



भारत सरकार
GOVERNMENT OF INDIA
एकीकृत क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
लॉड सीब लुम्बतंगेन/LAW-U-SIB, LUMBATNGEN,
शिलांग/SHILLONG-793021
TEL. 0364-2537278; FAX. 0364-2536041
E-mail: moefro.shillong@gov.in



No. 3-MG C 113/2019-SHI/ 141-42
सेवा में,

18th April, 2022

अपर मुख्य सचिव/Additional Chief Secretary,
मेघालय सरकार / Govt of Meghalaya,
वन और पर्यावरण विभाग / Forests & Environment Department,
शिलांग / Shillong.

Sub : PIL No. 7 of 2021 in the matter of Shri Kaustav Paul Vs Union of India & Others vide Hon'ble High Court order dated 30.09.2021 for the diversion of 16.107 ha of forest land at Upper Shillong Protected Forest between Km 1 + 390 (2^{1/2} Mile Upper Shillong to Km 8 + 980 (Pomlum PHC, Baniu) 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) by NHIDCL .

Ref: State Govt of Meghalaya letter No. FOR./58/2019/318 dated 16.02.2022 & even no. dated 01.03.2022.

Sir,

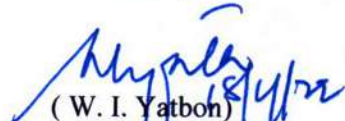
This has reference to the State Govt letter No. FOR./58/2019/318 dated 16.02.2022 and even no. dated 01.03.2022 & 24.03.2022 on the subject mentioned above and the order of Hon'ble High Court of Meghalaya dated 30.09.2021 for arrangement of approval for an alternate area in lieu of already approved area due to change in the alignment of road.

In this connection, after careful consideration of the State Govt of Meghalaya for an alternate area due to change in the alignment of road from Km 5+600 to Km 5+800 for improvement to 2-lane with paved shoulder of NH-40 between Shillong-Dawki road upto Bangladesh Border in the State of Meghalaya for execution of EPC mode under JICA funding (Package-1) / 4 laning of stretch Shillong-Dawki road and submission of maps, GPS Coordinates for the new alignment of the road, the Central Government hereby grants approval for the new alignment measuring 505.506 sq.m on the Right Hand Side of the road, subject to the following conditions:

- 1) The User Agency shall hand over to the Forest Department, Meghalaya the land measuring 505.506 sq.m on the Left Hand side of the road which is not required for road construction and granted approval vide this office letter dated 30.04.2021.
- 2) All terms and conditions prescribed in earlier approval vide letter No. 3-MG C 113/2019-SHI / 326-327 dated 30.04.2021 shall be strictly adhered to.
- 3) The State Govt shall update on the Ministry's portal on the changes.

This is issued with the approval of Deputy Director General (C).

भवदीय,


(W. I. Yatbon)

उप वन महानिरीक्षक (केंद्रीय)/

Deputy Inspector General of Forests (C)

o/c

Copy to:

1. The Principal Chief Conservator of Forests & HoFF, Govt of Meghalaya, Department of Forests & Environment, Sylvan House, Lower Lachumiere, Shillong- 793001.


उप वन महानिरीक्षक (केंद्रीय)/

Deputy Inspector General of Forests (C)



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No. 3-MG C 113/2019-SHI/326-327

30th April, 2021

सेवामे,

अपर मुख्य सचिव/Additional Chief Secretary,
मेघालय सरकार / Govt of Meghalaya,
वन और पर्यावरण विभाग / Forests & Environment Department,
शिलांग / Shillong.

Sub : Diversion of 16.107 ha of forest land (15.296 ha Protected Forest and 0.811 ha Deemed Forest) at Upper Shillong Protected Forest between Km 1 + 390 (2 1/2 Mile Upper Shillong Shillong) to Km 8 + 980 (Pomlum PHC, Banium) 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) by NHIDCL .

Sir,

This has reference to the State Govt letter No. FOR.58/2019/96 dated 12.11.2019 and No. 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 Govt of Meghalaya by the Regional Empowered Committee in its meeting held on 05.03.2020 and its recommendation, In-Principle approval was granted vide this office letter of even number dated 06.03.2020 subject to fulfilment of certain conditions. 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.

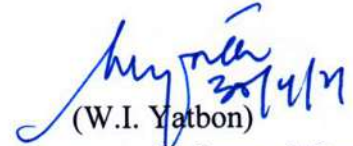
In this connection and on the basis of the compliance report furnished by the State Government letter No.FOR.58/2019/137 dated 14.04.2021 and dated 30.04.2021 and online payment made by user agency under CAMPA, '**Final Approval**' of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 16.107 ha of forest land (15.296 ha Protected Forest and 0.811 ha Deemed Forest) at Upper Shillong Protected Forest between Km 1 + 390 (2 1/2 Mile Upper Shillong Shillong) to Km 8 + 980 (Pomlum PHC, Banium) 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) by NHIDCL, subject to fulfilment of the following conditions:

1. Legal status of the forest land shall remain unchanged.
2. The Compensatory Afforestation shall be raised and maintained by the Forest Department over **16.107 ha** of non-forest land at Nongumiang, Nongstoin in West Khasi Hills District as per the funds deposited by the User Agency. As far as possible, mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

3. The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as Reserve Forest/Protected Forest 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 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 or under the relevant Section(s) of the local Forest Act as the case may be, within the stipulated period to the Central Government for information and record.
4. The boundary of the diverted forest land, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from the pillar to pillar and GPS co-ordinates before handing over the forest land to the User Agency.
5. **User agency may raise strip plantation on both sides of the road as per the IRC norms.**
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 recommendation of CWLW / NBWL / FAC / REC.**
8. The approval under Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act 1986, if required.
9. The forest land shall not be used for any purpose other than that specified in the proposal.
10. 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.
11. The User Agency shall take all possible precautions & care all the time not to impact adversely the surrounding forests and forest land by their actions/activities.
12. Tree felling shall be done only when absolutely unavoidable and such removal, if any, shall be done under the supervision of the Forest Department.
13. The layout plan shall not be changed without the prior approval of the Central Government.
14. 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.
15. The proposal will be implemented under the overall supervision of the concerned Divisional Forest Officer.
16. No labour camp shall be established on forest land. In order to avoid pressure on neighboring forests, the user agency should arrange for fuel, preferably alternate fuel, to the labourers working at site.
17. Violation of any of these conditions will amount to violation of Forest(Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest(Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-Fc dated 28.03.2019.

18. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
19. 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.
20. 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.
21. The User Agency will have to obtain the Forest (Conservation) Act, 1980 clearance for stone, river sand, river boulders in forest land, if necessary.
22. User agency shall submit an annual self-monitoring report indicating status of the implementation of the conditions stipulated in the approval accorded for diversion of said forest land to the State Government and IRO, MoEF & CC, Shillong.
23. This approval may be revoked if the above conditions of approval are not complied to the satisfaction of the Integrated Regional Office, Shillong.
24. Any other condition that the Ministry of Environment, Forests & Climate Change, IRO, Shillong 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.

भवदीय,


(W.I. Yatbon)

वन उप महानिरीक्षक (केंद्रीय)

/Deputy Inspector General of Forests(C)

Copy to:

1. The Principal Chief Conservator of Forests & HoFF, Govt of Meghalaya, Department of Forests & Environment, Sylvan House, Lower Lachumiere, Shillong- 793001.


वन उप महानिरीक्षक (केंद्रीय)

/Deputy Inspector General of Forests(C)

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