ORDER

In reference to the clearance issued by MoEF, GoI vide letter No. 8-1/1991-FC(Vol.1) dated 14.10.2014 for the project proponent Executive Engineer, Water Resource Department, District Baran for Diversion of 228.76 ha. forest area for purpose of Construction of Ahmendi Minor Irrigation Project in District Baran. The State Government hereby accords Approval of Final stage clearance under Section 2 of the Forest (Conservation) Act with the following conditions:-

1. The conditions imposed by MoEF, GoI in their clearance date 14.10.2014 will be complied by all concerned.
2. This order along with conditions imposed by the Central Government according to stage I and stage II clearance are mandatorily required to be displayed in the website by State Forest Department as well as by MoEF, GoI.
3. The project proponent should publish the entire forest clearances granted in verbatim along with the conditions and safeguards imposed by the Central Government in Forest Clearance in two widely circulated daily newspapers one in vernacular language and the other in English language so as to make people aware of the permission granted to the project proponent for use of forest land for non-forest purposes.
4. The copies of the Forest clearance should also be submitted by the project proponents to the Heads of local bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government who in turn has to display the same for 30 days from the date of receipt.
5. Any other condition as and when imposed by the State Government.

\[Signature\]
(C.S. Ratnasamy)
Secretary, Forest

Copy to the following for necessary compliance:-
1. Principal Chief Conservator of Forests (HoFF). Rajasthan, Jaipur.
2. Regional Office. Ministry of Environment & Forests, Govt. of India, Kendriya Bhavan, Lucknow.
3. Sr. Assistant Inspector General of Forests, In-charge, Monitoring Cell, Forest Conservation Division, Ministry of Environment, Forests & Climate Change, Govt. of India, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi – 110 003 - with a request to ensure uploading of the order passed by the State Government on the MoEF website.
4. Director, Regional Office (Headquarters), Ministry of Environment, Forests & Climate Change, Govt. of India, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi – 110 003.
5. Addl. Principal Chief Conservator of Forests & Nodal Officer (FCA), Rajasthan, Jaipur - with a request to get the order and clearances uploaded on the State Forest Department website.
6. Chief Conservator of Forests, IT, Aravali Bhawan, JL&N Marg, Jaipur - to ensure the uploading of the order and clearances on the State Forest Department website.
7. Concerned Regional Chief Conservator of Forests, Kota.
8. Deputy Conservator of Forest, Baran.
9. Executive Engineer, Water Resource Department, District Kota.
10. Guard File.
F. No. 8-1/1991 – FC(Vol.I)
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

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Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 11003
Date: 14th October, 2014

To
The Principal Secretary (Forests),
Government of Rajasthan,
Jaipur.

Sub: Diversion of 228.76 ha forest land in favor of Executive Engineer, Water Resource Department, Baran for Ahmedi Minor Irrigation project in Baran District in the State of Rajasthan.

Sir,

I am directed to refer to the Government of Rajasthan’s letter no. F.140/90/Kota/Vasu/Pramuvasan/5182 dated 18.05.2004 on the above subject seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Forest Advisory Committee (FAC) constituted under section-3 of the said Act, ‘in-principle’ approval was granted vide this Ministry’s letter of even number dated 8.02.2005 subject to certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the ‘in-principle’ approval and has requested the Central Government to grant final approval.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government vide letter no F.14( ) 90/Kota/Vasu/PCCF/1529 dated 27th February 2013 and 2nd August, 2014, final approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 228.76 ha forest land in favor of Executive Engineer, Water Resource Department, Baran for Ahmedi Minor Irrigation project in Baran District in the State of Rajasthan subject to fulfillment of the following conditions:

(i) Legal status of the diverted forest land shall remain unchanged;

(ii) The compensatory afforestation over the non-forest land, equal in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department from the funds already deposited by the User Agency;

(iii) The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927 latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or
Section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record;

(iv) The user agency shall undertake afforestation along the periphery of the reservoir and canals bank and maintain plantations with the State Forest Department.

(v) A catchment area treatment plan shall be implemented by/or under the supervision of State Forest Department at the project cost;

(vi) The area of the reservoir other than forests, created due to submergence shall be declared as Reserved/Protected Forests under Indian Forest Act, 1927. However, regulated fishing rights shall be allowed.

(vii) No labour camp shall be established on the forest land;

(viii) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;

(ix) The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;

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

(xi) The forest land shall not be used for any purpose other than that specified in the proposal;

(xii) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;

(xiii) No damage to the flora and fauna of the adjoining area shall be caused;

(xiv) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees shall be felled under strict supervision of the State Forest Department;

(xv) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down.

