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28/10/19



GOVERNMENT OF KERALA

Abstract

Forest & Wildlife Department - Forest (Conservation) Act, 1980 - Diversion of 0.01866 ha. of deemed forest land for International Ship Repair facility project of Cochin Shipyard Ltd., Kochi, Kerala - Sanction accorded - Orders issued.

FOREST & WILDLIFE (C) DEPARTMENT**G.O.(Rt)No.415/2019/F&WLD**

Dated,Thiruvananthapuram, 14/10/2019

- Read 1 Government letter No. 1162813/C2/2017/FWLD dated 20.02.2017 and 25.05.2017
- 2 Letter F.No.4-KLB1112/2017-BAN/197 dated 07.06.2017 from the Deputy Conservator of Forests (Central), Government of India, Ministry of Environment, Forests & Climate Change, Regional Office, Bangalore.
- 3 Letter No.FC2-35848/2016 dated 12.03.2018, 16.06.2018, 31.01.2019 from the Principal Chief conservator of Forests (Forest, Land & Resources) & Nodal Officer, F(C)Act & CAMPA.
- 4 Government letter No. 35/C2/2018/FWLD dated 19.08.2019.
- 5 Letter F.No.4-KLB1112/2017-BAN/890 dated 05.09.2019 from the Deputy Inspector General of Forests (Central), Government of India, Ministry of Environment, Forests & Climate Change, Regional Office, Bangalore.

ORDER

As per the letters read 1st paper above, Government had forwarded a proposal to the Deputy Conservator of Forests (Central), Government of India, Ministry of Environment, Forests & Climate Change, Regional Office, Bangalore for diversion of 0.01866 ha. of deemed forest land for International Ship Repair facility project of Cochin Shipyard Ltd. Kochi, Kerala.

2. The Ministry of Environment, Forests & Climate Change, as per the letter read 1st paper above, has conveyed In-Principle (Stage - I) approval under section 2 of Forest (Conservation) Act, 1980 for diversion of 0.01866 ha. of deemed forest land for International Ship Repair facility project of Cochin Shipyard Ltd. Kochi, Kerala, for a period of 20 years, subject to the following conditions:-

1. The legal status of deemed forest land shall remain unchanged.
2. The demarcation of the deemed forest area being diverted shall be carried out at the cost of User Agency, before Stage-II approval.
3. The cost of raising plantation of 10 times the number of trees to be felled shall be deposited by the user agency.
4. The State Government shall charge the Net Present Value of the diverted deemed forest land measuring 0.01866 ha. from User Agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IA's in Writ Petition (Civil) No.202/1995.
5. Additional amount of the Net Present Value (NPV) of the diverted deemed forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from User Agency. User Agency shall furnish an undertaking to this effect.

6. The User Agency shall make online payment of cost of Compensatory Afforestation and Net Present Value with Adhoc- CAMPA through e-payment module of Forest Clearance portal forestclearance.mef.in.

7. Necessary certificates/documents under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 as per the guidelines issued by Ministry of Environment & Forests vide letter No.11-9/1998-FC (Pt) dated 05.07.2013 shall be furnished before Stage-II clearance.

8. All other approvals required under different Acts shall be obtained before commencement of the project.

9. The total deemed forest area utilized, for the project shall not exceed 0.01866 ha.

10. Any other condition that the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore may impose from time to time for protection, improvement of flora and fauna in the forest area and public convenience, shall also be applicable.

11. Violation of any of the conditions shall invite penal action, as deemed fit by the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore.

3. As per the letters read 3rd paper above, the Principal Chief Conservator of Forests (Forest, Land & Resources) & Nodal Officer, F(C)Act & CAMPA had submitted compliance report on the conditions stipulated above to Government of India. As per the letter read 4th paper above, State Government had forwarded the revised FRA certificate and compliance report to the Ministry of Environment, Forest & Climate Change, Bangalore.

4. Accordingly, the Ministry of Environment, Forests & Climate Change, Government of India, as per the letter read 5th above, has conveyed Stage - II approval under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.01866 ha. of deemed forest land for International Ship Repair facility project of Cochin Shipyard Ltd. Kochi, Kerala, subject to the following conditions:-

1. The legal status of deemed forest land shall remain unchanged.

2. The boundary of the deemed forest land to be diverted shall be suitably demarcated on ground at the cost of the project/user agency, as per the directions of concerned Divisional Forest Officer.

3. Plantation of 10 times the number of trees to be felled shall be carried out at the cost of User Agency. The location details of the area selected for raising plantation shall be communicated to this office before commencement of the project.

4. Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from the user agency. The user agency shall furnish an undertaking to this effect before commencement of the project.

5. All other approvals required under different Acts shall be obtained before commencement of the project.

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

7. The total deemed forest area utilized for the project shall not exceed 0.01866 ha. The deemed forest land shall be used only for the purpose for which it is diverted.

8. Any other condition that the Ministry of Environment, Forest and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forest and Wildlife.

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 dated 29/01/2018.

10. The State Government and user agency shall comply with the provisions of all the 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.

5. In view of the facts and circumstances stated above, Government are pleased to accord sanction under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.01866 ha. of deemed forest land for International Ship Repair facility project of Cochin Shipyard Ltd., Kochi, Kerala, subject to the above conditions, as stipulated by the Ministry of Environment, Forests & Climate Change, Government of India.

6. The Principal Chief conservator of Forests (Forest Management) & Nodal Officer

F(C)Act will ensure the strict compliance of the above mentioned conditions by the User agency

(By order of the Government)

DR.ASHA THOMAS IAS

ADDITIONAL CHIEF SECRETARY

To:

The Deputy Conservator of Forests (Central), Government of India, Ministry of Environment, Forests & Climate Change, Regional Office (Southern Zone), Kendriya Sadan, IVth Floor, I & I Wings, 17th Main Road, IInd Block, Koramangala, Bangalore.

The Principal Chief conservator of Forests & Head of Forest Force, Thiruvananthapuram.

The Principal Chief conservator of Forests (Forest Management) & Nodal Officer, F(C)Act,

Thiruvnanthapuram.

The Principal Accountant General (Audit/A&E), Thiruvananthapuram

The General Manager (Infra Projects), M/s. Cochin Shipyard Ltd, Administrative building,

Perumanoor P.O, Kochi, Kerala, 682 015.

Information & Public Relations Department (Web & New Media)

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Forwarded By order

Section Officer