is involved and area proposed for diversion is outside of Protected Area as per the MoEF&CC Guideline F. No. 5-3/2007-FC dated 05/02/2009.**

- d) Full exemption of NPV in case of laying of underground drinking water pipeline 4” dia provided no felling of trees is involved, non-commercial project, area proposed for diversion is outside of Protected Area and total forest land required for project is less than 1.00 ha as per the MoEF&CC Guideline F. No. 5-3/2007-FC dated 05/02/2009.**
6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
 7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal.
 8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 9. **The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.**
 10. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
 11. The layout plan of the proposal shall not be changed without prior approval of Central Government.
 12. No labour camp shall be established on the forest land.
 13. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
 14. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
 15. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 16. 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.
 17. The forest land shall not be used for any purpose other than that specified in the project proposal.
 18. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
 19. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
 20. 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.
 21. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

Formal/ Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost of

- the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 5. **The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.**
 6. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
 7. The layout plan of the proposal shall not be changed without prior approval of Central Government.
 8. No labour camp shall be established on the forest land.
 9. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
 10. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
 11. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 12. 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.
 13. The forest land shall not be used for any purpose other than that specified in the project proposal.
 14. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
 15. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
 16. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
 17. 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.

K. Forest Village Relocation

Formal approval

1. **Legal status of the forest land diverted under the Forest (Conservation) Act, 1980 for relocation/rehabilitation of villages from National Parks/Sanctuaries/ Tiger Reserves shall cease to be forest land.**
2. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
3. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
4. **Land vacated in the protected area due to relocation of Village shall be developed as per approved Wildlife Management Plan / NTCA guideline / CWLW.**
5. **No fragmentation of forests should take place due to the relocation project.**

6. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
7. The forest land shall not be used for any purpose other than that specified in the project proposal.
8. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project
9. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
10. 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. The State Government shall ensure compliance of all the above conditions.

L. Wind Power Project

In-principle/ Stage-I approval.

1. Compensatory afforestation:
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha Non-forest land / degraded forest land (Compartment no. / Khasra No., Village-....., Tehsil-, District-.....) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
 - b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original 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 State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
3. NPV:
 - a) The State Government shall charge the Net Present Value (NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) **The State Government shall charge 50% of the minimum rate of NPV irrespective of eco-class in which the project lies provided minimum tree**

felling is involved as per MoEF&CC guideline No. 5-3/2007-FC dated 05/02/2009 and the orders of Hon'ble Supreme Court of India order dated 24/04/2008.

- c) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. The cost of felling of trees to minimum number of trees shall be deposited by the User Agency with the State Forest Department.
5. **The State Government shall charge a lease rent at the rate of Rs.30,000/- per MW from user agency as a lump-sum onetime payment for the entire period of lease as per MoEF&CC guideline No. 8-84/2002-FC dated 16/12/2005.**
6. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through *e-portal* (<https://parivesh.nic.in/>).
8. The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).

Formal/Stage-II approval

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tehsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.
7. **User Agency shall demarcate the project area as per the directions of concerned Divisional Forest Officer.**
8. **The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits.**
9. **The lease period shall be for a period of 30 years as per MoEF&CC guideline F. No. 8-84/2002-FC dated 14/05/2004.**
10. Any tree felling shall be done only when it is unavoidable, and that too under strict supervision of the State Forest Department and at the cost of the project.
11. **The layout plan of the proposal shall not be changed without the prior approval of the Central Government.**

- 12. The State Government and user agency shall undertake implementation of mitigation measures to be obtained by the user agency from BNHS/ WII or any other National level reputed agency dealing with bird conservation.**
13. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
14. The State Government and user agency shall complied with the other standard conditions in vogue as per this MoEF&CC guidelines as amended from time to time for Wind Power Project.
15. No labour camp shall be established on the forest land.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project
17. The forest land shall not be used for any purpose other than that specified in the project proposal.
18. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
19. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
20. 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. The State Government shall ensure compliance of all the above conditions.

AUGUST
2020



**Rapid Assessment of Wildlife and Suggested
Mitigation Measures for Development of Delhi
Dehradun Highway in the Shivalik Hills**



भारतीय वन्यजीव संस्थान
Wildlife Institute of India

TR. No. 2020/08

**RAPID ASSESSMENT OF WILDLIFE
AND SUGGESTED MITIGATION
MEASURES FOR DEVELOPMENT OF
DELHI DEHRADUN HIGHWAY IN
THE SHIVALIK HILLS**

Investigators

Dr. Bivash Pandav

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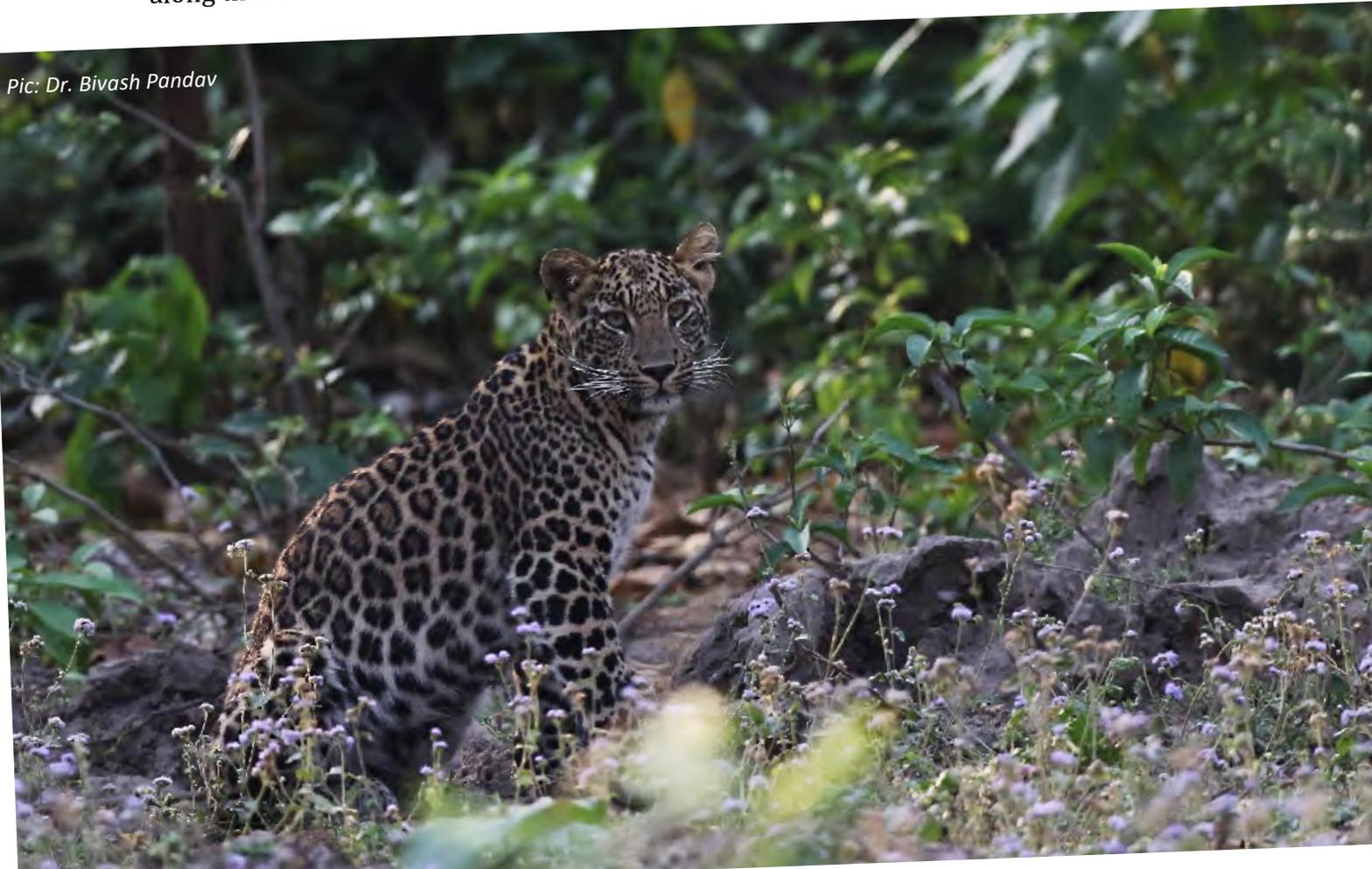
Shri Sanjay Kumar, IAS, Commissioner, Saharanpur; Shri B. K. Jain, IFS, Chief Conservator of Forests, Saharanpur and Shri Amit Varma, IFS, Director, Rajaji Tiger Reserve constantly followed up our work and ensured necessary logistic support in the field. We thank the staff of: Shivalik Forest Division, UP; Chillawali and Ramgarh ranges of Rajaji Tiger Reserve; and Asarodi Range of Dehradun Forest Division for their support during the field work.

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Md. Yasin, Senior Technician and Bharat Singh, driver at WII worked tirelessly during the lockdown period, meticulously deployed and monitored all the 81 camera traps along the road. This work would not have been possible without their sincere efforts.

Pic: Dr. Bivash Pandav



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Executive Summary

The 20km stretch of NH72A between Ganeshpur and Dehradun passes through the wildlife rich habitats of Shivalik Forest Division, Uttar Pradesh and Rajaji Tiger Reserve as well as Dehradun Forest Division of Uttarakhand. This stretch of NH72A is being considered for expansion in order to provide better road connectivity between Delhi and Dehradun. Based on the request of National Highway Authority of India (NHAI), the Wildlife Institute of India (WII) carried out a rapid assessment of wildlife use along the road based on which appropriate mitigation measures are suggested in order to maintain the ecological integrity of the area. The road was categorized in to three distinct zones based on geographical and ecological features and 81 camera traps were deployed to sample the intensity of animal use in these three zones. To standardize the camera trap efforts, we determined the length of each road segment, and divided the species capture rates by the road length of each zone to get species capture rate per km length of road. Hotspots of animal use were generated using Kernel Density tool in ArcGIS Pro for all the camera trap points. We calculated the distance of the intensive use areas of heatmaps to get species specific and over all intensive crossing zones. We also identified consolidated crossing zones for important species and for species which are risky to human life/damage to vehicle owing to their large body size.

The overall per kilometer capture rate of wild animals was highest in Zone III (between Asarodi and Dehradun) among the three road stretches. This was largely due to abundance of primates (mainly rhesus macaques) on this stretch which largely remain on the highway owing to food provisioning by humans. However, per kilometer capture rates were highest for most other animal groups viz. pheasants (including red jungle fowl, peafowl and Kalij pheasant), ungulates (chital, sambar, nilgai, wild pig, barking deer), elephant, small mammals (including Indian crested porcupine and Indian hare) and leopard in Zone I (between Ganeshpur and Mohand) of NH 72A.

Based on the data generated, we suggest to elevate the road at least for a stretch of 3.5km in Zone I (between Ganeshpur and Mohand) with minimum of 7m height at the openings from the ground either in its existing alignment or in a new alignment along the river. The wildlife crossings in zone II (between Mohand and Asarodi) are largely taken care by the elevated road proposed by NHAI between Mohand and Dat Kali temple. We identified a 850m intensive animal use area in zone III (between Asarodi and Dehradun) and propose two Animal Under Passes of 200m each at critical crossing points.

Our study clearly indicates that this 20km stretch of NH72A passes through a wildlife rich area. Appropriate mitigation measures as suggested are a must in order to maintain ecological integrity of the area, which is part of high priority conservation landscape, both locally as well as globally.

The short-term study carried out by us only provides a snapshot of wildlife use of the area adjoining the road owing to the restricted duration of sampling.



Pic: Udaiveer Singh

Introduction:

Linear infrastructures such as roads, railway lines, canals, power lines, water and gas pipelines are known to adversely impact the biodiversity (Forman, 2003). Of the linear infrastructures, roads with increasing vehicular traffic pose a greater threat as they are ubiquitous in almost every landscape (Forman, 1998). The Indian protected area network is around 4.7 % of the total geographic area of the country (National Forest Commission, 2006). Also, majority of the PAs are small and isolated (National Forest Commission, 2006). To make the matters worse around 20,000 km of roads pass through our forested areas (Annual report 2012-2013, Ministry of Road, Transport & Highways, Govt. of India). Development of linear infrastructure, especially roads, pose a major challenge owing to the wide-ranging impacts it can have on wildlife populations.

Roads and traffic affect wildlife populations in following ways- 1) habitat loss and degradation (Fahrig and Rytwinski, 2009) 2) wildlife mortality due to wildlife-vehicle collision (Forman, 2003) 3) acts as barrier (Oxley et al., 1974 ; Mader, 1984 ; McGregor et al., 2008) 4) subdividing populations into smaller populations making them more vulnerable to local extinctions (Coffin, 2007). Apart from these, other effects of roads include changes in animal behaviour (Vidya and Thuppil, 2010 ; Mulero-Pazmany et al., 2015) and vegetation community along the road edges with introduction of invasive species (Davis et al., 2000), with these effects generally penetrating as long as 300m into the forest on each side of the road (Forman et al., 1997). Also, the roads passing through protected areas make the wildlife populations more susceptible to poaching and hunting owing to better access (Kerley et al., 2002; Mech et al. 1988; Brody 1984; McLellan & Shackleton 1988). Adverse effects of roads can escalate with increasing road width (Fahrig et al., 1995; Lovallo and Anderson, 1996) and traffic volume (Seiler 2003).

Extensive amount of work has been done to understand the ill effects of roads on ecosystems and landscape (Forman, 2003). Comprehensive books have been published which target multidisciplinary audience (scientists, engineers, planners, economists, transportation agencies) (Forman, 2003; van der Ree et al., 2015). Recently, the incorporation of remotely sensed data to understand the effects of roads has led to new insights and more precise estimates. For example, Torres et al. (2016) estimated that 22.4% and 50% of all land in Europe falls within 500m and 1.5km respectively from the nearest transport infrastructure. Similarly, D Amico et al. (2015) reports that roads caused a reduction of 40% of the regional habitat quality for red deer and 55% for wild boar. He also suggested that by decommissioning the unused and unpaved roads 91% of the potential habitat of both the species can be reclaimed. These figures indicate the level of adverse effects that roads can have on wild animal populations.

As a rapidly developing tropical country, India faces grave challenges in terms of conflict between its development goals and conservation of the remaining wildlife habitats. With the advancement of road ecology, there has been an increasing focus on developing roads with appropriate mitigation measures to reduce the deleterious effects of roads on wildlife. The present study was carried out with this background of understanding the wildlife use of an existing road and suggest mitigation measures as part of the proposed expansion of NH 72 connecting Delhi – Dehradun.



Background of the study:

The existing National Highway 72 connects Delhi and Dehradun and is subjected to heavy vehicular traffic. Four laning of this highway is currently under progress. This existing highway also forms the part of a proposed new road project between Delhi and Dehradun that will significantly reduce the distance as well as travel time once it is ready. A 20 km stretch of this road between Ganeshpur in Uttar Pradesh (UP) and Dehradun passes through/along the wildlife rich forested habitats of Shivalik Forest Division in Uttar Pradesh, Rajaji Tiger Reserve (along the western most edge) and Dehradun Forest Division of Uttarakhand. Considering the wildlife value of the area, the National Highway Authority of India (NHAI) approached the Wildlife Institute of India (WII) to carry out a rapid assessment of the wildlife use of this road and suggest mitigation measures to avoid negative impact of this road on wildlife of the area.

Ecological setting of NH72 in the context of larger landscape:

The 20 km stretch of NH72 between Ganeshpur and Mohand though largely passes through the Shivalik Forest Division of UP, ecologically, it abuts Rajaji Tiger Reserve and is a major road with considerable vehicular traffic in the western most part of Terai Arc Landscape (TAL), a major conservation landscape of the country. This stretch of road clearly bisects the contiguous forested tract between rivers Ganga and Yamuna that includes the entire western part of Rajaji Tiger Reserve, Shivalik Forest Division of UP, Dehradun and Kalsi Forest Divisions of Uttarakhand. Beyond Yamuna, this forest is contiguous with Kalesar National Park and Wildlife Sanctuary in Haryana and Sher Jung National Park in Himachal Pradesh (Figure 1). This contiguous forested tract happens to be the western most distribution limit of some of the endangered species such as tiger, elephant, king cobra and great hornbill (Johnsingh et al. 2004). As recent as 2004, tiger presence was recorded in this entire landscape (Johnsingh et al. 2004). The tiger population though depleted at the moment in western part of Rajaji Tiger Reserve, the authorities are currently embarking on an ambitious tiger recovery program (Harihar et al. 2014). With the possible recovery of tiger population in Western Rajaji in the near future, tigers will soon regain their former range along this western most part of TAL. Therefore, maintaining the integrity of this landscape is an absolute necessity for achieving future conservation goals. The proposed expansion of NH72 assumes great significance in this context. With appropriate mitigation measures at right places in this proposed expansion program, there is a great opportunity at hand to demonstrate the synergy between development and conservation.

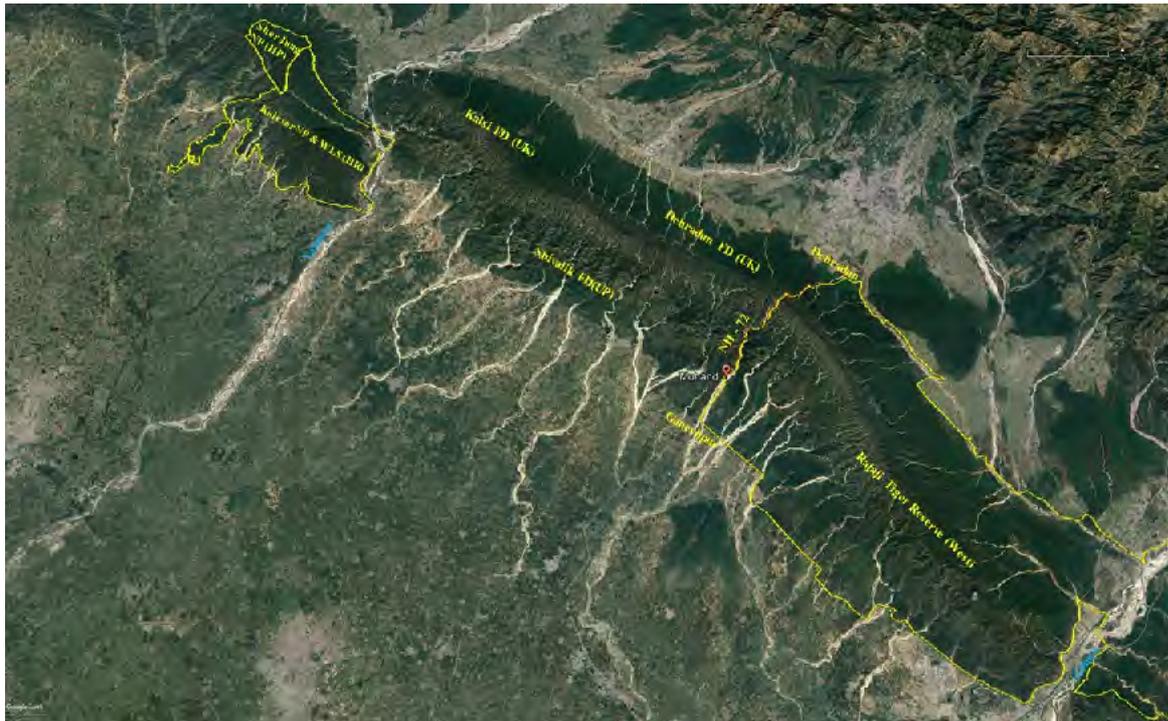


Figure 1: Map showing the 20 km stretch of NH72 between Ganeshpur and Mohand that bisects the forested landscape between rivers Ganga and Yamuna along the westernmost part of Terai Arc Landscape.

Description of the road:

Detailed study was carried out in the 20km stretch of NH72 between Ganeshpur and Dehradun. The road in this 20km stretch can be broadly classified in to three distinct zones based on their geographical features (Figure 2).

Zone I (4.9km) from Ganeshpur to Mohand, passes through flat terrain and lies entirely in Shivalik Forest Division (Mohand Range, Budhaban and part of Mohand beat) Uttar Pradesh. Right side (eastern side) of the road in this zone is characterized by extensive riverine vegetation such as *Acacia catechu* and *Holoptelea integrifolia*. This stretch is also dominated by miscellaneous tree species such as *Haldina cordifolia*, *Crataeva religiosa*, *Garuga pinnata*, *Toona ciliata*, *Terminalia tomentosa*, *T. bellerica*, *Hymenodictyon excelsum* and *Ficus benghalensis*. Left side (western side) of the road in this zone is dominated by Teak (*Tectona grandis*) plantations. Middlestorey in this zone is dominated by *Mallotus philippensis* and *Holarrhena antidysenterica*. *Justicia adhatoda* dominates the understorey.

