

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

LOK SABHA
UNSTARRED QUESTION NO. 1294
TO BE ANSWERED ON 09.02.2018

Diversion of Forest Land.

1294. SHRI GOPAL SHETTY

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to State:

- (a) whether the Union Government has received any proposal from State Government of Maharashtra relating to diversion of 1.98 hectare of forest land for construction of Nira Deoghar Right Bank canal in km. 48 and 49 (Bholi Right Bank open cut canal) in Satara district for granting environmental clearance;
- (b) if so, the details and the present status of the said proposal; and
- (c) the time by which the said proposal is likely to be finalized along with the reasons for delay therein?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(DR. MAHESH SHARMA)

- (a), (b) & (c) Yes, Madam. Final approval to the said project has been accorded by MoEF&CC on 22nd February, 2016 under the Forest (Conservation) Act 1980.

F. No. 8-76/1995-FC (Pt.)
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi – 110003

Dated: 22nd February, 2016

To,

The Principal Secretary (Forests),
Government of Maharashtra,
Nagpur.

Sub: Diversion of 1.98 ha. of forest land for construction of Nira Deogarh Right Back Canal in Km 48 and 49 (Bholi Right Back Open Cut Canal) in Satara District of Maharashtra.

Sir,

I am directed to refer to Government of Maharashtra's Letter No. FLD.2007/CR.225/F.10 dated 11th October, 2007 on the above mentioned subject, wherein prior approval of the Central Government for the diversion of 1.98 ha of forest land for construction of Nira Deoghar Right Back Canal in Km 48 and 49 (Bholi Right Back Open Cut Canal) in Satara District of Maharashtra, was sought, in accordance with Section 2 of 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 18.09.2008 subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the 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 Government of Maharashtra vide their letters no. FLD/2007/CR 225/F-10 dated 30.11.2011, Desk-17/NC/II/ID 11452/ (10)/558/2013-14 dated 08.07.2013, Desk-17/NC/II/ID 11452/(10)/1502/2015-16 dated 17.11.2015 FLD/2007/CR 225/F-10 dated 30.11.2011 and 22.01.2016, and approval of competent authority for amending the condition of no.2(ii) of stage-I clearance, **final /stage-II approval** of the Central Government is hereby granted under section-2 of the Forest (Conservation) Act, 1980 for diversion of 1.98 ha. of forest land for construction of Nira Deogarh Right Back Canal in Km 48 and 49 (Bholi Right Back Open Cut Canal) in Satara District of Maharashtra subject to fulfilment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged.
2. Compensatory afforestation shall be raised and maintained by the State Forest Department at the project cost.

3. The Non-forest land to be transferred and mutated in favour of the State Forest Department for raising Compensatory Afforestation shall be notified as reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act. The Nodal officer must report compliance within a period of 6 month from the date of grant of final approval and send a copy of the 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 local Forest Act as the case may be, to this Ministry for information and record.
4. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
5. The user agency shall implement the approved plan for resettlement and rehabilitation of the project affected families at the project cost.
6. The tree felling in the forest area, so diverted, shall only be as per the actual requirement and with prior permission of the competent authority.
7. The user agency shall take up afforestation activities all along the reservoir/dam in consultation with the Forest Department.
8. There shall not be tree felling between FRL (Full Reservoir Level) and FRL – 4 meters.
9. The user agency shall provide free water from the project for all forestry related activities.
10. The State Govt. shall ensure the implementation of Catchment Area Treatment Plan at the project cost under the supervision of State Forest Department
11. No labour camps shall be established on the Forest land.
12. No damage to the flora and fauna of the area shall be caused.
13. The Approval under the forest (Conservation) Act 1980 is subject to clearance under the environment (Protection) Act 1986 if required.
14. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person.
15. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
16. The user agency shall make arrangement for free supply of fuelwood preferably alternate energy source to labourer and staff working on the project site so as to avoid any pressure on the adjacent forest areas.
17. The user agency shall comply with all the conditions stipulated by the Principal Chief Conservator of Forests, Maharashtra State, in the specific recommendations forwarded at the time of submitting the proposal to the Ministry of Environment and Forests

18. The user agency will assist the State Government in conservation and preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State.
19. This approval shall be subject to different orders and judgment of the Hon'ble Supreme Court of India in respect of Civil Writ Petition No. 202/1995.
20. 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;
21. The User agency shall submit the annual self compliance report in respect of the above conditions and also the condition stipulated in stage-I clearance to the State Government and to the concerned Regional Office of the Ministry regularly; and
22. The User Agency and the State Government shall ensure compliance to the conditions of stage –I approval for which undertaking has been provided and to the provisions of all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

Yours faithfully,



(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator Forests, Government of Maharashtra, Nagpur
2. Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office (WZ), Kendriya Paryavaran Bhawan, E-5, Arera Colony, Link Road-3, Ravi Shankar Nagar, Bhopal-462016.
3. The Nodal Officer, O/o the PCCF, Government of Maharashtra, Nagpur
4. User Agency.
5. Monitoring Cell.
6. Guard file



(Sandeep Sharma)

Assistant Inspector General of Forests

