

Reply of EDS raised by CF dated 12-02-2025

In reference to EDS raised CF, Department of Environment, Forest and Climate Change. Govt. of Bihar vide letter dated 12-02-2025, it is submitted that similar case of diversion of forest land of 103.211 hectare [Proposal No. FP/BR/ROAD/404838/2022] in Varanasi- Kolkata 4/6 lane Green Field Expressway has been recently approved by RO Ranchi vide letter dated 28-02-2025 (copy attached) without providing Non-Forest Land (NFL), despite Supreme Court Order dated 03.02.2025.

Therefore, it is requested that the instant proposal be reconsidered without providing Non-Forest Land for Proposal No. FP/BR/ROAD/157384/2022 (22.716 hectare).



Government of India

Ministry of Environment, Forest and Climate Change

Regional Office, Ranchi, Jharkhand



Online Proposal No.: **FP/BR/ROAD/404838/2022**

Dated: **28/02/2025**



To,

The Principal Secretary/Additional Chief Secretary,
Department of Environment and Forests,
Government of Bihar, Sinchai Bhawan,
Secretariat, Patna-800015.

Subject: **In-principle (Stage-I) approval of Central Government under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 103.211 ha forest land in favour of NHAI, PIU-Gaya for construction of 4/6 Lane green field Expressway from Varanasi to Kolkata (Package-III) via Ranchi with Spur to Kharagpur under Bharatmala Pariyojana Phase-II in Aurangabad & Gaya district of Bihar – reg.**

Sir/Madam,

I am directed to refer to online Proposal no. FP/BR/Road/404838/2022 dated 31/10/2022 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest and Climate Change under section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 103.211 Ha of forest land as mentioned under subject.

The proposal was placed before the Regional Empowered Committee (REC) for consideration. The committee observed that the proposed greenfield project towards which the extant diversion is solicited, is conceived through very dense forest which is home of diverse wildlife species including schedule-I and is likely to affect around 70000 trees belonging to 137 different species. Therefore, after due consideration the REC recommended the proposal of diversion of 103.211 ha forest land in favour of NHAI, PIU-Gaya for construction of 4/6 Lane green field Expressway from Varanasi to Kolkata (Package-III) via Ranchi with Spur to Kharagpur under Bharatmala Pariyojana Phase-II in Aurangabad & Gaya district of Bihar for **“in-principle”** approval of Central Government incorporating certain special conditions. Accordingly, **“in-principle”** approval is hereby being conveyed for diversion of 103.211 ha forest land in favour of NHAI, PIU-Gaya for construction of 4/6 Lane green field Expressway from Varanasi to Kolkata (Package-III) via Ranchi with Spur to Kharagpur under Bharatmala Pariyojana Phase-II in Aurangabad & Gaya district of Bihar, subject to the following conditions and stipulations.