Zone II (13.3 km) starts couple of hundred meters before the Mohand settlement (immediately after the Mohand Forest Rest House of Shivalik Forest Division, UP) and extends all the way up to Asarodi police checkpoint in Uttarakhand. This zone is characterized by hilly terrain. The initial 3.9 km stretch of this road, from Mohand till the iron bridge near Thandi Sot (Sot for seasonal water channel), passes through Mohand beat of Mohand range, Shivalik Forest Division, UP. Thereafter, till the tunnel near Dat Kali temple, the road though in Shivalik Forest Division, UP, forms the boundary of Rajaji Tiger

Reserve (Mohand and Pathar Sot beats of Chillawali Range). After the tunnel the road in this zone follows Rajaji Tiger Reserve (Asarodi beat of Ramgarh Range) on its right and Dehradun Forest Division (Asarodi Range) on its left till the Asarodi police checkpost. Vegetation on the hill slopes along this zone is dominated by *T. tomentosa* and *Anogeissus latifolia*. Sal (*Shorea robusta*) occurs in extremely low density in this zone. Hill tops in this stretch are characterized by *Pinus roxburghii*. Moist valleys in this zone are dominated by tree species such as *Syzigium cumini* and *Olea glandulifera*. *Ficus glomerata* and *F. semicaudata* grow commonly along the riverine tracts in this zone. Two of the endemic plants of Shivaliks, *Eremostachys superba* and *Catamixis baccharoides* occur along the road in this zone.

Zone III (1.8 km) starts from the Asarodi police checkpost and extends upto the edge of Mohbewala settlement in Doon valley. The road in this zone passes through flat terrain. Vegetation in this zone is completely dominated by Sal trees with unpalatable species such as *Murraya koenigii*, *Ardisia solanacea* and *Clerodendron infortunatum* dominating the understorey.

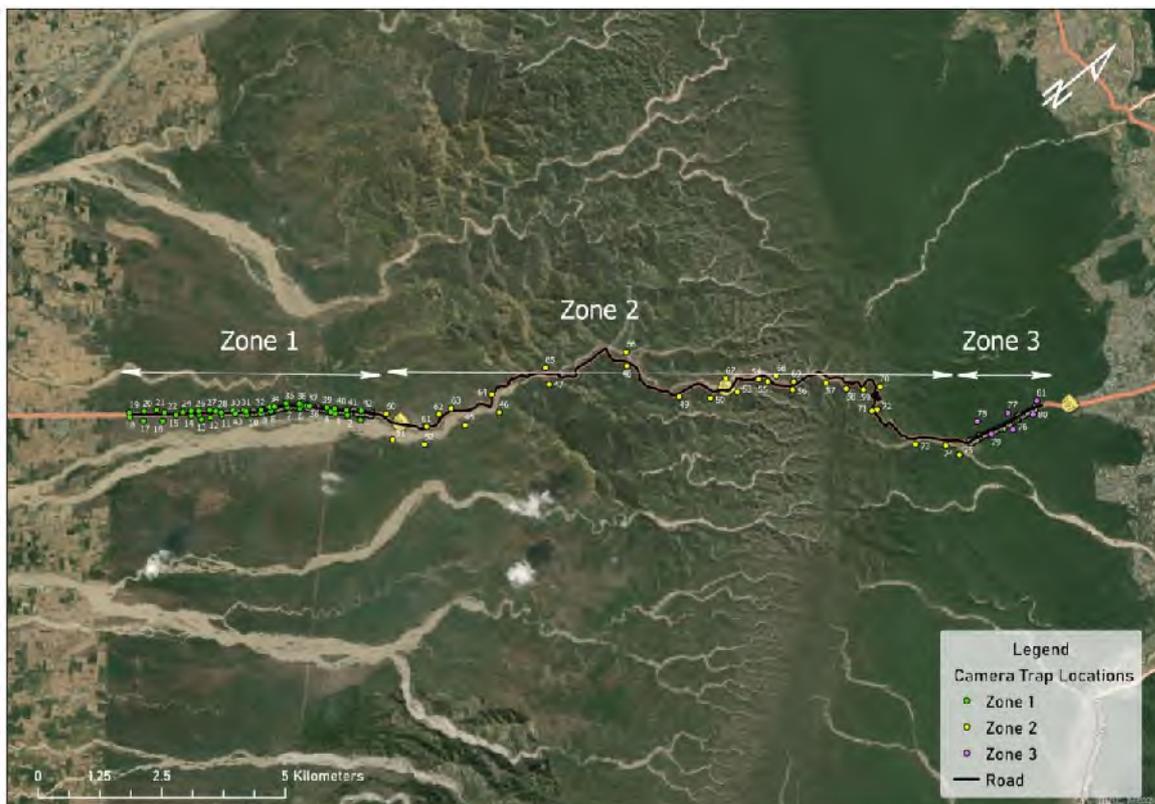


Figure 2: The three zones of the 20 km stretch of road between Ganeshpur and Mohand showing the location of camera traps deployed during the study in each of the zones. 44 camera traps were deployed in Zone I, followed by 31 in Zone II and six in Zone III.

Methods:

Field work for the study was initiated during the lockdown period from 25 April and field sampling was carried out till 04 July 2020. An attempt was made to identify all the animal trails on both sides of this road. 81 camera traps (single side) were deployed along these identified trails to detect wild animals using the area and crossing events (Figure 2). Camera

traps were regularly monitored, and data was periodically downloaded from them during the sampling period.

Analytical Methods:

I. Standardization of camera trap efforts

Data of number of captures of elephant, leopard, lesser carnivores, ungulates, small mammals and pheasants in all three zones were pooled to yield the total captures in each zone. The species/group specific capture rates were calculated by dividing the total captures by the trapping effort (defined as the product of the total number of cameras deployed on each zones and the average number of days the cameras were operational). To generate standardized estimates of species capture rates for comparison between road zones (1, 2 and 3), we determined the length of each road segment, and divided the species capture rates by the road length of each zone to get species capture rate per km length of road.

II. Identification of animal crossing zones

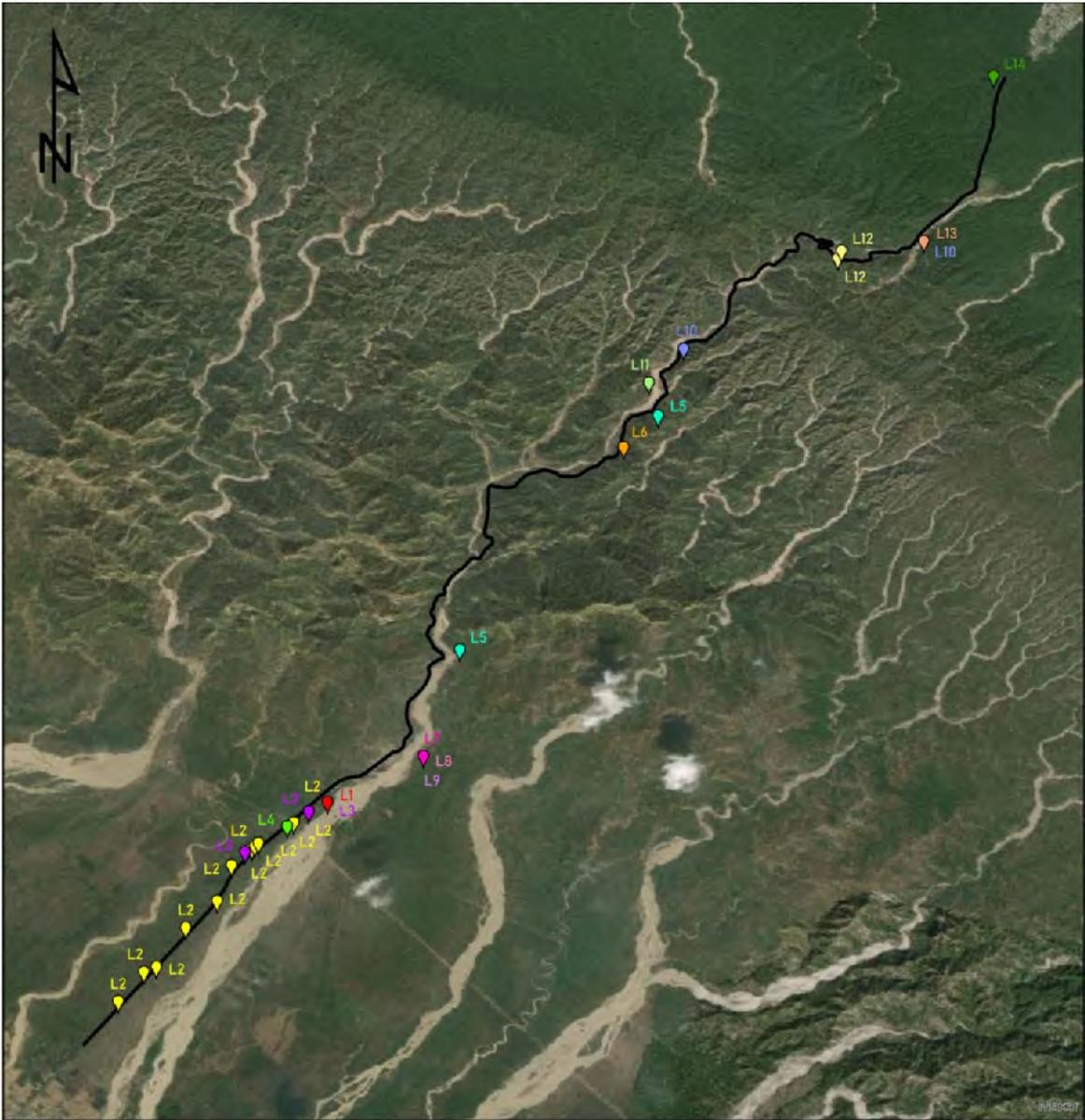
To get an index of intensity of use of area or segment of the road for crossing, the heatmap of the capture locations was generated using Kernel Density tool in ArcGIS Pro for all the camera trap points. Kernel analysis is a non-parametric statistical tool for estimating probability densities from set of points. This method begins by centering a bivariate probability density function with unit volume (i.e., the kernel) over each recorded points. A bivariate kernel probability density estimator (i.e., a “utilization distribution”) is then calculated using the probability density estimates at each capture. The resulting kernel probability density estimator will have relatively large values in areas with many captures and low values in areas with few captures. Intensive use area estimates were derived by drawing contour lines (i.e., isopleths) based on the summed volumes of the kernels at these points. These isopleths define intensive use areas at different probability levels whose areas can be calculated. This was used to identify specific animal crossing zones along the road stretch. For each species and for groups of species (Table 1), total number of captures were used as a weight to determine the density along with their location. To determine vulnerable crossing zones for all the species, we calculated the distance of the intensive use areas of heatmaps to get species specific and over all intensive crossing zone. The crossing zones were classified into major and minor based on the intensity of animal captures. We also identified consolidated crossing zone for important species and for species which are risky to human life/damage to vehicle owing to their large body size.

Table 1: Animal groups considered for analysis for the present study

<i>Group</i>	<i>Species included</i>
Lesser carnivores	Jackal Jungle cat Rusty spotted cat Asian palm civet Small Indian civet Yellow-throated marten Masked palm civet Gray mongoose Leopard cat Monitor lizard
Large Carnivores	Leopard
Small mammalian herbivores	Indian crested porcupine Indian hare
Ungulates	Spotted deer (chital) Sambar Nilgai (bluebull) Wild pig Barking deer Himalayan gray goral
Primates	Gray langur Rhesus macaque
Pheasants	Red junglefowl Peafowl Khalij pheasant
Elephants	Asian Elephant

Results:

We deployed a total of 81 cameras on NH 72 yielding a total effort of 3294.45 trap days in the entire study stretch of 20 km. We obtained a total of 33,722 images of humans, domestic and wild animals. Of these, 17,010 captures were of 25 wild species (Annexure I). Leopards were photo captured in 39 of the 81 camera traps deployed along the road resulting in 96 images (52 left flank and 44 right flank). For Individual identification of leopards, we considered only left flank (owing to larger number of photographs). A total of fourteen unique individual leopards were identified in the 20 km stretch of NH 72A (Annexure II). Photo capture locations of these 14 leopards are depicted in Figure 3.



Leopard IDs	
● L1	● L9
● L2	● L10
● L3	● L11
● L4	● L12
● L5	● L13
● L6	● L14
● L7	— Road

Leopard Capture Locations

0 0.5 1 2 Kilometers

Figure 3: Spatial location of 14 individual leopards identified from 25 locations along NH72 between Ganeshpur and Dehradun.

I. Standardization of Camera Trap Efforts

The overall per kilometre capture rate in Zone III was the highest among the three road stretches (Figure 4). This was largely due to abundance of primates on this stretch which largely remain on the highway owing to food provisioning by humans. However, per kilometre capture rates were highest for pheasants (including red junglefowl, peafowl and Kalij pheasant), ungulates (chital, sambar, nilgai, wild pig, Himalayan goral, barking deer), elephant, small mammals (including Indian crested porcupine and Indian hare) and leopard in Zone I of the study area.

Lesser carnivores, classified as carnivorous animals weighing less than 15 kg including jackal, rusty spotted cat, Asian palm civet, small Indian civet, yellow-throated marten, Masked palm civet, gray mongoose, leopard cat and monitor lizard, had the highest capture rates in Zone III.

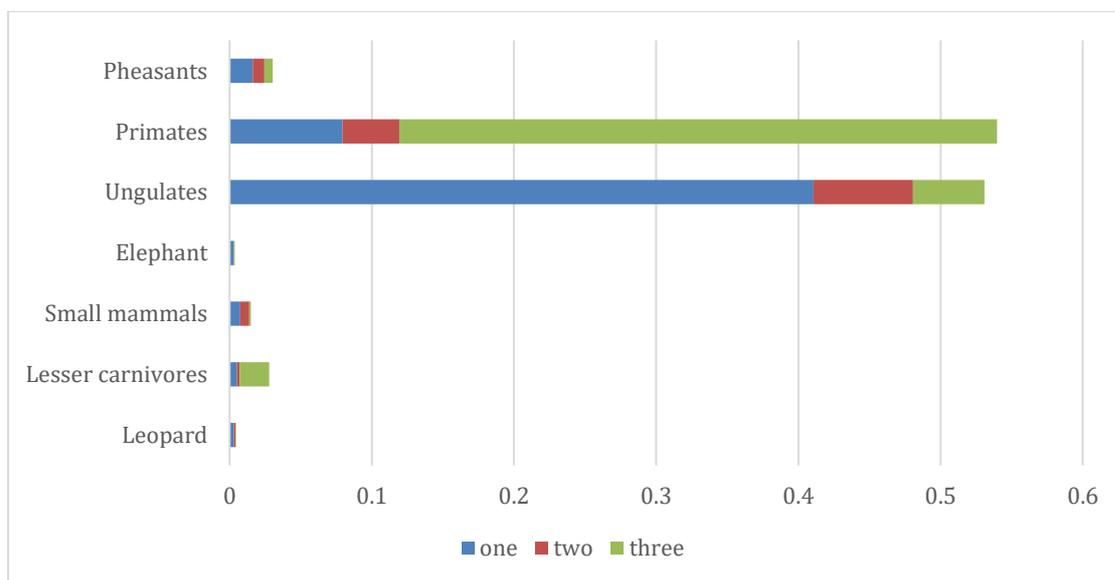


Figure 4: Per kilometre capture rates of different animal groups on the three zones I (blue), II (red) and III (green) on NH 72.

Large-bodied animals (weighing >15 kg) like barking deer, wild pig, nilgai, sambar, chital, leopard and elephant were found to be more abundant in Zone I (Figure 5).

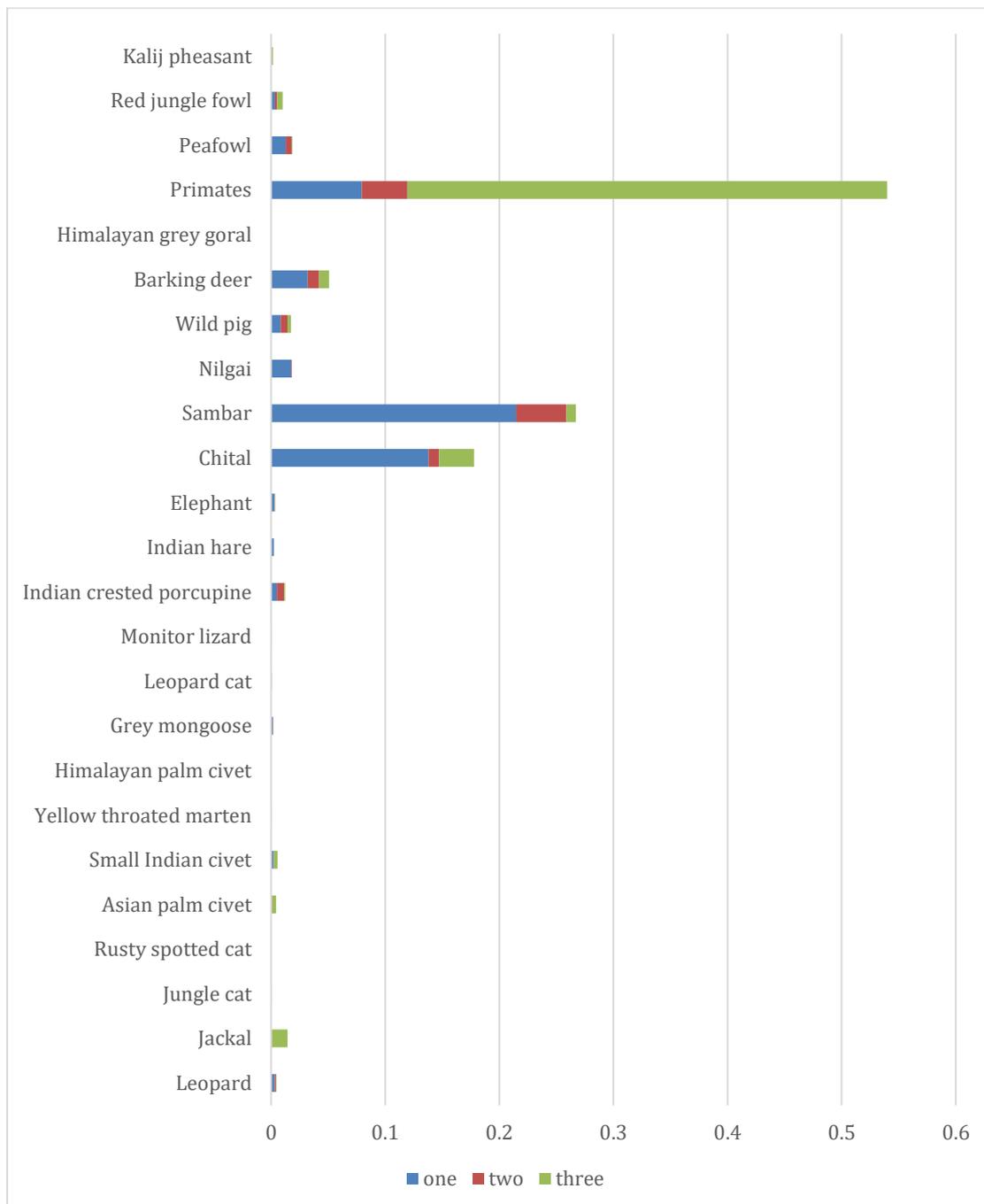


Figure 5: Per kilometre capture rates of all species on three zones of NH 72 (gray langur and rhesus macaque have been pooled together as primates).

I. Identification of Species-Specific Crossing Zones

a. Leopard

Highest leopard captures were obtained from Zone I, followed by Zone II and the least from Zone III. Based on the intensity of captures of leopard on both sides of NH 72 on the three road patches, one 3200 m wide crossing zone on Zone I, and one crossing zone measuring 1800 m on Zone II can be identified (Figure 6).