(xvi) The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
(xvii) The State Government and the user agency shall ensure that the trees available between full reservoir level (FRL) and FRL—4 meters are not felled;

(xviii) The user agency shall provide free water for the forestry related projects;

(xix) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird’s nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;

(xx) The user agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly.

(xxi) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and

(xxii) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

Yours faithfully

(T. C Nautiyal)
Assistant Inspector General of Forests (FC)

Copy to:
1. The Principal Chief Conservator of Forests, Government of Rajasthan, Jaipur.
2. The Nodal Officer (FCA), O/o the PCCF, Government of Rajasthan, Jaipur.
3. The Chief Conservator of Forests (Central), Regional Office, Lucknow.
4. The Executive Engineer, Water Resource Department, Baran, Rajasthan.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi.

(T. C Nautiyal)
Assistant Inspector General of Forests (FC)
F. No. 8-1/91-FC (Vol.I)
Government of India
Ministry of Environment & Forests
F.C. Division
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi - 110 003.

New Delhi, the 8th February 2005.

To
The Principal Secretary (Forests),
Government of Rajasthan,
Jaipur.

Sub: Diversion of 228.76 ha. of forest land for construction of Ahmedi Minor Irrigation Project, Baran, in Kota District, Rajasthan.

Sir,

I am directed to refer to your letter No. F.14(1)/90/Kota/Vasu/Pramuvasan/5182 dated: 18-05-2004 on the above mentioned subject seeking prior approval of the Central Govt. under Section-2 of Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section 3 of the aforesaid Act.

After careful consideration of the proposal of the State Government and on the basis of recommendation of the above-mentioned Committee, the Central Government hereby, agrees in-principle for diversion of 228.76 ha. of forest land for construction of Ahmedi Minor Irrigation Project, Baran, in Kota District, Rajasthan, subject to fulfilment of following conditions:

1. Immediate transfer and mutation of equivalent non-forest land shall be carried out by the User agency in favour of the State Forest Department.
2. User Agency shall deposit the cost of raising and maintaining the compensatory afforestation for over equivalent non-forest land with the State Forest Department.
3. The non-forest land for compensatory afforestation shall be notified by the State Government as RF under section - 4 or PF under section - 29 of the Indian Forest Act, 1927 or the State Forest Act within a period of 6 months and Nodal Officer (Forest Conservation) shall report the compliance.
4. User Agency shall deposit the cost of raising and maintaining the penal compensatory afforestation over degraded forest land, area double in extent, with the State Forest Department.
5. User Agency shall deposit the Net Present Value (NPV) of the diverted forest land of 228.76 ha., with the State Forest Department as per the orders of the Hon’ble Supreme Court dated 30-10-2002 & 1-8-2003 in I.A No.566 in WP (C) No.202/1995 and the guidelines issued by this Ministry vide letter No.5-1/98-FC(Pt-II) dated 18-9-2003 and 22-9-2003 in this regard.
6. The User Agency shall deposit the cost of raising and maintaining Canal bank plantations with the State Forest Department.
7. The User Agency shall deposit the cost of catchment area treatment works, if any, with the State Forest Department.
8. The State Government shall deposit all the above-mentioned funds in form of Fixed Deposits in the name of concerned DFO/ Nodal Officer of the State, till such time the Compensatory Afforestation Fund Management and Planning Authority (CAMPA) intimates the Head of Accounts for deposition of funds.
9. The User Agency shall demarcate the area by erecting 4 feet high RCC pillars indicating forward and back bearings and distance between adjacent pillars at the project cost.
10. The area of the reservoir, other than forests, created due to submergence shall be declared as Reserved / Protected Forests under Indian Forest Act, 1927. However, regulated fishing rights shall be allowed.
11. Other standard conditions as applicable in case of irrigation project shall apply in the instant case also.

After receipt of compliance report on fulfilment of the above-mentioned conditions No. 1, 2, 4, 5, 6, 7, 8 & 9 from the State Government, formal approval will be issued by the Central Government under Section-2 of Forest (Conservation) Act, 1980. Transfer of forest land to user agency should not be effected by the State Government till the final orders for diversion of forest land are issued by the Central Government.

Yours faithfully,

(Signed)

(ANURAG BAJPAL)
Assistant Inspector General of Forests

Copy to:
1. The Principal Chief Conservator of Forests, Government of Rajasthan, Jaipur.
2. The Chief Conservator of Forests (Central), Regional Office (CZ), Lucknow.
3. RO (Hqs), New Delhi
4. The Nodal Officer, Forest Department, Government of Rajasthan, Jaipur.
5. User Agency.
6. Monitoring Cell, FC Division.

(ANURAG BAJPAL)
Assistant Inspector General of Forests