1. General Conditions

S. No	Conditions
1.1	Legal status of the diverted forest land shall remain unchanged
1.2	Compensatory afforestation shall be taken up by the Forest Department over 208 ha. degraded forest land (Site – 1. Site- Barhaikhaap, Range – Imamganj, Plot No. 147, 152, 163,164,166, 168 (50 ha.) 2. Site- Kunkarai, Range –Imamganj, Plot No. 1, 2, 797, 798, 799, 800, 801, 802 (54 ha.), 3. Site- Bumer, Range –Barachatti, Plot No.2, 3, 6, 42, 188, 190, 203 to 206 (104 ha.) under Gaya Forest Division) at the cost of the user agency. As far as possible, a mixture of local native species shall be planted and monoculture of any species, especially non-native species should be avoided.
1.3	The cost of compensatory afforestation on the CA land (208 ha) at the prevailing wage rates as per compensatory afforestation scheme (including the cost of survey, demarcation and erection of permanent pillars etc. as required for securing the land against encroachment) shall be deposited in advance with the State 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.
1.4	The State Government shall charge the Net Present Value (NPV) for the 103.211 ha forest area to be diverted under this proposal from the User Agency as per the order 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 and letter No.5-3/2011-FC(Vol-I) dated 6/1/2022 in this regard.
1.5	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 also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
1.6	All the funds received from the user agency under the project shall be transferred / deposited to CAMPA fund only through e-portal (https://parivesh.nic.in/).
1.7	The FRA certificate as per Ministry's guidelines shall be submitted before the issuance of final approval. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
1.8	The KML files of the area to be diverted and the CA area shall be uploaded on the e-Green watch portal with all requisite details and submitting compliance report for seeking Stage-II approval.
1.9	The project proponent in consultation to the state forest department shall prepare (i) a plan for mitigation measures including the adequate number of soundproof over bridges/flyovers of appropriate length in terms of structural changes to be incorporated in project to conserve surface hydrology and to ensure unhindered wildlife movement, (ii) a comprehensive Wildlife Management Plan and (iii) a Catchment Area Treatment/Conservation Plan to be implemented all on project cost. Such Plans duly approved by the competent authority in the state shall be submitted to Regional Office (MoEFCC), Ranchi for their examination and ratification by the Regional Empowered Committee before seeking working permission or soliciting final approval.

S. No	Conditions
1.10	A Muck-Disposal Plan shall be prepared by User Agency to ensure that the muck/wastage generated shall be disposed of in proper manner.
1.11	The User agency shall be uploaded/submitted tree translocation plan before the issuance of Working Permission.
1.12	Modern technology will be used to translocate to the extent possible only those trees (having girth less than 60 cm) which are unavoidable and needs to be removed so that minimum numbers of trees are felled.
1.13	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 and upon direction of the State Forest Department. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department. Further, in view of the large number of trees affected for the project, such number of trees whose removal is unavoidable, and whose translocation (species, number and girth to be decided by SFD) is practicable, will be translocated to the extent possible at the cost of user agency.
1.14	The State Forest Department shall raise Strip Plantation on both sides of the road as per the IRC norms.
1.15	The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
1.16	Wherever possible and technically feasible, the User Agency shall undertake appropriate afforestation or vegetation enrichment measures near the site(s) related to the area diverted under this approval, in consultation with the State Forest Department at the project cost.
1.17	Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed of in the adjoining forest area by the user agency.
1.18	The User Agency shall ensure that the labourers and staff engaged in construction activities do not damage the nearby forest flora and fauna.
1.19	The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
1.20	The layout plan of the proposal shall not be changed without prior approval of the Ministry of Environment, Forest & Climate Change.
1.21	The forest land shall not be used for any purpose other than that specified in the project proposal.
1.22	The period of diversion under this approval shall be co-terminus with the period of the project life/ requirement.
1.23	User Agency shall provide unrestricted movement of vehicles of forest and wildlife department on the entire stretch of the road by way of toll exemption.

S. No	Conditions
1.24	The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of the Ministry of Environment, Forest & Climate Change.
1.25	This in principle approval shall be subject to abidance by any order or guideline that may be issued by Hon'ble Supreme Court in WP(C)1164/2023 in particular or any court/tribunal or ministry in general, having relevance to the extant forest land diversion proposal.
1.26	Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the Consolidated Guidelines of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter dated 29.12.2023.
1.27	Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forest & wildlife.
1.28	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in/).