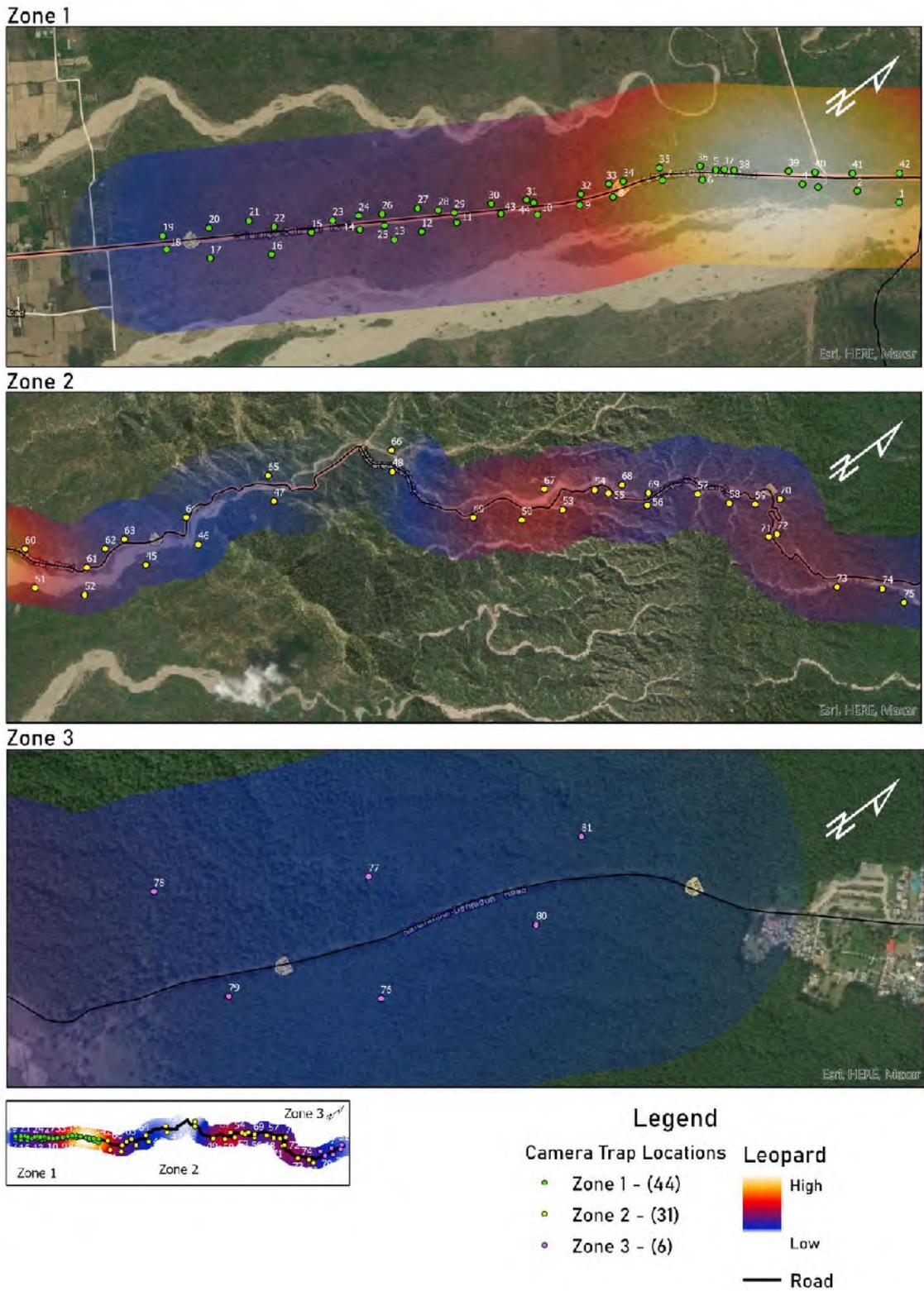


Figure 6: Kernel density maps based on intensity of captures of leopard on road zones I, II and III on NH 72 between Ganeshpur and Dehradun.

b. Lesser carnivores

Highest captures of lesser carnivores were obtained from Zone III, followed by Zone I and the least from Zone II. Based on the intensity of lesser carnivore captures on both sides of NH 72 on the three road patches, one 2800 m wide crossing zone on Zone I, one crossing zone measuring 1100 m on Zone II, and almost the entire length of Zone III (1800 m) can be identified (Figure 7).

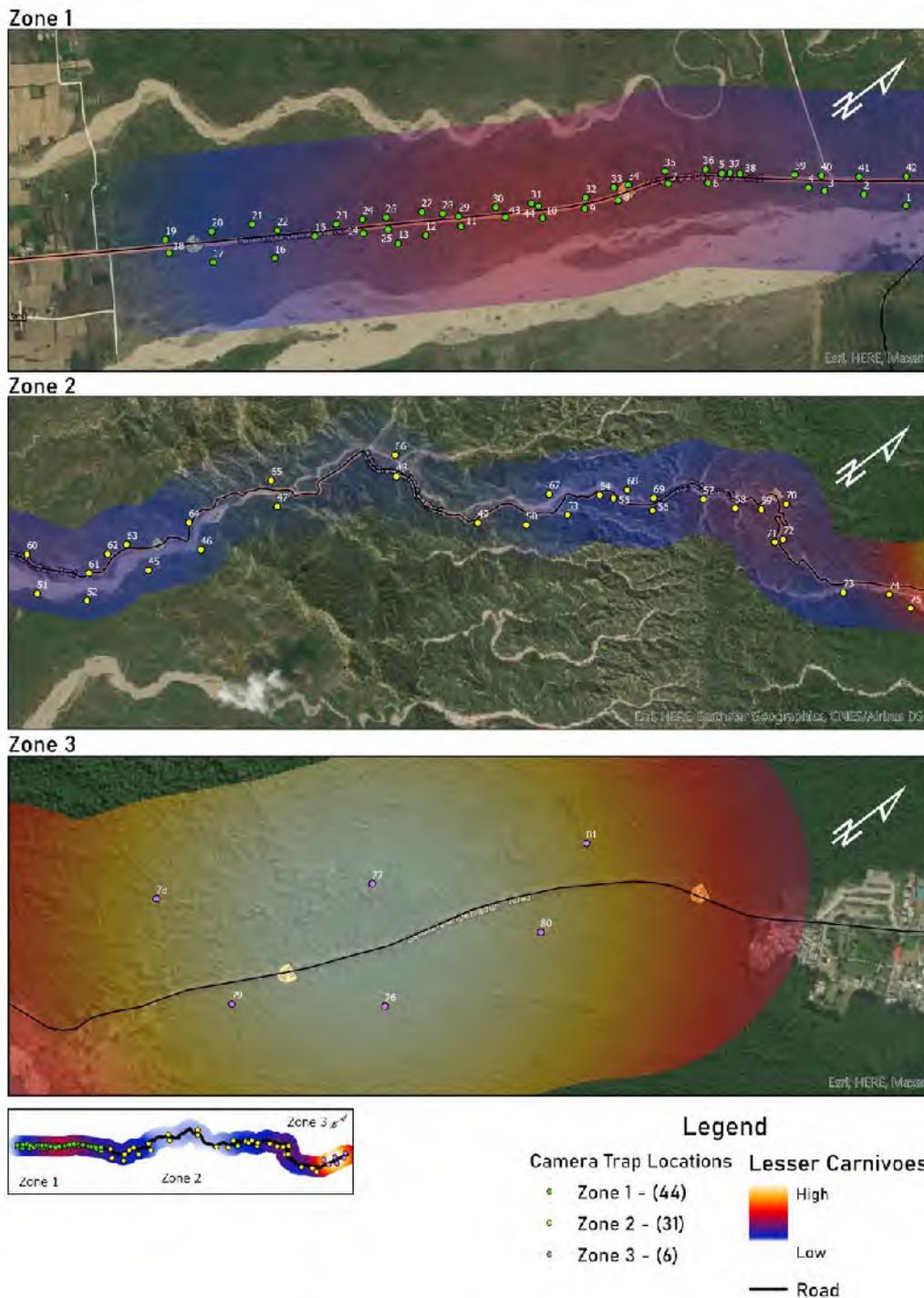


Figure 7: Kernel density maps based on intensity of captures of lesser carnivores on road zones I, II and III between Ganeshpur and Dehradun.

c. Small mammalian herbivores (Indian hare and Indian crested porcupine)

Highest captures of Indian hare and Indian crested porcupine were obtained from Zone I, followed by Zone II and the least from Zone III. Hare was captured only in Zone I of the road. Based on the intensity of small mammal captures on both sides of NH 72 on the three road zones, almost the entire length of Zone I (4900 m), and two crossing zones measuring 1900 m and 6800 m (almost contiguous stretch) on Zone II can be identified (Figure 8).

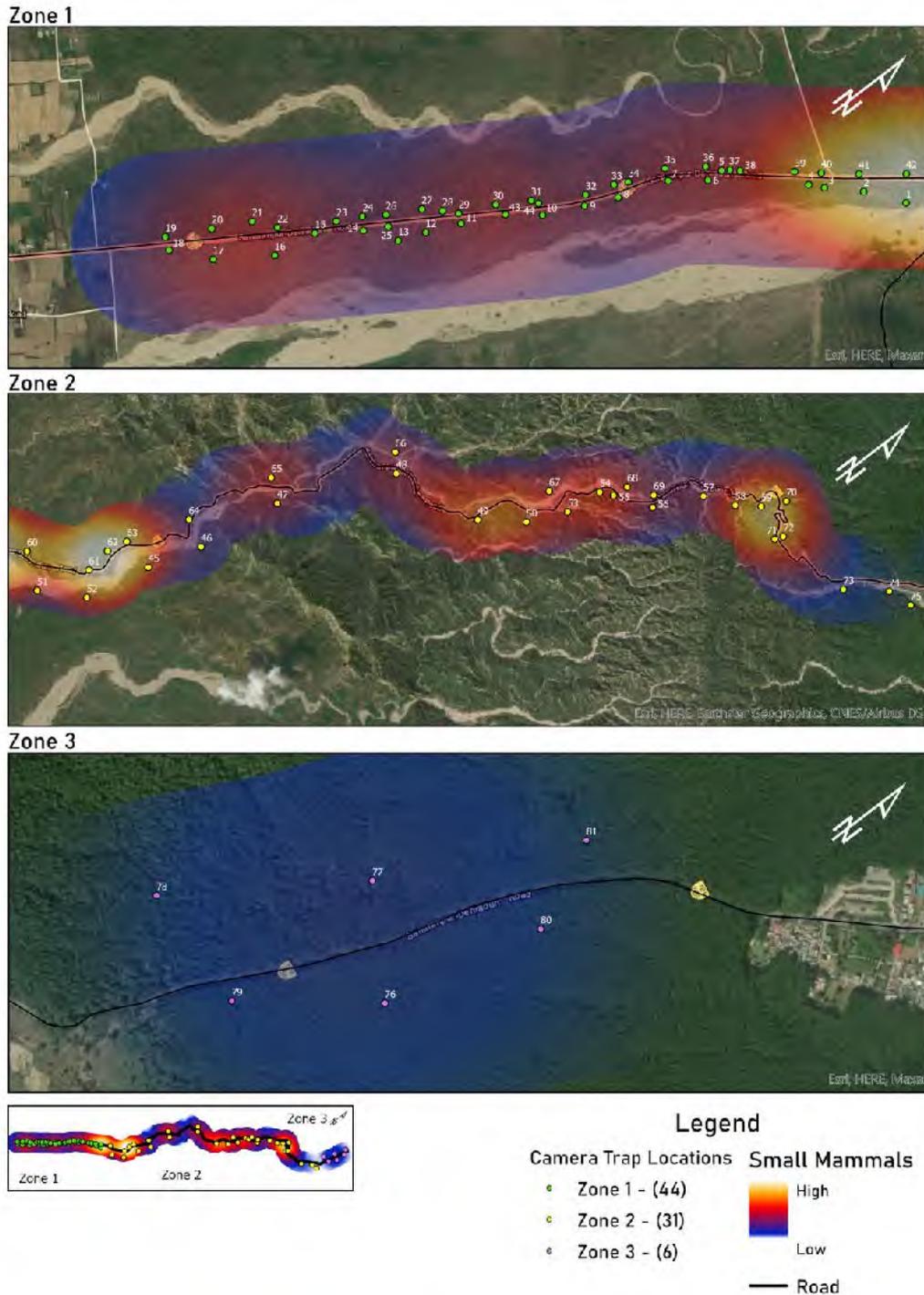


Figure 8: Kernel density maps based on intensity of captures of small mammalian species on road zones I, II and III on NH 72 between Ganeshpur and Mohand.

d. Asian elephant

Highest captures of Asian elephant were obtained in Zone I, followed by Zone II and the least from Zone III. Based on the intensity of elephant captures on both sides of NH 72 on the three road zones, one major crossing zone measuring 3100 m in Zone I, two minor (with respect to intensity of elephant capture) crossing zones measuring 1000 m in Zone II and 800 m in Zone III can be identified (Figure 9).

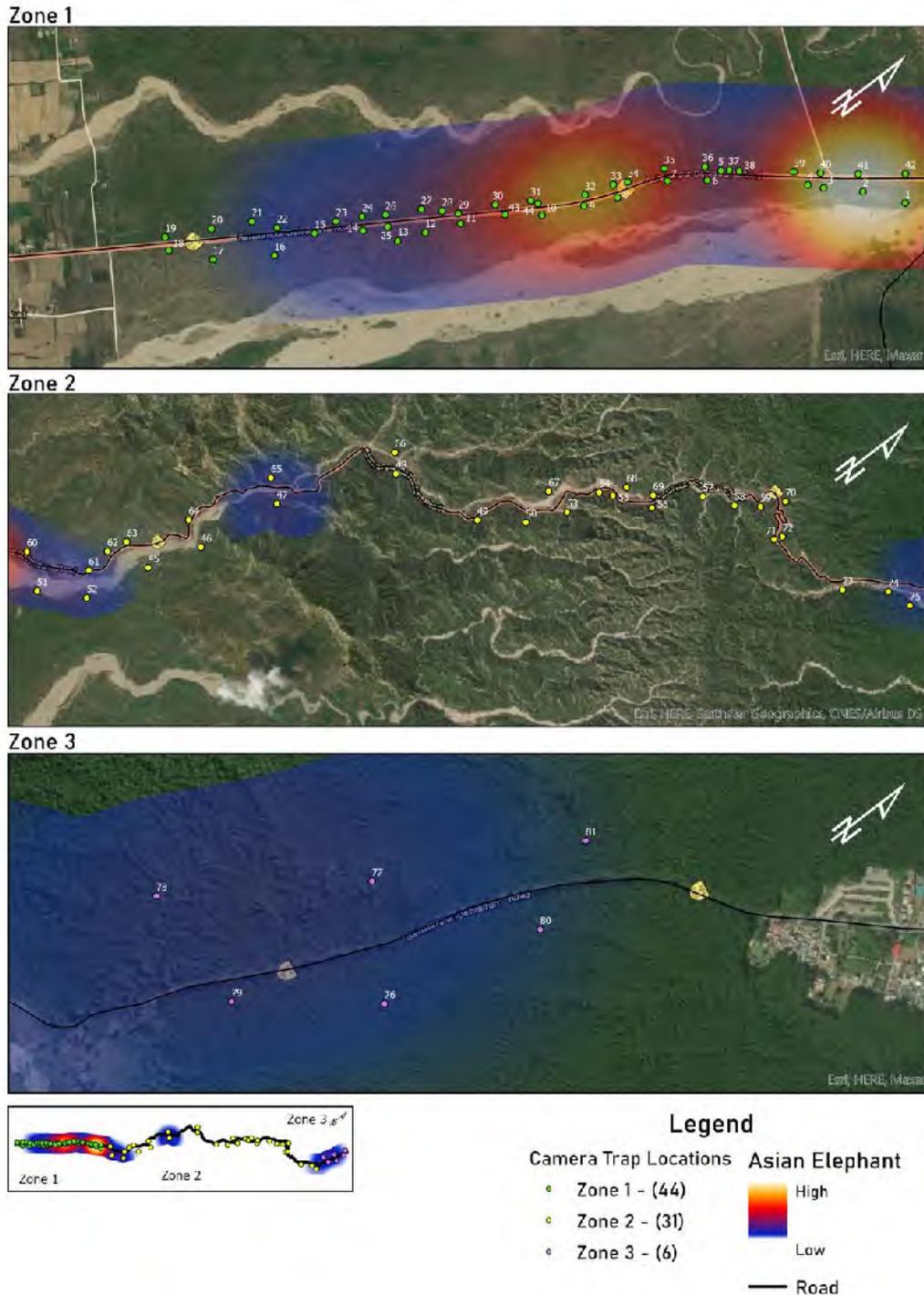


Figure 9: Kernel density maps based on intensity of captures of Asian elephant on road zones I, II and III on NH 72 between Ganeshpur and Mohand.

e. Ungulates

Highest captures of ungulates were obtained from Zone I, followed by Zone II and the least from Zone III. Based on the intensity of ungulate captures on both sides of NH 72 on the three road zones, one major crossing zone measuring 3200 m in Zone I, several minor crossing zones in Zone II (ranging from 300-650 m in width) and one minor crossing zone (400 m) in Zone III can be identified (Figure 10).

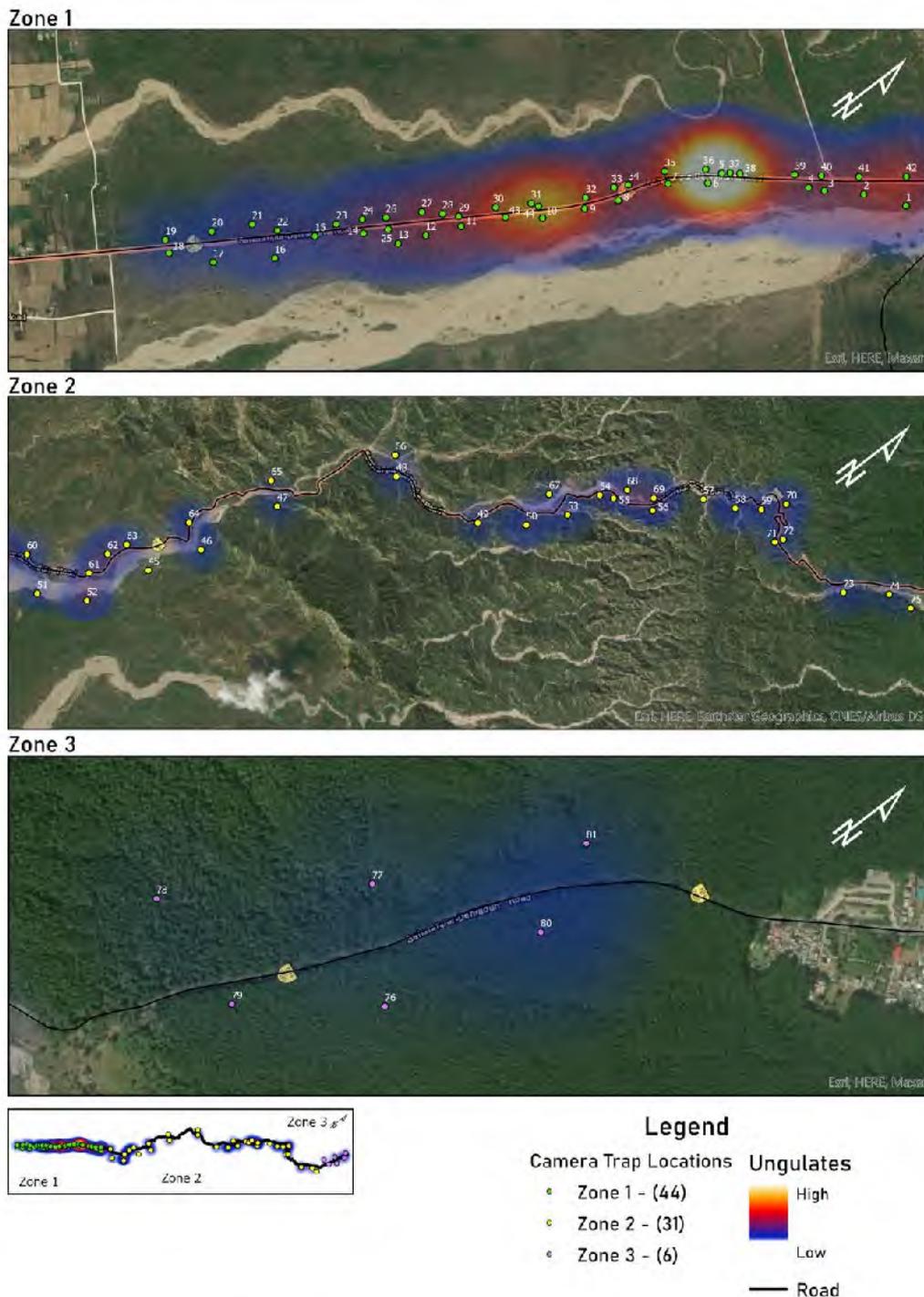


Figure 10: Kernel density maps based on intensity of captures of ungulates on road Zones I, II and III on NH 72 between Ganeshpur and Dehradun.

f. Primates (Indian langur and rhesus macaque)

Primates are abundant all along the stretch of NH 72, primarily due to food provisioning. Highest captures of primates were obtained from Zone III, followed by Zone I and the least from Zone II. Based on the intensity of primate captures on both sides of NH 72 on the three road zones, almost the entire stretch of Zone I, one in Zone II (600 m) and one crossing zone (1300 m) in Zone III can be identified (Figure 11).

