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पूर्वोत्तर क्षेत्रीय कार्यालय, शिलांग
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No. 3-MG C 113/2019-SHI 4181-82

06th March, 2020

सेवा मे,

अतिरिक्त प्रमुख सचिव/ Addl. Chief Secretary,
मेघालय सरकार/Govt of Meghalaya,
वन और पर्यावरण विभाग/ Forests & Environment Department,
शिलांग/Shillong.

Sub: Proposal for diversion of 16.107 Hectare of forest land (15.296 Ha Protected Forest and 0.811 Ha Deemed Forest) at Upper Shillong Protected Forest between Km 1+390 (21/2 Mile Upper Shillong) to Km 8+890 (Pomlum PHC, Baniun) in the state of Meghalaya for improvement/ widening to 2-Lane with paved shoulders/ 4 Laning of stretch Shillong-Dawki Road (Km 0+000 to 71+520).

Sir,

This has got reference to the State Govt of Meghalaya letter No. FOR/58/2019/96 dated 12th November, 2019 and FOR/58/2019/170 dated 26.02.2020 on the subject mentioned above seeking prior approval of the Central Government in accordance with Section 2 of the FCA, 1980.

After careful consideration of the proposal of the State Government of Meghalaya by the Regional Empowered Committee in its meeting held on 05.03.2020 and its recommendation and State Govt letter FOR/58/2019/170 dated 26.02.2020, I am to inform that the Central Government hereby conveys its **"In Principle Approval"** for diversion of 16.107 Hectare of forest land (15.296 Ha Protected Forest and 0.811 Ha Deemed Forest) at Upper Shillong Protected Forest between Km 1+390 (21/2 Mile Upper Shillong) to Km 8+890 (Pomlum PHC, Baniun) in the state of Meghalaya for improvement/ widening to 2-Lane with paved shoulders/ 4 Laning of stretch Shillong- Dawki Road (Km 0+000 to 71+520), subject to the following conditions:

- (i) Legal status of the forest land shall remain unchanged.
- (ii) Forest land will be handed over only after required non-forest land for the project is handed over by the user agency.
- (iii) The compensatory afforestation shall be taken up by the Forest Department over 16.107 ha equivalent non-forest land Nongumiang Nongstoin in West Khasi Hills 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.

- (iv) 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.
- (v) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department before granting work permission to the user agency as the proposal being linear proposal. The copy of the mutation notification/order should be submitted to the Regional Office, Shillong after which working permission may be granted.
- (vi) The State Government shall charge the Net Present Value(NPV) for the 16.107 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.
- (vii) The 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.
- (viii) The 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.
- (ix) All the funds received from the user agency along with the fund for avenue plantation under the project shall be transferred/ deposited to CAMPA fund only through *e-portal* (<https://parivesh.nic.in/>).
- (x) The Divisional Forest Officer shall prepare a soil moisture conservation plan to mitigate the adverse impact of this project on the water catchment area and the user agency shall deposit the estimated amount for the same as per guideline.
- (xi) The User Agency shall bear and deposit the amount of the cost of demarcation of the land proposed for diversion directly to the concerned Divisional Forest Officer. The concerned Divisional Forest Officer shall demarcate the land proposed for diversion on the ground by erecting at least 4' high cement-concrete pillars duly numbered, forward and backward bearing and distance from pillar to pillar written on the pillars and DGPS co-ordinates to be inscribed on the pillars. The competent authority shall verify and issue a certificate to this effect.

Photographs showing permanent boundary pillars with GPS co-ordinates to be submitted.

- (xii) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (xiii) **The user agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.**
- (xiv) **The speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.**
- (xv) **The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC, wherever applicable.**
- (xvi) The User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- (xvii) The layout plan of the proposal shall not be changed without prior approval of Central Government.
- (xviii) No labour camp shall be established on the forest land.
- (xix) 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.
- (xx) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- (xxi) 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.
- (xxii) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (xxiii) 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.
- (xxiv) 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.
- (xxv) 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.
- (xxvi) The compliance report shall be uploaded on *e-portal* (<https://parivesh.nic.in/>).
- (xxvii) As per Ministry's letter No. 11-30/96-FC(Pt) dt. 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt for more than 5 (five) years, the in-principle approval would summarily be revoked considering that the user agency is no longer interested in the project.
- (xxviii) All other clearance/NOCs under different applicable rules/regulations /local laws and under Forest Dwellers (Recognition of Forest Rights) Act, 2006 as required

vide MoEF, New Delhi guideline No.11-9/1998-FC(pt) dated 03.08.2009 shall be complied with.

After receipt of the compliance report from the State Government on fulfillment of the conditions mentioned above, final approval will be issued in this regard. Formal transfer of forest land shall not be effected by the State Govt till final approval orders approving the diversion of forest land are issued by the Central Government.

This has the approval of Deputy Director General of Forests (Central).

भवदीय,



(W.I. Yatbon)

वन उप महानिरीक्षक (केंद्रीय)

/Deputy Inspector General of Forests(C)

Copy to:

The Principal Chief Conservator Forests & HoFF, Government of Meghalaya, Shillong.



वन उप महानिरीक्षक (केंद्रीय)

/Deputy Inspector General of Forests(C)