2. Standard conditions

3. Specific Conditions

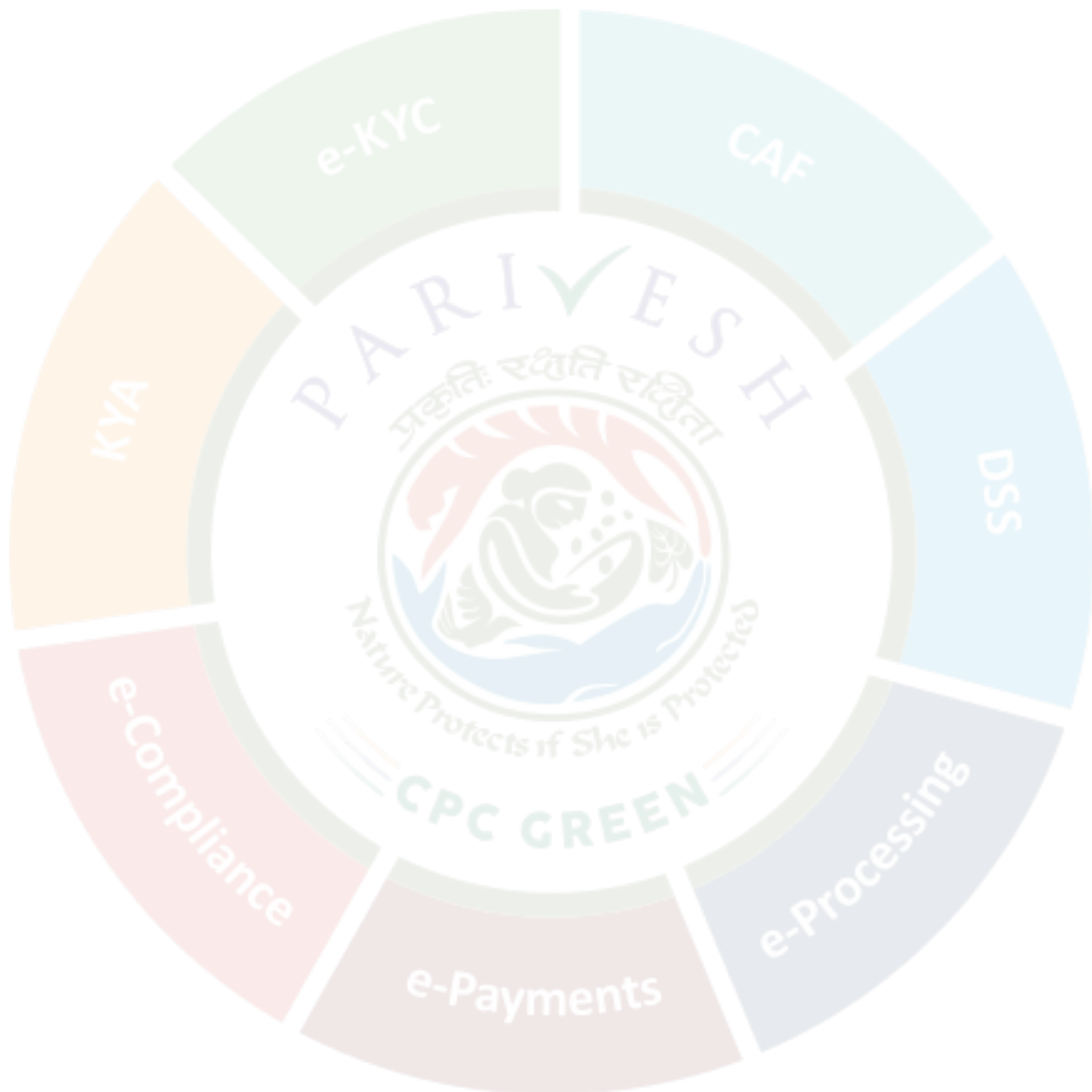
After receipt of the compliance report on the fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Government in this regard.

Copy To

1. The IGF, (ROHQ)/CEO (CAMP), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110 003.
2. The Principal Chief Conservator of Forests (HoFF)/ APCCF-Cum-Nodal Officer, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
3. The Divisional Forest Officer, Aurangabad & Gaya Forest Division, Bihar.
4. The Project Director, PIU Gaya, Ministry of Road Transport & Highways.
5. Guard File.

Your's faithfully

(Shashi Shankar)
Deputy Inspector General of Forests



Signature Not Verified

Digitally Signed by : Shashi Shankar
Deputy Inspector General of Forest, IRO

Date: 28/02/2025