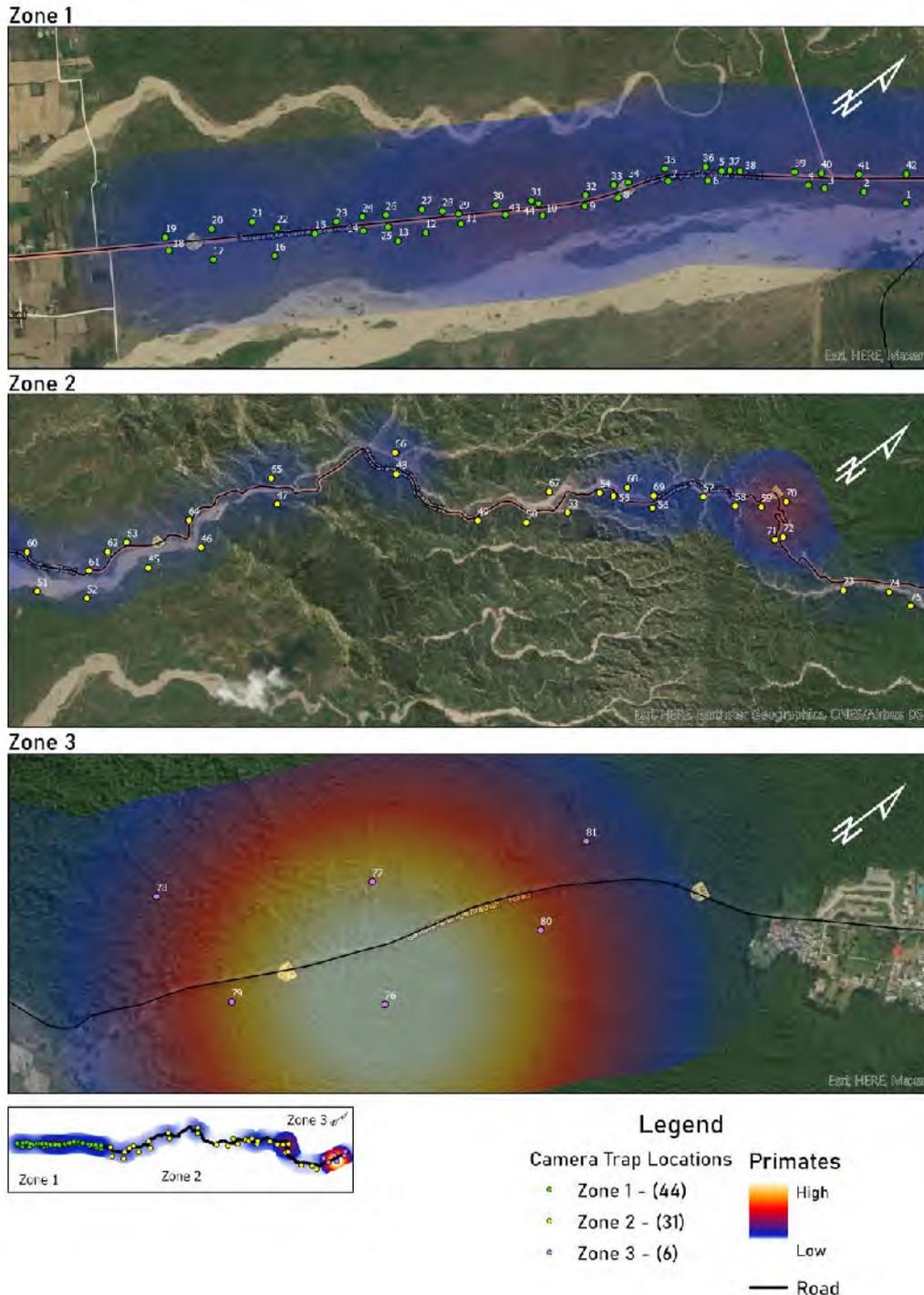


Figure 11: Kernel density maps based on intensity of captures of Indian gray langur and rhesus macaque on road zones I, II and III on NH 72 between Ganeshpur and Dehradun.

g. Pheasants

Highest captures of pheasants were obtained from Zone I, followed by Zone II and the least from Zone III. Based on the intensity of pheasant captures on both sides of NH 72 on the three road patches, one major crossing zone measuring 4500 m in Zone I, two major crossing zones in Zone II (1700 m and 2800 m) and one minor crossing zone (800 m) in Zone III can be identified (Figure 12).

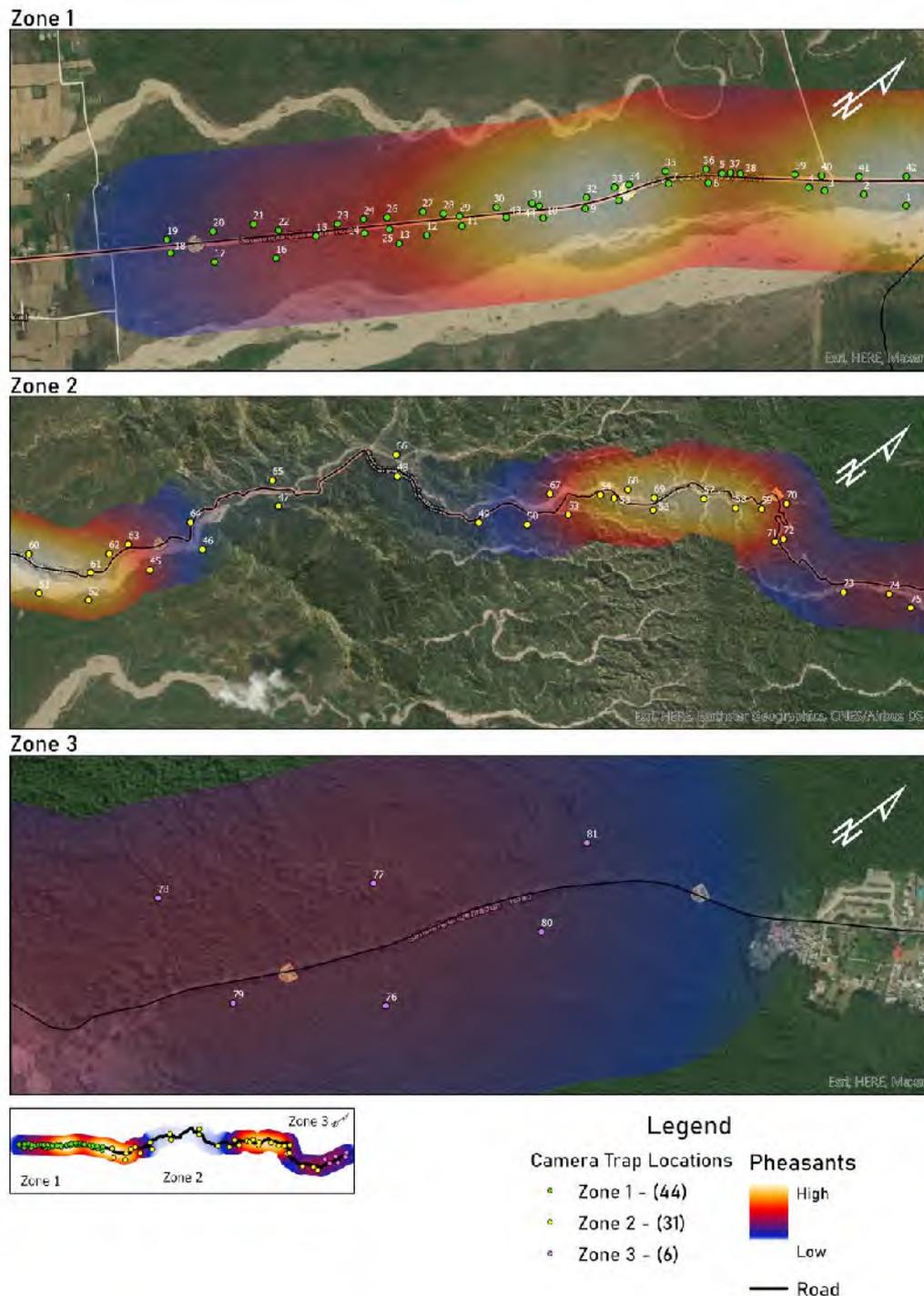


Figure 12: Kernel density maps based on intensity of captures of pheasants on road zones I, II and III on NH 72 between Ganeshpur and Dehradun.

h. Consolidated crossing zone for multiple species on NH 72

All species of wild animals camera trapped during the study were found intensively using bulk of the Zone I. Based on high intensity of animal use, a continuous stretch of 3,500m in zone I, two stretches of 3,000m and 4,000m in zone II and one stretch of 850m were identified in Zone III (Figure 13).

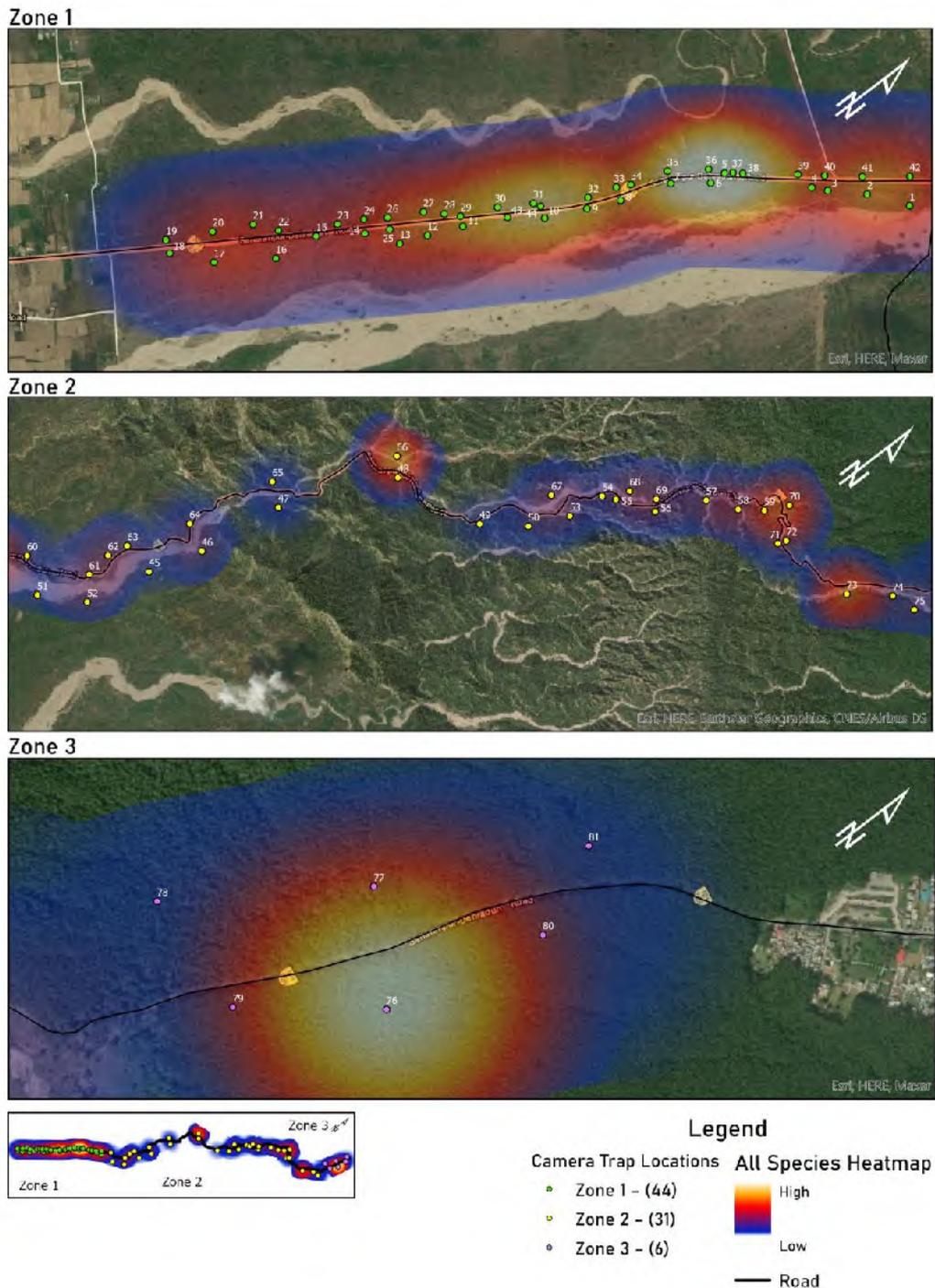


Figure 13: Kernel density maps based on intensity of captures of all wild animals on road zones I, II and III on NH 72 between Ganeshpur and Mohand.

Proposed Mitigation Measures:

As is evident from the results of this study, the 20 km stretch of NH72 between Ganeshpur and Dehradun passes through an extraordinarily rich wildlife area. Proximity of this road to Rajaji Tiger Reserve and the adjoining wildlife rich area of Shivalik Forest Division, UP (Johnsingh et al. 2004) are largely responsible for this rich assemblage of wildlife species along this stretch of road. Any mitigation measures proposed as part of expansion of this stretch of highway needs careful consideration. Based on the intensity of captures of all wild animals on the three zones of NH 72 between Ganeshpur and Dehradun, wildlife crossing zones were demarcated. The details of these crossing zones where mitigation measures may be built are provided below (Table 2 and Figure 14).

Table 2: Details of wildlife crossing zones on NH 72.

Zone/Patch	Crossing zone number	Mid-point of crossing zone	Length of crossing zone (m)
1	1	77.8927 E 30.1698 N	3500
2	1	77.9108 E 30.1870 N	3000
	2	77.9544 E 30.2398 N	4000
3	1	77.9767 E 30.2532 N	850

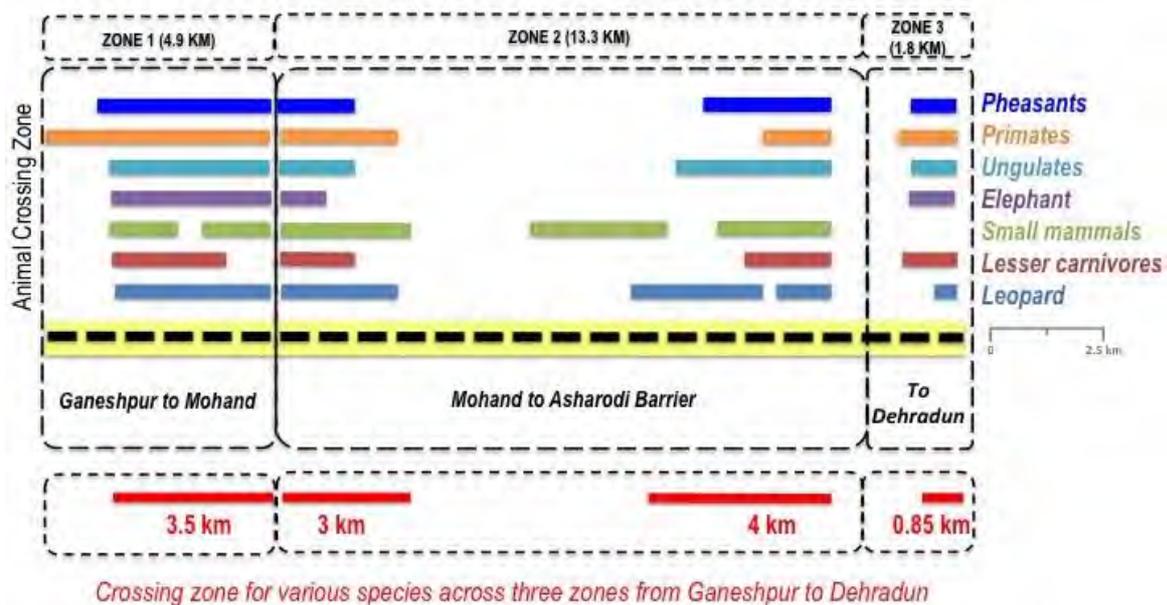


Figure 14: Schematic diagram depicting critical crossing zones of all species on the 20 km stretch between Ganeshpur and Dehradun on NH72.

a. Zone I as a critical section for mitigation:

Wild animal mortality due to collisions with vehicles are a threat to biodiversity, and are among the major threats to animals in human-dominated landscapes. However, collisions of vehicles with large-bodied animals can also be a threat to the safety of humans, and also has economic implications. While data on wild large mammal-driven road accidents are not available for India, the number of large mammal-vehicle collisions in the United States and Europe has been estimated at 1-2 million and 507,00 (Huijser et al. 2008) respectively. These kinds of fatal accidents mostly occur in rural areas adjoining forests where large mammals are abundant. These cases could also result in road authorities being held accountable for the loss of life and property (Abra et al., 2019).

Given that NH 72 abuts the Rajaji National Park that is abundant in large mammals such as the Asiatic elephant, sambar, chital, nilgai, leopard and wild pigs, the potential fatality and injury risk to humans and damage to vehicles as a result of collision cannot be ruled out. Moreover, 91% of captures of wild animals near the road were of large mammals that have the potential to cause accidents fatal for human. It is therefore imminent to align the goal mitigation on NH 72 not only for wild animal safety and connectivity, but also to reduce risks to human safety. Similar approach has been used earlier for proposing the world's largest and India's first ever mitigation measures on NH 7 (now NH 44) passing through important wildlife areas near Pench Tiger Reserve, Maharashtra India (Habib et al., 2015; 2016). The mitigation measures have been proved to be effective and in last nine months till December 2019 a total of 18 wild animal species were found to use underpasses resulting in 5450 captures including 89 captures of 11 unique individual tigers (Habib and Saxena 2020).

Considering the above mentioned large bodied animals only, of the 4.9 km stretch of Zone I on NH 72, about 3.5 km of the road is considered high risk with respect to risk of large mammal-vehicle collisions that could result in human fatalities (Figure 15). This is a flat segment of the road which is also critical as a crossing zone for wildlife that are endangered, vulnerable and near threatened.



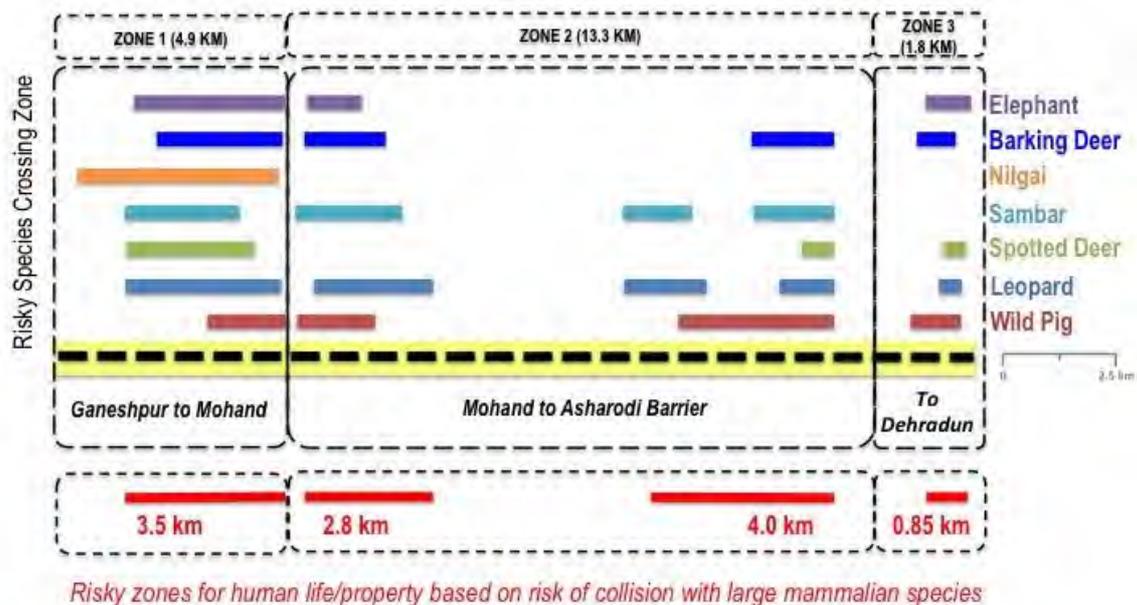


Figure 15: High risk area with respect to fatal wildlife-vehicle collisions from human safety and wildlife perspectives on the three zones of NH 72

It is therefore suggested that a contiguous crossing structure (Animal Under Pass) be provided in this critical road segment. The minimum length of the structure should be 3,500 m (opening of about 3200m) with at least 7m height from the ground either on the existing alignment or on a new alignment. The remaining stretch of road in this zone should have barrier walls of adequate height (ca. 3m with a trapezoidal cross-section) to help animals funnel through the underpass. Possibility of exploring an alternate alignment on the river bed (Mohand rau) should be attempted and the road can be elevated in Zone I after 1.4 km from the forest boundary (from Ganeshpur).

b. Mitigation measures in Zone II

Two stretches of 2.8km (immediately after Mohand) and 4.0km (ending with the tunnel near Dat Kali) were identified as critical wildlife crossing zones in this stretch. A large part of this second wildlife crossing zone is attributed to the ridge line above the existing tunnel that already facilitates lot of animal movement. As per the plan provided by NHAI, it is understood that a large section of this stretch in Zone II will be an elevated structure that also takes care of the critical wildlife crossings and any additional structure may not be required.

c. Mitigation measures in Zone III

One stretch of 850m was identified as a critical wildlife crossing zone in this section of the road. It is proposed to have an 850m of integrated structure with at least two openings of 200m each (Animal Under Pass with minimum of 7m height from the ground) at the designated sites (Location I - N30°15'07.76" E77°58'35.80" and Location II - N30°15'25.41" E77°58'39.76").

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Notes:

A series of horizontal dashed lines for writing notes.

ANNEXURE I

Details of the 25 species camera trapped during the study



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Common Leopard	<i>Panthera pardus</i>	49	44	3	96



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Nilgai	<i>Boselaphus tragcamelus</i>	283	23	0	245



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Sambar	<i>Rusa unicolor</i>	3467	1931	48	5446



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Chital	<i>Axis axis</i>	2228	405	181	2417



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Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Barking Deer	<i>Muntiacus muntjak</i>	517	441	52	1010



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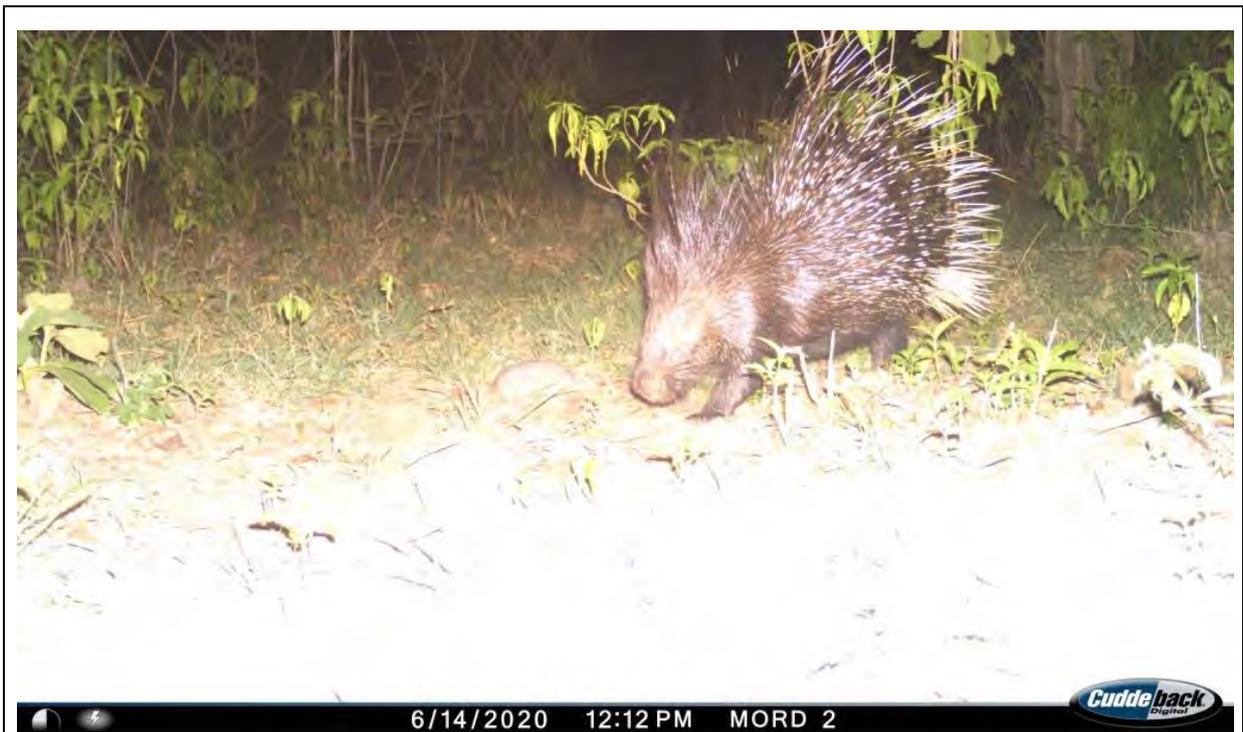
Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Goral	<i>Naemorhedus goral</i>	0	2	0	02



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Wild pig	<i>Sus scrofa</i>	134	261	18	413



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Jackal	<i>Canis aureus</i>	5	17	81	103



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Indian Crested Porcupine	<i>Hystrix indica</i>	83	269	7	359



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Leopard Cat	<i>Prionailurus bengalensis</i>	0	8	3	11



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Jungle Cat	<i>Felis chaus</i>	3	1	0	04



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Small Indian Civet	<i>Viverricula indica</i>	34	17	19	70



5/7/2020 11:08 PM MORD 77

Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Asian Palm Civet	<i>Paradoxurus hermaphrodites</i>	7	21	20	48



5/14/2020 11:08 PM MORD 62

Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Masked Palm Civet	<i>Paguma larvata</i>	0	3	0	3



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Yellow Throated Marten	<i>Martes flavigula</i>	1	8	0	9



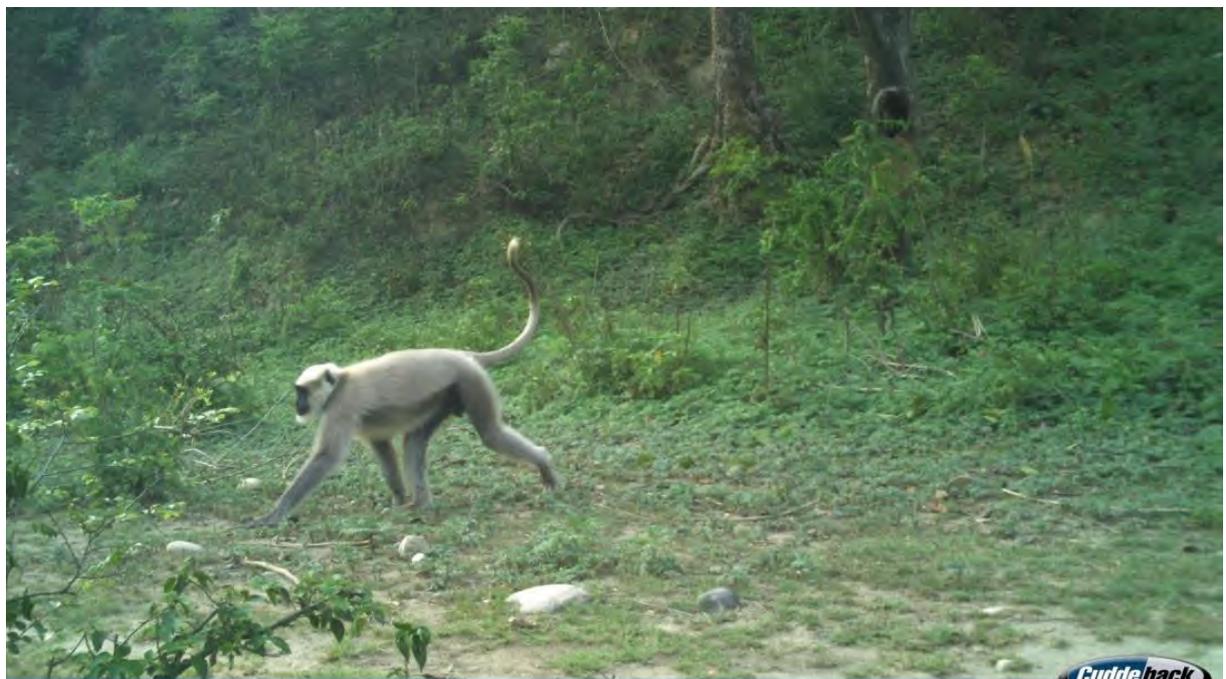
Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Indian grey mongoose	<i>Herpestes edwardsii</i>	28	2	0	30



5/6/2020 3:01PM MORD 2



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Asian Elephant	<i>Elephas maximas</i>	46	9	4	59



6/27/2020 4:17 PM MORD 66



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Gray Langur	<i>Semnopithecus entellus</i>	166	372	5	538



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Rhesus macaque	<i>Macaca mulatta</i>	1122	1377	2488	4987



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Monitor lizard	<i>Varanus bengalensis.</i>	4	3	0	7



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Red Junglefowl	<i>Gallus gallus</i>	55	90	28	173



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Kalij Pheasant	<i>Lophura leucomelanos</i>	0	39	4	43



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Peafowl	<i>Pavo cristatus</i>	208	227	3	438



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Indian Hare	<i>Lepus nigricollis</i>	39	0	0	39



Common Name	Scientific Name	Zone I	Zone II	Zone III	Total Captures
Rusty-spotted Cat	<i>Prionailurus rubiginosus</i>	2	1	2	5

ANNEXURE II

Details of the 14 leopards camera trapped during the study

L - 1



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD1	L1	30.17448889	77.90086667	6/18/2020	9:30PM

L - 2



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD1	L2	30.17170278	77.89625833	4/30/2020	2:35AM
MORD2	L2	30.17170278	77.89625833	5/30/2020	5:41AM
MORD3	L2	30.17170278	77.89625833	05-05-2020	6:02PM
MORD4	L2	30.17170278	77.89625833	5/20/2020	9:53PM
MORD5	L2	30.17170278	77.89625833	5/22/2020	2:10AM
MORD9	L2	30.17170278	77.89625833	5/22/2020	5:55AM
MORD22	L2	30.17170278	77.89625833	5/21/2020	5:51AM
MORD24	L2	30.17170278	77.89625833	6/17/2020	3:36AM
MORD25	L2	30.17170278	77.89625833	4/28/2020	8:15PM
MORD30	L2	30.17170278	77.89625833	06-08-2020	10:10PM
MORD35	L2	30.17170278	77.89625833	5/20/2020	10:00PM
MORD37	L2	30.17170278	77.89625833	5/14/2020	7:04PM
MORD38	L2	30.17170278	77.89625833	5/23/2020	4:41AM

L - 3



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD1	L3	30.17340556	77.89871944	4/28/2020	12:08AM
MORD2	L3	30.17340556	77.89871944	05-12-2020	2:42AM
MORD36	L3	30.17340556	77.89871944	06-01-2020	3:28AM

L - 4



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD4	L4	30.17170278	77.89625833	6/29/2020	10:52PM

L - 5



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD50	L5	30.21900833	77.93861667	06-08-2020	9:16PM
MORD50	L5	30.21900833	77.93861667	05-09-2020	8:32PM
MORD50	L5	30.21900833	77.93861667	5?26/2020	12:09AM
MORD46	L5	30.21900833	77.93861667	06-07-2020	10:23PM

L - 6



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD49	L6	30.21538889	77.93468333	07-04-2020	12:26AM

L - 7



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD52	L7	30.17978889	77.91181111	6/17/2020	3:16AM

L - 8



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD52	L8	30.17978889	77.91181111	6/19/2020	4:06AM

L - 9



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD52	L9	30.17978889	77.91181111	06-09-2020	9:01PM

L - 10



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD73	L10	30.23913056	77.96895556	06-05-2020	3:01AM
MORD54	L10	30.23913056	77.96895556	06?22/2020	4:29AM

L - 11



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD67	L11	30.22284722	77.93755278	6/19/2020	5:44AM

L - 12



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
<u>MORD71</u>	<u>L12</u>	<u>30.23715556</u>	<u>77.95914444</u>	<u>5/26/2020</u>	<u>5:07AM</u>
<u>MORD72</u>	<u>L12</u>	<u>30.23715556</u>	<u>77.95914444</u>	<u>05-10-2020</u>	<u>8:41PM</u>

L - 13



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD73	L13	30.23913056	77.96895556	5/26/2020	8:47PM
MORD73	L13	30.23913056	77.96895556	6/22/2020	1:57AM

L - 14



Cam ID	Individual ID	Lat DD	Long DD	Date	Time
MORD81	L14	30.25815833	77.97690833	5/28/2020	3:05AM



Dr. Bivash Pandav

Department of Endangered Species Management

Wildlife Institute of India, Chandrabani

Dehradun, India 248 001

Tell: 00 91 135 2646286

Fax: 00 91 135 2640117

E-mail: bivash.pandav@wii.gov.in



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Wildlife Institute of India

Annexure R-19

forestsclearance.nic.in/PartIIReport_A.aspx?pid=FP/UP/ROAD/4528

7. Approximate distance of the proposed site for diversion from boundary of forest(in km.) : 0

8. Significance of the forest land proposed for diversion from wildlife point of view

(i). Details of wildlife present in and around the forest land proposed for diversion : Common Leopard 93 Nilgai 306 Sambhar 5398 Chital 2633 Barking Deer 958 Goral 2 Wild Pig 395 Jackal 22 Indian Crested Porcupine 352 Leopard Cat 8 jungle Cat 4 51 Asian Palm Civet 28 Masked Palm Civet 3 Yellow Throated marten 9 Indina grey mongoose 30 Asian Elephant 55 Gray Langur 538 Rhesus macaque 2499 Monitor Lizar 7 Red Junglefowl 145 Kalij Pheasant 39 Peafowl 435 Indian Hare 39 Risty spotted cat 3 as per wii Stdy for wild life Mediation for monitoring (Camara Traping)

(ii). Whether forms part of national park, wildlife sanctuary, biosphere reserve,tiger reserve, elephant corridor, wildlife migration corridor etc. : No

(iii). Whether the forest land proposed for diversion is located within eco-sensitive zone(ESZ) of the Protected Area notified under Wildlife(Protection) Act,1972 (Note: In case, ESZ of a Protected Area is not notified,then,10kms distance from boundary of the Protected Area should be treated as ESZ): Yes
Details of Protected Area and comments on the impact of Project on the ESZ : From Chaninig KM 0 to Km 16.160 False in 10 KM boundary of Rajaji Nation Park

(iv). Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within 1 Km. from boundary of the forest land proposed for diversion : Yes
Details and comments on the impact of Project on such areas : From Chaninig KM 0 to Km 16.160 False in 10 KM boundary of Rajaji Nation Park

(v). Whether any rare/endangered/unique species of flora and fauna found in the area : No

9. Details of any protected archaeological/heritage site/defence establishment or any other important monument located in the area, if any

(i). Whether any protected archaeological/heritage site/defence establishment or any other important monument is located in the area : No

14. District Profile

S.no	District Name	Geographical area of the district (in ha.)	Forest area of the district (in ha.)	Total forest area diverted since 1980 (in ha.)	No. of Approved Cases	Forest Land including penal C.A. (in ha.)	Progress of compensatory afforestation as on(date)	A) Forest land (in ha.)	B) Non-forest land (in ha.)
1	Saharanpur	286000	33229.46	100.96	10	2928.1352	09/11/2020	2928.1352	0

15. Site inspection report of the DFO/CCF/Nodal Officer highlighting important facts pertaining to the forest land

Division Name	Circle	Site inspected By	Whether site inspected	No. of times site visited	Site inspection report	Date of visit
Forest Division Shivalik, Saharanpur	Saharanpur Circle Saharanpur	DFO	Yes	One		05/11/2020
	Saharanpur Circle Saharanpur	CF	Yes	One		11/11/2020

(Specific recommendation of the DFO/CCF/Nodal Officer with(Part II,III & Part IV))

16. Specific recommendation of the DFO/CCF/Nodal Officer for acceptance or otherwise of the proposal with reason

Division	Circle	Recommendation By	Recommendation	Reason	Letter	Whether CF agreed
Forest Division Shivalik, Saharanpur	Saharanpur Circle Saharanpur	DFO	Recommended	Recommendation		
	Saharanpur Circle Saharanpur	CF	Recommended	Recommended		Yes

Annexure R-20

Attachment – 4

COST BENEFIT ANALYSIS FOR DIVERSION OF FOREST LAND

Name of Proposal: - “Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration”.

Nature of Proposal: Diversion of 47.7054 hectare of Protected and Reserve (Part of Uttar Pradesh Elephant Reserve) Forest Area under FCA, 1980 for the purpose of widening and realignment of existing road.

Total Length of Project road- = 16.160 km

Total No. of District through which proposed project road alignment traverse – 01, Saharanpur

Total length of the project road in/along forest area.

(a) Under Shivalik forest division (PF land) - Km 0+00 to km 1+262 = 1.262 km

(b) Under Shivalik forest division (RF land/Uttar Pradesh Elephant Reserve)- Km 1+262 to km 16+160 = 14.898 km

Total Forest area proposed for diversion

(a) Under Shivalik forest division (PF land) = 5.1893 Hect.

(b) Under Shivalik forest division (RF land/Uttar Pradesh Elephant Reserve) = 42.5161 Hect.

Total Required Forest Land = 47.7054 Hect.

Purpose: The Cost of Benefit Analysis is being undertaken for proposed Diversion of Forest land for widening (four laning) of existing road, new elevated road, and tunnel for above said project.

Cost Benefit Analysis as per Guideline for Forest Land Diversion- August 2017

Table -A: Cases Under Which a Cost- benefit analysis for forest diversion are required

SL	Nature of Proposal	Applicable / not applicable	Remarks
1	All categories of proposal involving forest land upto 20 hectares in plains and upto 5 hectare in hills	<u>Applicable</u>	These proposals may be considered on a case to case basis and value judgement.
2	Proposal for defense installation purpose and oil prospecting (prospecting only)	Not applicable	In view of national priority accorded to these sectors, the proposals would be critically assessed to help ascertain that the utmost minimum forest land is diverted for non-forest use
3	Habitation, establishment of industrial units, tourist lodge complex and other building construction	Not applicable	These activities being detrimental to protection and conservation of proposals would be rarely entertained.
4	All other proposal involving forestland more than 20	<u>Applicable</u>	These are cases where a cost-benefit analysis is necessary to determine

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 सिविल इंजीनियरिंग एवं राजमार्ग विभाग
 National Highways Authority of India
 (Ministry of Road Transport & Highways)
 पी.ओ.ई.डी.ए. - देहरादून/PIU-Dehradun
 27/8/20

hectare in plains and more than 5 hectares in hills including roads, transmission lines, minor, medium and major irrigation projects, hydro projects, mining activity, railway line, location specific installations like micro-wave stations, auto repeater centers, TV towers etc.	when diverting the forest land to non-forest use in the overall public interest.
--	--

Since the proposal is for diversion of forest land measuring more than 20 hectare in partly plane and partly in hilly area for road project, cost benefit analysis report is applicable.

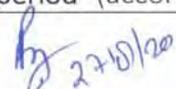
Table -B: Estimation of cost of forest diversion

SL	Parameters	Given Guideline	Evaluation
1	Ecosystem services losses due to proposed forest diversion	<p>Economic value of loss of ecosystem services due to diversion of forests shall be the net present value (NPV) of the forest land being diverted as prescribed by Central Government (MoEF & CC).</p> <p>Note- In case of National Parks the NPV shall be ten (10) times the normal NPV and in case Wildlife sanctuary the NPV shall be five (5) times the normal NPV or otherwise prescribed by the ministry or any other competent authority.</p> <p>Note-1: Net Present Value (NPV) of environment and ecosystem services loss;- The concept of Net Present Value of the forest land diverted is a scientific method of calculating the environmental cost and other losses caused due to diversion of forest land for non-forestry purposes. The NPV represents the net value of various ecosystem services and other environmental services in monetary terms which the forest would have provided if the forest would not have been diverted.</p>	<p>NPV value (as per of forest Handbook/Guideline dated 18/03/2019) of Forest land is in between Rs 6,99,000 to Rs 10,43,000 per hectare.</p> <p>Both sides along 1.262 km road length, there is PF land (Eco- class-III, Tropical Dry Deciduous open Forest (OF)) and NPV rate considered Rs. Rs 6,26,000.</p> <p>Remaining length (14.898 km) of project road pass through Reserve Forest Area (Eco class-III (Tropical Dry Deciduous) Forests having density 0.4 (Dense Forest) and per hectare NPV rate is considered Rs 8,03,000.</p> <p>So NPV for</p> <p>(a) 5.1893 Hectare PF land =</p> <p>5.1893 Hect x Rs 6,26,000= Rs 32,48,501.8</p> <p>(b) 42.5161 Hect. X Rs 8,03,000 = Rs 37388930.10</p> <p>Total NPV= 37388930.10</p> <p>Or</p> <p>373.8 Lakh</p> <p>Since, the entire Shivalik Range forest is Uttar Pradesh Elephant Reserve and no separate NVP rate</p>

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			for Elephant Reserve rate is given in Handbook/Guideline dated 18/0/2019, 5 times / 10 times NPV rate is not considered.
2	Loss of animal husbandry productivity, including loss of fodder.	To be quantified and expressed in monetary terms or 10% of NPV applicable whichever is maximum.	<p>Loss of animal husbandry due to proposed diversion is moderate and calculated below; Gross loss @ 5 ton/Ha. / year. @ Rs. 100/- per ton. Therefore, loss of fodder as estimated for about 47.7054 hect. will be $47.7054 \times 5 \times 100 = \text{Rs } 23,852.7 / \text{yr.} \times 50 \text{ years} = \text{Rs. } 11,92,635/-$ or 11.92 lakh</p> <p>Further considering 10% of NPV it will be = Rs 373.8 lakh (NPV) $\times 0.1 = 37.38$ lakh</p> <p>So Considered amount (maximum one) is Rs 37.38 lakh.</p>
3	Cost of human resettlement	To be quantified and expressed in monetary terms on actual terms as per approved R&R plan.	NIL as no human resettlement is required in forest land.
4	Loss of public facilities and administrative infrastructure (Roads, building, schools, dispensaries, electric lines, railway, etc.) on forest land, which would require forest land if these facilities were diverted due to the project.	To be quantified and expressed in monetary terms on actual cost basis at the time of diversion	<p>No loss of public infrastructure like Roads, hospital etc are investigated. However, there will be some utility shifting like, electricity pole, telephone line, OFC cable etc, from Proposed RoW located in forest land.</p> <p>The likely cost of these utility shifting is estimated Rs 500 lakhs. (5.0 crore)</p>
5	Possession value of forest land diverted	<p>30% of environmental cost (NPV) due to loss of forest or circle rate of adjoining area in the district should be added as a cost component as possession value of forestland whichever is maximum.</p> <p>Note2:- Possession value of forest land diverted:- The forest land diverted for the project such as irrigation, hydropower, railways, roads, wind and transmission lines and mining etc are unlikely to be returned and remains in possession of the user agencies. Therefore, 30% of</p>	<p>Possession Value of forest land will be (considering 30% of NPV) = $0.3 \times 373.8 = 113.64$ lakh</p> <p>Average Per hectare land rate along the project highway in district Saharanpur Rs 108 lakh per hectare (as per Circle rate 2019)</p> <p>So, possession value of forest land (as per average circle rate) = $47.7054 \times 108 \text{ lakh} = 5152.18$ lakh So Considered amount (maximum one) is Rs 5152.18 lakh.</p>

			<p>directly benefited. This will accelerate industrialization/ commercialization in region and the same will directly generate maximum employment opportunities in these areas and boosting up the economy of the region and state. Again, directly the project will have the potential for temporary employment generation for local people 350-400 for 2 years generating 240000 mandays during construction period.</p> <p>Due to Up gradation of the existing highway, there will be overall development of the project area including capital city Dehradun in terms of transportation of agriculture produces, easy access to education, health marked etc. Project road is to be developed as 4 lane road to provide smooth and reduced time connectivity national capital city Delhi.</p>
2	Benefits to economy due to specific project	The incremental economic benefit in monetary terms due to the activities attributed to the specific project	<p>Economic benefit in terms of increase in trade, tourism, saving in vehicular operation and maintenance cost, better connectivity, safer journey to commuter and saving of travel time. Improved road connectivity helps in better implementation and management of government schemes. It will provide fast and economical transport of goods. After completion, the local people and industries situated in the area will be greatly benefited. The widening of project road will provide safe, fast, economical and environment friendly transportation to the State which in term will accelerate the rate of growth in this area.</p> <p>"In addition to that there are several other benefits that may accrue due to saving in fuel, reduction in time to commute, vehicle maintenance, reduction in carbon emission and man animal conflict and animal kill in road accident etc. however they have not been quantified as it will be a function of various govt. policy variables." Exact quantification of the value is not possible as it is time and policy dependent.</p>
3	No. of population benefited due to specific project	As per Detailed project report	<p>The proposed road section which is part of NH-72A, traverses through two district Saharanpur and Dehradun.</p> <p>The population of these districts are; Saharanpur-3466382 and Dehradun- 1698560, total 5164942 persons which are directly benefited in addition to lakhs of neighbour district commuters as well as long distance travellers and fright.</p>
4	Economic benefits due to of	As per detailed project report.	<p>Direct employment to 350-400 for 2 year during construction period (accordingly 25 days x 24</p>

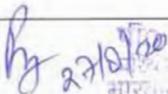


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	direct and indirect employment due to the project.		month x 400 labors= 240000 Man days) people and substantial indirect employment as a result of development of infrastructure and will also provide direct benefit to small scale industrial units in the area.
5	Economic benefit due to Compensatory afforestation	Benefit from such compensatory forestation accruing over next 50 years monetised and discounted to the present value should be included as benefits of Compensatory afforestation. *for benefit of CA the guideline of the Ministry for NPV estimation may be consulted.	In lieu of total trees to be removed from Proposed PRoW in Reserve/protected forest land along the project road, it is proposed to undertake at compensatory plantation least twice of the affected/diverted forest area as per Forest (Conservation) Act). So, the net productivity will increase. The compensatory afforestation will be taken up in about 47.7054 Hect. x 2= 95.4108 hectare of degraded Forest land which is at least two times of the area proposed to be diverted. The compensatory afforestation will be done on 95.4108 hectare of degraded forest land, which is down the line would be having a density of minimum 0.7. The ecological value for a 50 years period for the density of 1.0 is INR 126.74 lacs per hectare (As per Forest Conservation Act 1980). By considering minimum 0.7 density the ecological gain for this project would be INR 8464.65 lakh.

Summary of Cost-Benefit Analysis for the Project.

Sl. No	Loss (in Lakhs)	Benefit (in Lakhs)
1	Ecosystem services losses Rs 373.8 Lakh.	Ecological gain from compensatory afforestation on 95.4108 (atleast) hectare on degraded land would be Rs 8464.65 lakh
2	Loss of animal husbandry productivity, including loss of fodder= Rs 37.38 lakh	240000-Man days will be generated for unskilled/semi-skilled worker in terms of Salary and Wages @ Rs 500/day [#] (average) = Rs 1200.0 lakh {# Minimum wages in Uttar Pradesh is Rs 174.00, but for considering actual practical wages including lodging the average cost per day for semiskilled / labourer is approx. Rs 500 per day.} Basic living amenities including alternative fuel (LPG, Solar Cooker etc) will be supplied to labours/workers. Construction period- 2 years Number of labours at peak time – 400 Approx. 20% labour assume to be local Per head cost of fuel –Rs.20/ per day for rest 320 labours Total cost= Rs 20x320 labours x 730 days= Rs 2190000/- or Rs 46.72 lakhs
3	Loss of public facilities = 500 lakh	--
4	Possession Value of Forest land diverted=5152.18 lakh.	--

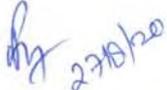

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Sl. No	Loss (in Lakhs)	Benefit (in Lakhs)
5	Habitat fragmentation cost = 186.9 lakh.	--
6	Compensatory afforestation and soil & moisture conservation cost= 766.14 lakh	--
	Total cost/Loss = Rs 373.8 Lakh + Rs 37.38 lakh + Rs 500 lakh+ Rs 5152.18 lakh lakh+ 186.9 lakh + 766.14 lakh = 7016.4 lakh	Total gain/ benefit from project= Rs 8464.65 lakh + Rs 1200.0 lakh + Rs 46.72 lakhs = 9711.37 lakh

Cost Benefit Ratio = Total Benefit/ Total Loss = 9711.37: 7016.4 = 1.38 which is > 1, so project is found viable based on given/above described criteria.

Date 27/08/2020

Place: - Dehradun


 GM (Tech)-cum Project Director
 NHAI-PIU Dehradun
 Uttarakhand.
 Name: - Pankaj Kumar Mौर्या
 (Ministry of Road Transport & Highways
 पी०आइ०यू०-देहरादून/PIU-Dehradun

Signature & Seal

Annexure R-21

प्रारूप-29

COST BENEFIT ANALYSIS FOR DIVERSION OF FOREST LAND

Name of Proposal: - "Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.115) and Uttarakhand (km 16.115 to km 19.746) to 4 lane configuration".

Nature of Proposal: Diversion of 9.6224 Hect. of Reserve Forest Land of Shivalik Forest Division (Also part of Uttar Pradesh Elephant Reserve) under FCA, 1980 for the purpose of widening of existing road.

Total Length of Project road- = 3.631 km

Total No. of District through which proposed project road alignment traverse – 01, Dehradun

Total length of the project road in/along forest area= 3.631 km

Total forest area (RF) proposed for diversion= 9.6224 Hectare

Purpose: The Cost of Benefit Analysis is being undertaken for proposed diversion of Forest Land for widening (four laning) of existing road, new elevated road and tunnel for above said project.

Cost Benefit Analysis as per Guideline for Forest Land Diversion- August 2017

Table -A: Cases Under Which a Cost- benefit analysis for forest diversion are required

SL	Nature of Proposal	Applicable / not applicable	Remarks
1	All categories of proposal involving forest land upto 20 hectares in plains and upto 5 hectare in hills	<u>Applicable</u>	These proposals may be considered on a case to case basis and value judgement.
2	Proposal for defense installation purpose and oil prospecting (prospecting only)	Not applicable	In view of national priority accorded to these sectors, the proposals would be critically assessed to help ascertain that the utmost minimum forest land is diverted for non-forest use
3	Habitation, establishment of industrial units, tourist lodge complex and other building construction	Not applicable	These activities being detrimental to protection and conservation of proposals would be rarely entertained.
4	All other proposal involving forestland more than 20 hectare in plains and more than 5 hectares in hills including roads, transmission lines, minor, medium and major irrigation projects, hydro projects, mining activity, railway line, location specific installations like micro-wave stations, auto repeater centers, TV towers etc.	<u>Applicable</u>	These are cases where a cost-benefit analysis is necessary to determine when diverting the forest land to non-forest use in the overall public interest.

Since the proposal is for diversion of forest area measuring more than 5 hectares in hilly area for road project, cost benefit analysis report is applicable.

परियोजना निदेशक/Project Director

भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

National Highways Authority of India

पी०आर्इ०यू०/PIU-Dehradun

20/7/20

Table -B: Estimation of cost of forest diversion

SL	Parameters	Given Guideline	Evaluation
1	Ecosystem services losses due to proposed forest diversion	<p>Economic value of loss of ecosystem services due to diversion of forests shall be the net present value (NPV) of the forest land being diverted as prescribed by Central Government (MoEF & CC).</p> <p>Note- In case of National Parks the NPV shall be ten (10) times the normal NPV and in case Wildlife sanctuary the NPV shall be five (5) times the normal NPV or otherwise prescribed by the ministry or any other competent authority.</p> <p>Note-1: Net Present Value (NPV) of environment and ecosystem services loss;- The concept of Net Present Value of the forest land diverted is a scientific method of calculating the environmental cost and other losses caused due to diversion of forest land for non-forestry purposes. The NPV represents the net value of various ecosystem services and other environmental services in monetary terms which the forest would have provided if the forest would not have been diverted.</p>	<p>NPV value (as per of forest Handbook/Guideline dated 18/0/2019 land is in between Rs 6,99,000 to Rs 10,43,000 per hectare. Since the reserve forest land is of Eco class-III (Tropical Dry Deciduous) Forests having density 0.4 (Dense Forest), per hectare NPV rate is considered Rs 8,03,000.</p> <p>So NPV for 9.6224 -hectare land is = Rs 803000 x 9.6224 hect. = Rs 7726787.2 or 77.26 lakh</p>
2	Loss of animal husbandry productivity, including loss of fodder.	To be quantified and expressed in monetary terms or 10% of NPV applicable whichever is maximum.	<p>Loss of animal husbandry due to proposed diversion is very moderate and calculated below; Gross loss @ 5 ton/Ha. / year. @ Rs. 100/- per ton. Therefore, loss of fodder as estimated for about 9.6224 hect. will be 9.6224 x 5 x 100 = Rs 4811.2/yr. X 50 years = Rs. 240560 /- or 2.40 lakh</p> <p>Further considering 10% of NPV it will be = Rs 77.26 lakh (NPV) x 0.1= 7.72 lakh</p> <p>So Considered amount (maximum one) is Rs 7.72 lakh.</p>
3	Cost of human resettlement	To be quantified and expressed in monetary terms on actual terms as per approved R&R plan.	NIL as no human resettlement is required.
4	Loss of public	To be quantified and expressed in	No loss of public infrastructure

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 National Highway Authority of India
 Plot No. 10, Sector 1, Dehradun

	facilities and administrative infrastructure (Roads, building, schools, dispensaries, electric lines, railway, etc.) on forest land, which would require forest land if these facilities were diverted due to the project.	monetary terms on actual cost basis at the time of diversion	like Roads, hospital etc are investigated. However, there will be some utility shifting like, electricity pole, telephone line, OFC cable etc, from Proposed RoW located in forest land. The likely cost of these utility shifting is estimated Rs 100 lakhs. (1.0 crore)
5	Possession value of forest land diverted	30% of environmental cost (NPV) due to loss of forest or circle rate of adjoining area in the district should be added as a cost component as possession value of forestland whichever is maximum. Note2: - Possession value of forest land diverted: - The forest land diverted for the project such as irrigation, hydropower, railways, roads, wind and transmission lines and mining etc are unlikely to be returned and remains in possession of the user agencies. Therefore 30% of the net present value (NPV) of forest land diverted or market rate of adjoining area in the district should be added as a cost component as "possession value of forest land" in addition to the environmental cost due to loss of forests.	Possession Value of forest land will be (considering 30% of NPV) = $0.3 \times 77.26 = 23.17$ lakh Average Per hectare land rate along the project highway in district Dehradun is Rs 950 lakh per hectare of non-commercial area (as per Circle rate 2015). It is to be noted that along the project road section, there is no agricultural land. So, possession value of forest land (as per average circle rate) = $9.6224 \text{ hect.} \times 908 \text{ lakh} = 8737.13$ lakh So Considered amount (maximum one) is Rs 8737.13 lakh.
6	Cost of suffering to oustees	The social cost of rehabilitation of oustees (in addition to the cost likely to be incurred in providing residence, occupation and social services as per R&R plan) be worked out as 1.5 times of what oustees should have earned in two years had he not been shifted.	NIL, no resettlement & Rehabilitation is identified or required in forest land which is proposed to be diverted. Also, the community residing along the project road is not dependent on forest or forest produce. There will not be any losses on this account as diversion of the forest land to this project will not affect any house or structure in protected/reserve forest area.
8	Habitat fragmentation Cost	While the relationship between fragmentation and forest goods and services is complex, for the	Habitat fragmentation cost is 50% of NPV that is $Rs 77.26 \times 0.5 = 38.63$ lakh

		sake of simplicity the cost due to fragmentation has been pegged at 50 % of NPV applicable as a thumb rule.	
9	Compensatory afforestation and soil & moisture conservation cost	The actual cost of compensatory afforestation and soil & moisture conservation and its maintenance in future at present discounted value.	Keeping in view of similar calculation in neighboring district (Rudraprayag) the CA cost per hectare is considered Rs 2.53 lakh per hectare for estimation purpose. It may be updated as per actual CA estimate prepared and provided by Forest Department. So, CA cost 9.6224 hect. x 2 x Rs 2.53 lakh = 48.68 lakh

Table – C- Existing guideline for estimating benefit of forest diversion in CBA

SL	Parameter	Given Guideline	Evaluation
1	Increase in productively attribute to the specific project	To be quantified & expressed in monetary terms avoiding double counting	<p>The proposed project for which diversion of forest land is sought is for widening of Existing road. The project road will improve accessibility to the region. This will help in both economic & social development in the region.</p> <p>The project will enable smooth accessibility in the region by which people of the region will be directly benefited. This will accelerate industrialization/ commercialization in region and the same will directly generate maximum employment opportunities in these areas and boosting up the economy of the region and state.</p> <p>Again, directly the project will have the potential for temporary employment generation for 150 local people for 2 years generating 93600 mandays during construction period. 26 Man-days in month x 24-month x 150 worker = 93600 Mandays.</p> <p>Due to Up gradation of the existing highway, there will be overall development of the project area including capital city Dehradun in terms of transportation of agriculture produces, easy access to education, health marked etc.</p> <p>Project road is to be developed as 4 lane road to provide smooth, reduced time connectivity national capital city Delhi.</p>
2	Benefits to economy due to	The incremental economic benefit in	Economic benefit in terms of increase in trade, tourism, saving in vehicular


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	specific project	monetary terms due to the activities attributed to the specific project	<p>operation and maintenance cost, better connectivity, safer journey to commuter and saving of travel time.</p> <p>Improved road connectivity helps in better implementation and management of government schemes. It will provide fast and economical transport of goods. After completion, the local people and industries situated in the area will be greatly benefited. The widening of project road will provide safe, fast, economical and environment friendly transportation to the State which in term will accelerate the rate of growth in this area.</p> <p>"In addition to that there are several other benefits that may accrue due to saving in fuel, reduction in time to commute, vehicle maintenance, reduction in carbon emission and man animal conflict and animal kill in road accident etc. however they have not been quantified as it will be a function of various govt. policy variables." Exact quantification of the value is not possible as it is time and policy dependent.</p>
3	No. of population benefited due to specific project	As per Detailed project report	<p>The proposed road section in Uttarakhand which is part of NH-72A, traverses in district Dehradun. However, overall Project road section from Ganeshpur-Dehradun traverse through two districts that is Saharanpur and Dehradun.</p> <p>The population of these districts are; Saharanpur-3466382 and Dehradun-1698560, total 5164942 persons which are directly benefited in addition to lakhs of neighbour district commuters as well as long distance travellers and fright.</p>
4	Economic benefits due to of direct and indirect employment due to the project.	As per detailed project report.	<p>Direct employment to 150 people for 2-year during construction period (accordingly 26 Man-days in month x 24-month x 150 worker =93600 Mandays) and substantial indirect employment as a result of development of infrastructure, and tourism industries will also provide direct benefit to small scale industrial units in the area.</p>
5	Economic benefit due to Compensatory afforestation	Benefit from such compensatory forestation accruing over next 50 years monetised and discounted to the present value should be included as benefits of	<p>In lieu of total trees to be removed from Proposed PRoW in Reserve/protected forest land along the project road, it is proposed to undertake at compensatory plantation least twice of the affected/diverted forest area as per Forest (Conservation) Act). So, the net</p>

	Compensatory afforestation. *for benefit of CA the guideline of the Ministry for NPV estimation may be consulted.	productivity will increase. The compensatory afforestation will be taken up in about $9.6224 \times 2 = 19.2448$ hectare of Degraded Forest land which is at least two times of the area proposed to be diverted. The compensatory afforestation will be done on 19.2448 hectare of degraded forest land, which is down the line would be having a density of minimum 0.7. The ecological value for a 50 years period for the density of 1.0 is INR 126.74 lacs per hectare (As per Forest Conservation Act 1980). By considering minimum 0.7 density the ecological gain for this project would be INR 1707.36 lakh .
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Summary of Cost-Benefit Analysis for the Project.

Sl. No	Loss (in Lakhs)	Benefit (in Lakhs)
1	Ecosystem services losses Rs 77.26 lakhs.	Ecological gain from compensatory afforestation on 19.2448 (atleast) hectare on degraded land would be Rs = 1707.36 lakh
2	Loss of animal husbandry productivity, including loss of fodder= Rs 7.72 lakh	Approx. 93600 Man days will be generated for unskilled/semi-skilled worker in terms of Salary and Wages @ Rs 500/day [#] (average) = Rs 468.0 lakh {# Minimum wages in Uttarakhand is Rs 10520/month (or Rs 350/day, but for considering actual practical wages including lodging the average cost per day for semiskilled / labourer is approx. Rs 500 per day.) Basic living amenities including alternative fuel (LPG, Solar Cooker etc) will be supplied to labours/workers. Construction period- 2 years Number of labours at peak time – 150 Approx. 20% labour assume to be local Per head cost of fuel –Rs.20/ per day for rest 120 labours Total cost= Rs 20x120 labours x 730 days= Rs 1752000/- or Rs 17.52 lakhs
3	Loss of public facilities = 100 lakh	--
4	Possession Value of Forest land diverted= 8737.13 lakh.	--
5	Habitat fragmentation cost = 38.63 lakh	--
6	Compensatory afforestation and soil & moisture conservation cost= 48.68 lakh	--


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Sl. No	Loss (in Lakhs)	Benefit (in Lakhs)
	Total cost/Loss = Rs 77.26 lakh + Rs 7.72 lakh + Rs 100 lakh+ Rs 8737.13 lakh+ Rs 38.63 lakh+48.68 lakh = 9009.42 lakh	Total gain/ benefit from project= Rs 1707.36 lakh + Rs 468.0 lakh + Rs 17.52 lakhs = 2192.88 lakh

Cost Benefit Ratio = Total Benefit/ Total Loss =2192.88: 9009.42 = 0.24 which is < 1, so project is not found viable based on given/above described criteria.

This is because, project is located in/close to capital city Dehradun and around the project non-forest area is urban area. Circle rate is Rs 908 lakh per hectare and possession value of forest land diverted is considered at higher side and it became huge i.e 9.6224 hect. x 908 lakh= 8737.13 lakh.

However, if possession value of forest land to be diverted is calculated based on 30% of NPV due to loss of forest which is 23.17 lakh.

The cost benefit ratio will be,

Total Benefit/ Total Loss =2192.88: 295.46 = 7.42 which is > than 1 and found viable based on given/above described criteria.

Date 20/07/2020

Place: - Dehradun


GM (Tech) cum Project Director
NHAI-PIU Dehradun
Uttarakhand.

Name: Vibhay Mittal
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 भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
 National Highways Authority of India
Signature & Seal Dehradun

Annexure R-22

NATIONAL FOREST POLICY

1988

**GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT AND FORESTS
NEW DELHI**

No. 3-1/86-FP
Ministry of Environment and Forests
(Department of Environment, Forests & Wildlife)

Paryavaran Bhavan, CGO Complex,
Lodi Road, New Delhi - 110003.

Dated the 7th December, 1988.

RESOLUTION

National Forest Policy, 1988

1. PREAMBLE

1.1. In Resolution No.13/52/F, dated the 12th May, 1952, the Government of India in the erstwhile Ministry of Food and Agriculture enunciated a Forest Policy to be followed in the management of State Forests in the country. However, over the years,* forests in the country have suffered serious depletion. This is attributable to relentless pressures arising from ever-increasing demand for fuel-wood, fodder and timber; inadequacy of protection measures; diversion of forest lands to non-forest uses without ensuring compensatory afforestation and essential environmental safeguards; and the tendency to look upon forests as revenue earning resource. The need to review the situation and to evolve, for the future, a new strategy of forest conservation has become imperative. Conservation includes preservation, maintenance, sustainable utilisation, restoration, and enhancement of the natural environment. It has thus become necessary to review and revise the National Forest Policy.

2. BASIC OBJECTIVES

2.1 The basic objectives that should govern the National Forest Policy - are the following:

- Maintenance of environmental stability through preservation and, where necessary, restoration of the ecological balance that has been adversely disturbed by serious depletion of the forests of the country.
- Conserving the natural heritage of the country by preserving the remaining natural forests with the vast variety of flora and fauna, which represent the remarkable biological diversity and genetic resources of the country.
- Checking soil erosion and denudation in the catchment areas of rivers, lakes, reservoirs in the "interest of soil and water conservation, for mitigating floods and droughts and for the retardation of siltation of reservoirs.
- Checking the extension of sand-dunes in the desert areas of Rajasthan and along the coastal tracts.

- Increasing substantially the forest/tree cover in the country through massive afforestation and social forestry programmes, especially on all denuded, degraded and unproductive lands.
- Meeting the requirements of fuel-wood, fodder, minor forest produce and small timber of the rural and tribal populations.
- Increasing the productivity of forests to meet essential national needs.
- Encouraging efficient utilisation of forest produce and maximising substitution of wood.
- Creating a massive people's movement with the involvement of women, for achieving these objectives and to minimise pressure on existing forests.

2.2 The principal aim of Forest Policy must be to ensure environmental stability and maintenance of ecological balance including atmospheric equilibrium which are vital for sustenance of all lifeforms, human, animal and plant. The derivation of direct economic benefit must be subordinated to this principal aim.

3. ESSENTIALS OF FOREST MANAGEMENT

3.1 Existing forests and forest lands should be fully protected and -their productivity improved. Forest and vegetal cover should be increased rapidly on hill slopes, in catchment areas of rivers, lakes and reservoirs and ocean shores and, on semi-arid, and and desert tracts.

3.2 Diversion of good and productive agricultural lands to forestry should be discouraged in view of the need for increased food production.

3.3 For the conservation of total biological diversity, the network of national parks, sanctuaries, biosphere reserves and other protected areas should be strengthened and extended adequately.

3.4 Provision of sufficient fodder, fuel and pasture, specially in areas adjoining forest, is necessary in order to prevent depletion of forests beyond the sustainable limit. Since fuelwood continues to be the predominant source of energy in rural areas, the programme of afforestation should be intensified with special emphasis on augmenting fuelwood production to meet the requirement of the rural people.

3.5 Minor forest produce provides sustenance to tribal population and to other communities residing in and around the forests. Such produce should be protected, improved and their production enhanced with due regard to generation of employment and income.

4. STRATEGY

4.1 Area under Forests

The national goal should be to have a minimum of one-third of the total land area of the country under forest or tree cover. In the hills and in mountainous regions, the aim should be to maintain two-third of the area under such cover in order to prevent erosion and land degradation and to ensure the stability of the fragile eco-system.

4.2 Afforestation, Social Forestry & Farm Forestry

4.2.1 A massive need-based and time bound programme of afforestation and tree planting, with particular emphasis on fuelwood and fodder development, on all degraded and denuded lands in the country, whether forest or non-forest land, is a national imperative.

4.2.2 It is necessary to encourage the planting of trees alongside of roads, railway lines, rivers and streams and canals, and on other unutilised lands under State/corporate, institutional_ or private ownership. Green belts should be raised in urban/industrial areas as well as in arid tracts. Such a programme will help to check erosion and desertification as well as improve the microclimate.

4.2.3 Village and community lands, including those on foreshores and environs of tanks, not required for other productive uses, should be taken up for the development of tree crops and fodder resources. Technical assistance and other inputs necessary for initiating such programmes should be provided by the Government. The revenues generated through such programmes should belong to the panchayats where the lands are vested in them; in all other cases, such revenues should be shared with the local communities in order to provide an incentive to them. The vesting, in individuals, particularly from the weaker sections (such as landless labour, small and marginal farmers, scheduled castes, tribals, women) of certain ownership rights over trees, could be considered, subject to appropriate regulations; beneficiaries would be entitled to usufruct and would in turn be responsible for their security and maintenance.

4.2.4 Land laws should be so modified wherever necessary so as to facilitate and motivate individuals and institutions to undertake tree-farming and grow fodder plants, grasses and legumes on their own land. Wherever degraded lands should be made available for this purpose either on lease or on the basis of a tree-patta scheme. Such leasing of the land should be subject to the land grant rules and land ceiling laws. Steps necessary to encourage them to do so must be taken. Appropriate regulations should govern the felling of trees on private holding.

4.3 Management of State Forests

4.3.1 Schemes and projects which interfere with forests that clothe steep slopes, catchments of rivers, lakes, and reservoirs, geologically unstable terrain and such other ecologically sensitive areas should be severely restricted. Tropical rain/moist forests, particularly in areas like Arunachal Pradesh, Kerala, Andaman & Nicobar Islands, should be totally safeguarded.

4.3.2 No forest should be permitted to be worked without - the Government having approved the management plan, which should be in a prescribed format and in keeping with the National Forest Policy. The Central Government should issue

necessary guidelines to the State Governments in this regard and monitor compliance.

4.3.3 In order to meet the growing needs for essential goods and services which the forests provide, it is necessary to enhance forest cover and productivity of the forests through the application of scientific and technical inputs. Production forestry programmes, while aiming at enhancing the forest cover in the country, and meeting national needs, should also be oriented to narrowing, by the turn of the century, the increasing gap between demand and supply of fuelwood. No such programme, however, should entail clear-felling of adequately stocked natural forests. Nor should exotic species be introduced, through public or private sources, unless long-term scientific trials undertaken by specialists in ecology, forestry and agriculture have established that they are suitable and have no adverse impact on native vegetation and environment.

4.3.4 Rights and Concessions

4.3.4.1 The rights and concessions, including grazing, should always remain related to the carrying capacity of forests. The capacity itself should be optimised by increased investment, silvicultural research and development of the area. Stall-feeding of cattle should be encouraged'. The requirements of the community, which cannot be met by the rights and concessions so determined, should be met by development of social forestry outside the reserved forests.

4.3.4.2 The holders of customary rights and concessions in forest areas should be motivated to identify themselves with the protection and development of forests from which they derive benefits. The rights and concessions from forests should primarily be for the bonafide use of the communities living within and around forest areas, specially the tribals.

4.3.4.3 The life of tribals and other poor living within and near forests revolves around forests. The rights and concessions enjoyed by them should be fully protected. Their domestic requirements of fuelwood, fodder, minor forest produce and construction timber should be the first charge on forest produce. These and substitute materials should be made available through conveniently located depots at reasonable prices.

4.3.4.4 Similar consideration should be given to scheduled castes and other poor living near forests. However, the area, which such consideration should cover, would be determined by the carrying capacity of the forests.

4.3.5 Wood is in short supply. The long-term solution for meeting the existing gap lies in increasing the productivity of forests, but to relieve the existing pressure on forests for the demands of railway sleepers, construction industry (particularly in the public- sector), furniture and panelling, mine-pit props, paper and paper board etc. substitution of wood needs to be taken recourse to. Similarly, on the front of domestic energy, fuelwood needs to be substituted as far as practicable with alternate sources like bio-gas, LPG and solar energy. Fuel-efficient "Chulhas" as a measure of conservation of fuelwood need to be popularised in rural areas.

4.4 Diversion of Forest Lands for Non-forest purposes

4.4.1 Forest land or land with tree cover should not be treated merely as a resource readily available to be utilised for various projects and programmes, but as a national asset which requires to be properly safeguarded for providing sustained benefits to the entire community. Diversion of forest land for any non-forest purpose should be subject to the most careful examinations by specialists from the standpoint of social and environmental costs and benefits. Construction of dams and reservoirs, mining and industrial development and expansion of agriculture should be consistent with the needs for conservation of trees and forests. Projects which involve such diversion should at least provide in their investment budget, funds for regeneration/compensatory afforestation.

4.4.2 Beneficiaries who are allowed mining and quarrying in forest land and in land covered by trees should be required to repair and re-vegetate the area in accordance with established forestry practices. No mining lease should be granted to any party, private or public, without a proper mine management plan appraised from the environmental angle and enforced by adequate machinery.

4.5 Wildlife Conservation

Forest Management should take special care of the needs of wildlife conservation, and forest management plans should include prescriptions for this purpose. It is specially essential to provide for "corridors" linking the protected areas in order to maintain genetic continuity between artificially separated sub-sections of migrant wildlife.

4.6 Tribal People and Forests

Having regard to the symbiotic relationship between the tribal people and forests, a primary task of all agencies responsible for forest management, including the forest development corporations should be to associate the tribal people closely in the protection, regeneration and development of forests as well as to provide gainful employment to people living in and around the forest. While safeguarding the customary rights and interests of such people, forestry programmes should pay special attention to the following:

- One of the major causes for degradation of forest is illegal cutting and removal by contractors and their labour. In order to put, an end to this practice, contractors should be replaced by institutions such as tribal cooperatives, labour cooperatives, government corporations, etc. as early as possible;
- Protection, regeneration and optimum collection of minor forest produce along with institutional arrangements for the marketing of such produce;
- Development of forest villages on par with revenue villages;
- Family oriented schemes for improving the status of the tribal beneficiaries; and

Undertaking integrated are a development programmes to meet the needs of the tribal, economy in and around the forest areas, including the provision of alternative sources of domestic energy on a subsidised basis, to reduce pressure on the existing forest areas.

4.7 Shifting Cultivation

Shifting cultivation is affecting the environment and productivity of land adversely. Alternative avenues of income, suitably harmonised with the right land use practices, should be devised to discourage shifting cultivation. Efforts should be made to contain such cultivation within the area already affected, by propagating improved agricultural practices. Area already damaged by such cultivation should be rehabilitated through social forestry and energy plantations.

4.8 Damage to Forests from Encroachments, Fires and Grazing

4.8.1 Encroachment on forest lands has been on the increase. This trend has to be arrested and effective action taken to prevent its continuance. There, should be no regularisation of existing encroachments.

4.8.2 The incidence of forest fires in the country is high. Standing trees and fodder are destroyed on a large scale and natural regeneration annihilated by such fires. Special precautions should be taken during the fire season. Improved and modern management practices should be adopted to deal with forest fires.

4.8.3 Grazing in forest areas should be regulated with the involvement of the community. Special conservation areas, young plantations and regeneration areas should be fully protected. Grazing and browsing in forest areas need to be controlled. Adequate grazing fees should be levied to discourage people in forest areas from maintaining large herds of non-essential livestock.

4.9 Forest-based Industries

The main considerations governing the establishment of forest-based industries and supply of raw material to them should be as follows:

- As far as possible, a forest-based industry should raise the raw material needed for meeting its own requirements, preferably by establishment of a direct relationship between the factory and the individuals who can grow the raw material by supporting the individuals with inputs including credit, constant technical advice and finally harvesting and transport services.
- No forest-based enterprise, except that at the village or cottage level, should be permitted in the future unless it has been first cleared after a careful scrutiny with regard to assured availability of raw material. In any case, the fuel, fodder and timber requirements of the local population should not be sacrificed for this purpose.

- Forest-based industries must not only provide employment to local people on priority but also involve them fully in raising trees and raw-material.
- Natural forests serve as a gene pool resource and help to maintain ecological balance. Such forests will not, therefore, be made available to industries for ' undertaking plantation and for any other activities.
- Farmers, particularly small and marginal farmers, would be encouraged to grow, on marginal/degraded lands available with them, wood species required for industries. These may also be grown along with fuel and fodder species on community lands not required for pasture purposes, and by Forest department/corporations on degraded forests, not earmarked for natural regeneration.
- The practice of supply of forest produce to industry at concessional. prices should cease. Industry should be encouraged to use alternative raw materials. Import of wood and wood products should be liberalised.
- The above considerations will, however, be subject to the current policy relating to land ceiling and land-laws.

4.10 Forest Extension

Forest conservation programme cannot succeed without the willing support and cooperation of the people. It is essential, therefore, to inculcate in the people, a direct interest in forests, their. development and conservation, and to make them conscious of the value of trees, wildlife and nature in general. This can be achieved through the involvement of educational institutions, right from the primary stage. Farmers and interested people should be provided opportunities through institutions like Krishi Vigyan Kendras, Trainers' Training Centres to learn agrisilvicultural and silvicultural techniques to ensure optimum use of their land and water resources. Short term extension courses and lectures should be organised in order to educate farmers. For this purpose, it is essential that suitable programmes are propagated through mass media, audio-visual aids and the extension machinery.

4.11 Forestry Education

Forestry should be recognised both as a scientific discipline as well as a profession. Agriculture universities and institutions, dedicated to the development of forestry education should formulate curricula and courses for imparting academic education and promoting postgraduate research and professional excellence, keeping in view the manpower needs of the country. Academic and professional qualifications - in forestry should be kept in view for recruitment to the Indian Forest Service and the State Forest Service. Specialised and orientation courses for developing better management skills by inservice training need to be encouraged, taking into account the latest development in forestry and related disciplines.

4.12 Forestry Research

With the increasing recognition of the importance of forests for environmental health, energy and employment, emphasis must be laid on scientific forestry research, necessitating adequate strengthening of the research base as well as new priorities for action. Some broad priority areas of research and development needing special attention are:

- Increasing the productivity of wood and other forest produce per unit of area per unit time by the application of modern scientific and technological methods.
- Revegetation of barren/marginal/waste/mined lands and watershed areas.
- Effective conservation and management of existing forest resources (mainly natural forest eco-systems).
- Research related to social forestry for rural/ tribal development.
- Development of substitutes to replace wood and wood products.
- Research related to wildlife and management of national parks and sanctuaries.

4.13 Personnel Management

Government policies in personnel management for professional foresters and forest scientists should aim at enhancing their professional competence and status and attracting and retaining qualified - and motivated personnel, keeping in view particularly -the Arduous nature of duties they have to perform, often in remote and inhospitable places.

4.14 Forest Survey and Data Base

Inadequacy of data regarding forest resources is a matter of concern because this creates a false sense of complacency. Priority needs to be accorded to completing the survey of forest resources in the country on scientific lines and to updating information. For this purpose, periodical collection, collation and publication of reliable data on relevant aspects of forest management needs to be improved with recourse to modern technology and equipment.

4.15 Legal Support and Infrastructure Development

Appropriate legislation should be undertaken, supported by adequate infrastructure, at the Centre and State levels in order to implement the Policy effectively.

4.16 Financial Support for Forestry

The objectives of this revised Policy cannot be achieved without the investment of financial and other resources on a substantial scale. Such investment is indeed fully justified considering the contribution of forests in maintaining essential ecological processes and life support systems and in preserving genetic diversity. Forests

should not be looked upon as a source of revenue. Forests are a renewable natural resource. They are a national asset to be protected and enhanced for the well-being of the people and the Nation.

(K.P.Geethakrishnan)
Secretary to the Government of India

Annexure R-23

Annexure -05

Undertaking/Certificates (Sl No.-5 of Stage-1 condition)

Name of the Project: Improvement, upgradation and construction of Ganeshpur-Dehradun road (NH72A) in the state of Uttar Pradesh (Km 0.0 to Km 16.160) and Uttarakhand (km 16.160 to km 19.785) to 4 lane configuration.

This is to undertake that, in case rate of NPV is increased by Hon'ble Supreme Court of India / Government of India, the project proponent is fully agreed to bear it and the same will be reimbursed / deposited to the concerned Forest /Wildlife Department on time. Undertaking for the same is already given in forest land diversion proposal. (Please refer Attachment- 2 in forest land diversion proposal and it is for ready reference attached with this compliance letter)

Date: - 22/04/2021

Place: - Dehradun

Pankaj 22/4/21
Project Director
NHAI-PIU Vasant Vihar(Dehradun)
Uttarakhand.
Name: - Pankaj Kumar Mourya

Signature & Seal

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
पी०आई०यू०-वसन्त विहार, देहरादून।

Annexure - 3

Undertaking/certificate for bearing additional cost for increased NPV rate in future

Proposal No: -FP/UK/ROAD/45283/2020

Name of Project- Improvement, up-gradation and construction of Ganeshpur-Dehradun road section (NH72A) in the state of Uttar Pradesh (km 00+00 to km 16+115) and Uttarakhand (Km 16+115 to km 19+746) to 4 lane configuration.

Certify that in future, if the rate of NPV is increased by Honourable Supreme Court of India / Government of India, the project proponent undertakes to bear it and will be reimbursed / paid the same to the Forest Department on time.



Project Director
National Highways Authority of India
Project Implementation Unit
Vasant Vihar (Dehradun), Uttarakhand.

Name: -Pankaj Kumar Mourya

Date: - 7/01/2021

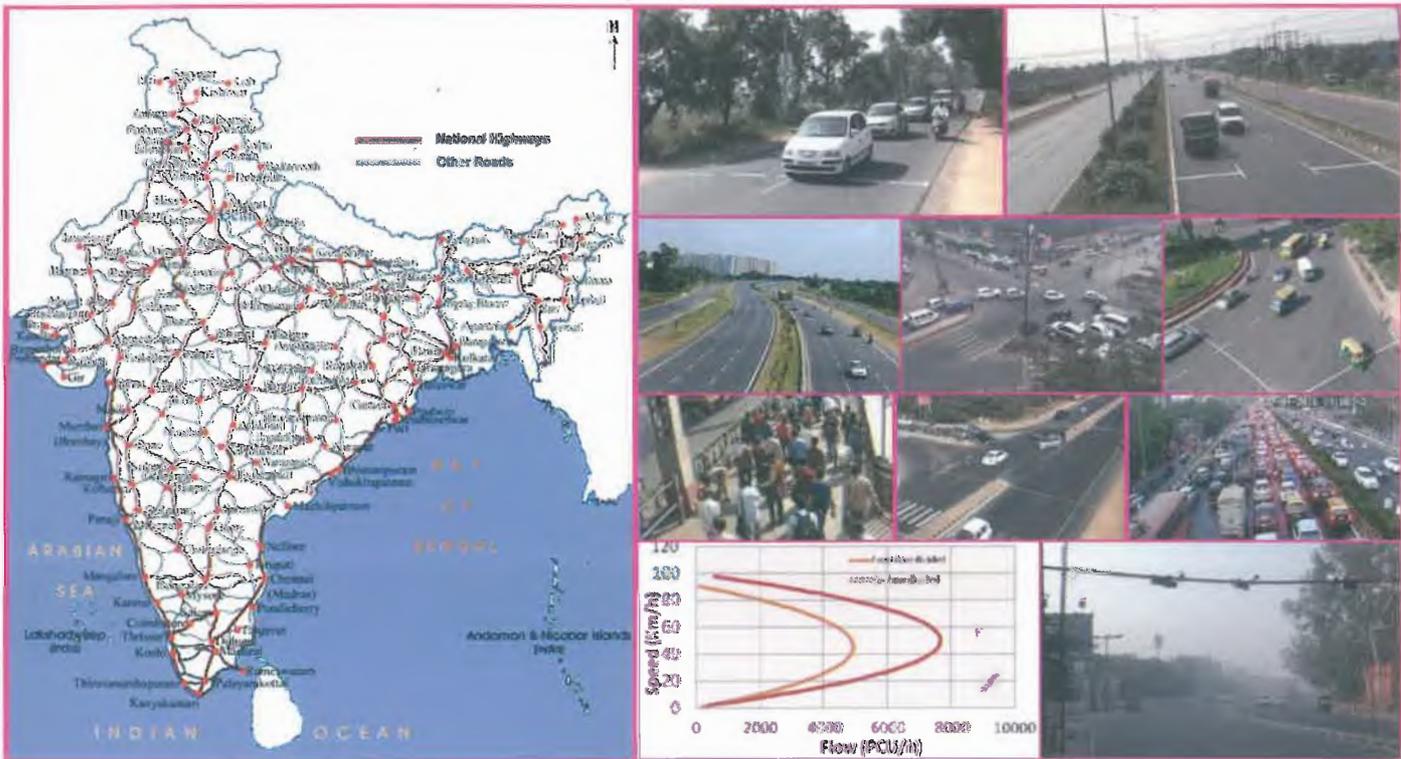
Place: - Dehradun

परियोजना निदेशक/Project Director
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(सड़क परिवहन राजमार्ग मंत्रालय, भारत सरकार)
Ministry of Road Transport & Highways
एनएच 72A-जंजना विहार, देहरादून।
Signature & Seal

Indian Highway Capacity Manual (Indo-HCM)

Sponsored by
Council of Scientific and Industrial Research (CSIR), New Delhi

2012-2017



December, 2017

Nodal Organisation:

सी एस आई आर - केंद्रीय सड़क अनुसंधान संस्थान, नई दिल्ली-110025

CSIR - CENTRAL ROAD RESEARCH INSTITUTE
NEW DELHI-110025



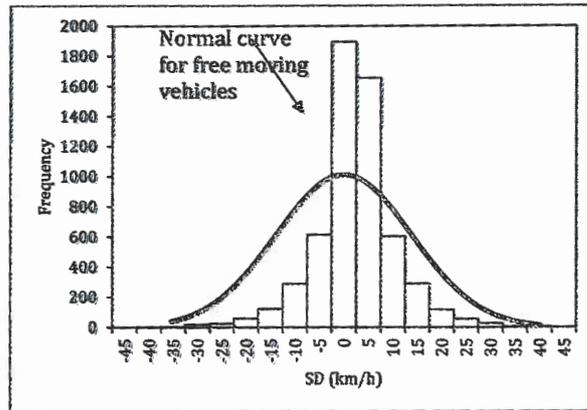


Figure 2.14: Histogram of the Speed Difference between consecutive vehicles

2.11.2 Identification of the Critical Gap Value

In order to identify a critical gap value beyond which the probability of not following (*PNF*) will be greater than the probability of following cumulative distribution graphs are plotted by using the acceptance curve method at the site. *PNF* is calculated with the help of Equation 2.21.

$$P_i = \frac{n_i}{N_{not}} \quad \text{Equation 2.21}$$

Where,

P_i = Probability of a vehicle not following with a gap value of 'i'

n_i = number of not following vehicles with a gap value of 'i'

N_{not} = total number of not following vehicles up to the gap length of 8 seconds.

The typical shape of this graph is shown in Figure 2.15. Critical gap value is taken corresponding to 50 percent *i.e.* 0.5 probability chance to travel in free flow speed (*FFS*) conditions.

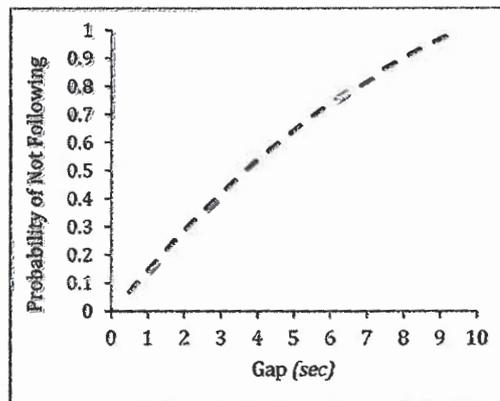


Figure 2.15: Plot between the Gap Value and the Cumulative Distribution of Non-Followers

The critical gap value is expected to vary with the traffic volume on the road and the relationship between the two is given by Equation 2.22.

$$P_i = \frac{n_i}{N_{not}} \quad \text{Equation 2.22}$$

Where,

Q = Two-way traffic volume, (in veh/hour)

CG = Critical Gap value, (in seconds)

Critical gap value decreases with the increase in traffic volume on the road. The number of followers is also related with two-way two-lane traffic volume by Equation 2.23.

$$CG = 74.8 * Q^{-0.45}$$

Equation 2.23

Where,

Q = Two-way traffic volume, PCU/h

NF = Number of followers, PCU/h

NF in the above equation is considered in PCU/h to avoid any mismatch of units while calculating NFPC. The different ranges of NFPC evolved for different LOS are given in Table 2.9. Moreover, the corresponding range of volume to capacity ratio (V/C) derived through cluster analysis are also presented in Table 2.9 for easy understanding of analysts. As mentioned, earlier, in the case of Single Lane roads, the application of concept of NFPC is not applicable. Hence, V/C ratio is found to be a suitable parameter to define LOS for Single Lane roads and the proposed V/C ratios for single lane roads is presented in Table 2.10.

Table 2.9: LOS Ranges and DSV Values for Intermediate and Two-lane roads

LOS	NFPC	V/C Ratio	Service Volume for Two Lane Roads (PCUs/day)	Recommended DSV Values for Upgradation (PCUs/day)
A	≤ 0.15	≤ 0.25	< 7500	10500 PCUs / day @ LOS-B: Suggested threshold value for conversion from two-lane bidirectional to Four Lane Divided roads to ensure enhanced safety in traffic operations.
B	0.15-0.25	0.26 - 0.45	7500 - 13500	
C	0.26-0.40	0.46 - 0.60	13500 - 17500	
D	0.41-0.55	0.61 - 0.75	17500 - 23000	
E	0.56-0.70	0.76 - 1	23000 - 30000	
F	> 0.71	> 1	> 30000	

Table 2.10: LOS Range for Single lane Roads

LOS	V/C Ratio
A	≤ 0.15
B	0.16 - 0.30
C	0.31 - 0.50
D	0.51 - 0.80
E	0.81 - 1.00
F	> 1.00

2.12 ILLUSTRATIVE PROBLEMS

2.12.1 Method of Estimation of Dynamic Passenger Car Unit

Estimate the Dynamic Passenger Car Unit (PCU) value for each vehicle type by considering the classified traffic volume count data *vide* Table 2.11 enumerated at an interval of 15 minutes. Use Tables 2.3 and 2.4 given in Chapter-2 by considering the range of PCUs for corresponding range of composition.

Solution:

Step 1: Traffic Data collected during one hour on a Two Lane road is given in Table 2.10:



Annexure R-25

**[To be published in the Gazette of India, Extraordinary, Part II, Section 3,
Sub-section(ii)]**

MINISTRY OF ENVIRONMENT AND FORESTS NOTIFICATION

New Delhi, the 22nd August, 2013

S.O. 2559 (E).- Whereas by notification of the Government of India in the Ministry of Environment and Forests vide number S.O.1533(E), dated the 14th September, 2006 issued under sub-section (1) and clause (v) of sub-section (2) of section (3) of the Environment (Protection) Act, 1986 read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government directed that on and from the date of its publication, the required construction of new projects or activities or the expansion or modernization of existing projects or activities listed in the Schedule to the said notification entailing the capacity addition with change in process or technology and or product mix shall be undertaken in any part of India only after prior environmental clearance from the Central Government or as the case may be, by the State level Environment Impact Assessment Authority, duly constituted by the Central Government under sub-section (3) of section 3 of the said Act, in accordance with the procedure specified therein;

And whereas the Government of India in the Ministry of Environment and Forests had constituted a High Level Committee under the Chairmanship of Member (Environment and Forests and Science and Technology), Planning Commission, vide OM No.21-270/2008-IA.III dated the 11th December, 2012 to review the provisions of Environmental Impact Assessment Notification, 2006 relating to granting Environmental Clearances for Roads, Buildings and Special Economic Zone projects and provisions under the OM dated the 7th February, 2012 issued by the Ministry of Environment and Forests regarding guidelines for High Rise Buildings;

And whereas one of the terms of reference (ToR) of the Committee was to review the requirement of Environmental Clearance for highway expansion projects upto the right of way of 60 meters and length of 200 kms under Environmental Impact Assessment notification;

And whereas the Committee has submitted its report to the Ministry and on this ToR, the Committee has recommended exempting highway expansion projects from the requirement of scoping and that Environmental Impact Assessment or Environment Management Plan for highway expansion projects may be prepared on the basis of model ToRs to be posted on Ministry's website and in respect of requirement of environmental clearance, the Committee has recommended that expansion of National Highway projects up to 100 kms involving additional right of way or land acquisition upto 40 mts on existing alignments and 60 mts on re-alignments or by-passes may be exempted from the preview of the notification;

And whereas the report of the Committee has been examined in the Ministry of Environment and Forests. Earlier, vide notification S.O.3067(E), dated the 1st December 2009 all State Highway expansion projects, except those in hilly terrain (above 1000 m AMSL) and ecologically sensitive areas, have already been exempted from the purview of the Environmental Impact Assessment notification, 2006.

And whereas, keeping inter-alia in view the foregoing, the Ministry of Environment and Forests has decided to accept the aforesaid recommendations of the High Level Committee constituted vide OM No.21-270/2008-IA.III, dated the 11th December 2012;

Now, therefore in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (4) of rule (5) of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following further amendment to the notification of the Government of India, in the Ministry of Environment and Forests number S.O. 1533(E), dated the 14th September, 2006 after having dispensed with the requirement of notice under clause (a) of sub-rule (3) of the said rule 5 in public interest, namely:-

2. In the said notification, -

(a) in paragraph 7, in sub-paragraph II, for item (i), the following item shall be substituted, namely:-

'(i) "Scoping" refers to the process by which the Expert Appraisal Committee in the case of Category 'A' projects activities, and State level Expert Appraisal Committee in the case of Category 'B1' projects or activities, including applications for expansion or modernization or change in product mix of existing projects or activities, determine detailed and comprehensive Terms of Reference (TOR) addressing all relevant environmental concerns for the preparation of an Environment Impact Assessment (EIA) Report in respect of the project or activity for which prior environmental clearance is sought and the Expert Appraisal Committee or State level Expert Appraisal Committee concerned shall determine the terms of reference on the basis of the information furnished in the prescribed application Form 1 or Form 1A including terms of reference proposed by the applicant, a site visit by a sub-group of Expert Appraisal Committee or State level Expert Appraisal Committee concerned only if considered necessary by the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned, terms of Reference suggested by the applicant if furnished and other information that may be available with the Expert Appraisal Committee or State Level Expert Appraisal Committee concerned:

Provided that the following shall not require Scoping-

(i) all projects and activities listed as Category 'B' in item 8 of the Schedule (Construction or Township or Commercial Complexes or Housing);

- (ii) all Highway expansion projects covered under entry (ii) of column (3) and column (4) under sub-item (f) of item 7 of the Schedule:

Provided further that-

- A. the projects and activities referred to in clause (i) shall be appraised on the basis of Form I or Form IA and the conceptual plan;
- B. The projects referred to in clause (ii) shall prepare EIA and EMP report on the basis of model TOR specified by Ministry of Environment and Forests;

(b) in the Schedule, against sub-item (f) of item 7, in column (3), for the entry (ii), the following entry shall be substituted, namely:-

- “(ii) Expansion of National Highways greater than 100 km involving additional right of way or land acquisition greater than 40m on existing alignments and 60m on re-alignments or by-passes.”

[F.No. 21-270/2008-IA.III]

Ajay Tyagi
Joint Secretary to the Government of India

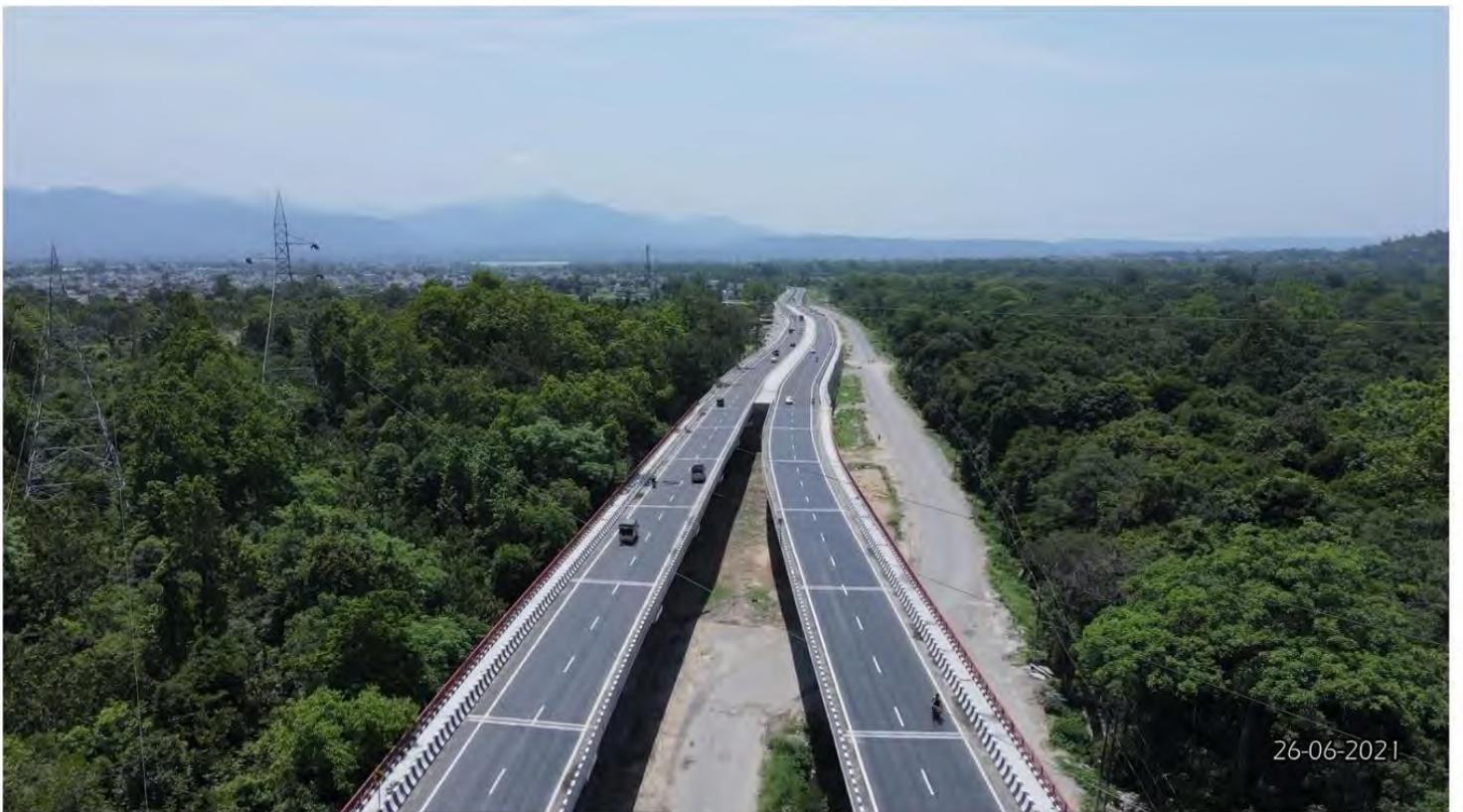
Note: The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) vide notification number S.O. 1533(E), dated the 14th September, 2006 and subsequently amended as follows:-

1. S.O. 1737 (E), dated the 11th October, 2007;
2. S.O. 3067 (E), dated the 1st December, 2009;
3. S.O. 695 (E), dated the 4th April, 2011;
4. S.O. 2896 (E), dated the 13th December, 2012; and
5. S.O.674(E), dated the 13th March, 2013

Annexure R-26



EUP Motichur at Ch.210+600



EUP Teenpani at Ch.186+259



EUP Laltappar at Ch.181+800

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI

APPEALNO.29 OF 2021

IN THE MATTER OF:

Citizens for Green Doon

...Appellant

Versus

Union of India & Ors.

...Respondents

KNOW ALL to whom these presents shall come that I, Ravinder, General Manager (Tech), Respondent No.3/ National Highway Authority of India do hereby appoint Ravinder Singhania, Madhu Sweta, Sumit Gupta, Shivangi Khanna, Raveena Dewan, Aanchal Seth and Akshay Kumar Tiwari of-

SINGHANIA & PARTNERS LLP.

ADVOCATES & SOLICITORS

P-24, Green Park Extension, New Delhi - 110016

Phone : 011-47471414, Fax : 011-47471415

Email : madhu@singhania.in

2756341

2756322

Hereinafter called the Advocates to be our Advocates in the above-noted case and authorize them:

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Courts.

To sign, file and represent pleadings, appeals, cross objections or petitions of execution review, revision, restoration, withdrawal, compromise or other petitions, replies, objections or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents.

To withdraw or compromise the said case or disputes that may arise touching or in any manner : execution proceedings.

To deposit, draw receive moneys and grant receipts and things which may be necessary to be done for the progress and in the course of the prosecution of the said cause.

To appoint and instruct any other legal Practitioner authorizing him to exercise the powers and authority hereby conferred upon the Advocates whenever they may think fit to do so.

AND We undertake that We or our duty authorized agent would appear in the Court on all hearings.

AND We, the undersigned do hereby agree to ratify and confirm all acts done by the Advocates or their substitute in the matter as our own acts, as if done by us to all intents and purposes.

AND We, the undersigned do hereby agree that in the event of the whole or any part of the fee agreed by us to be paid to the Advocates remaining unpaid they shall be entitled to withdraw from the prosecution of the said cause until the same is paid up. If any costs are allowed for an adjournment, the Advocates would be entitled to the same.

IN WITNESS WHEREOF, We do hereunto set our hand to these presents the contents of which have been understood by me/us on this 25th day of November, 2021.

Madhu Sweta
D/16/11/21
ADVOCATES

Raveena Dewan
D/36/8/2016

Ravinder
रविन्द्र / RAVINDER

महाप्रबंधक(तक.) / GM(Tech) CLIENT
भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
National Highways Authority of India
(राज्यक परिवहन और राजमार्ग मंत्रालय)
Raveena Dewan



Proof of Service

Rajesh Kumar

From: Rajesh Kumar
Sent: Saturday, November 27, 2021 7:35 PM
To: srishtiagnihotriofficial@gmail.com; sanjana.thomas93@gmail.com
Cc: Raveena Dewan; asthaa@yahoo.com
Subject: RE: Advance Service in the matter of Citizens for Green Doon vs Union of India & Ors., Appeal No.29/2021 and Original Application No.241/2021 , NGT

Dear Madam,

Please find attached the reply on behalf of NHA1 to the appeal No.29/2021, in the subject matter.
<https://www.dropbox.com/s/mo5q32bdoomlp1a/Reply%20to%20Appeal%20filed%20on%2027.11.2021%20-%20Copy.pdf?dl=0>

Kindly accept the same as advance service on Appellant.

Rajesh | Executive Assistant



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