



रेल विकास निगम लिमिटेड
Rail Vikas Nigam Limited

(A Government of India Enterprise)

Project Implementation Unit CPM-III/BSB

(Office of Chief Project Manager -III Varanasi Beside DRM office, Lahartara, Varanasi-221002)

पत्रांक : RVNL/CPM-III/BSB/ARJ-BTT/DL/FC/Corres

दिनांक, जून, 17/2021

सेवा में,
प्रभागीय वनाधिकारी,
सामाजिक वानिकी वन प्रभाग,
गाजीपुर।

विषय : मटनी-औड़िहार रेलवे लाईन (कुल किमी 0 1.00 से 125.00 तक) के दोहरीकरण में देवरिया वन प्रभाग में प्रभावित 38.8283 हे० संरक्षित वन भूमि तथा बाघक 2052 वृक्षों का पातन, बलियां वन प्रभाग में प्रभावित 3329 हे० संरक्षित वन भूमि तथा बाघक 2172 वृक्षों का पातन, मऊ वन प्रभाग में प्रभावित 29.5769 हे० संरक्षित वन भूमि तथा बाघक 1049 वृक्षों का पातन, एवं गाजीपुर वन प्रभाग में प्रभावित 61.1824 हे० संरक्षित वन भूमि तथा बाघक 1442 वृक्षों का पातन, अर्थात् कुल प्रभावित 162.8776 हे० संरक्षित वन भूमि के गैर वानिकी प्रयोग तथा बाघक 6715 वृक्षों के पातन के अनुमति के सम्बन्ध में।

संदर्भ : कार्यालय मुख्य वन संरक्षक/नोडल अधिकारी, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र०, लखनऊ । पत्रांक-2939/11-सी-
FP/UP/RAIL/44309/2020, लखनऊ, दिनांक जून 14, 2021

महोदय,

उपरोक्त विषयावन्तर्गत संदर्भित पत्र के आलोक में अनुपालन रिपोर्ट आवश्यक कार्यवाही हेतु प्रेषित है।

वन प्रत्यावर्तन प्रस्ताव की बिन्दुवार अनुपालन रिपोर्ट (प्रस्ताव संख्या **FP/UP/RAIL/44309/2020**)

क्र०सं०	आक्षेपों का विवरण	बिन्दुवार पालना
1.	भारत सरकार की आपत्ति सं०-4 के निराकरण के क्रम में प्रयोक्ता एजेंसी द्वारा सिचाई विभाग/लोक निर्माण विभाग आदि का अनापत्ति प्रमाण पत्र संलग्न नहीं किया गया है उनके द्वारा केवल वचनबद्धता दी गयी है, जोकि स्वीकार्य नहीं है। अतः सम्बन्धित विभागों का अनापत्ति प्रमाण पत्र संलग्न करें।	प्रत्यावर्तित होने वाली 162.8776 हे० संरक्षित वन भूमि का स्वामित्व भारतीय रेलवे का है तथा उक्त भूमि वन विभाग को केवल वनीकरण प्रयोजनार्थ उपलब्ध करवायी गई थी (प्रतिलिपि संलग्न) अतः आवश्यक सम्पूर्ण भूमि पर विभाग का स्वामित्व होने के कारण सिचाई विभाग/लोक निर्माण विभाग का अनापत्ति प्रमाण पत्र आवश्यक नहीं है।
2.	भारत सरकार की आपत्ति सं०-5 के निराकरण के क्रम में प्रभागीय वनाधिकारी द्वारा अनुमोदित मक डिस्पोजल स्कीम भारत सरकार के निर्धारित प्रारूप में संलग्न नहीं किया गया है।	प्रस्तावित मटनी-औड़िहार रेलवे लाईन के दोहरीकरण निर्माण कार्य के लिये अतिरिक्त मिट्टी की आवश्यकता होगी एवं प्रस्तावित वन क्षेत्र में किसी भी प्रकार का मिट्टी खुदान का कार्य नहीं किया जायेगा अतः कोई मक जनरेट नहीं होगा। इस बिन्दु के अनुपालन में भारत सरकार द्वारा निर्धारित मक डिस्पोजल स्कीम के प्रारूप में सम्बन्धित प्रभागीय वनाधिकारियों से अनुमोदन करवा कर मूल प्रस्ताव के साथ ही प्रेषित करवा दिया गया था। एवं उक्त प्रारूप की प्रतिलिपि पुनः प्रेषित है।

भवदीय

(मुनेन्द्र कुमार)

प्रबन्धक (सिचिविल) / BSP

रेल विकास निगम लि०,
वाराणसी।

प्रतिलिपि निम्नलिखित अधिकारियों को सादर सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- मुख्य वन संरक्षक, गोरखपुर मण्डल, गोरखपुर।
- मुख्य वन संरक्षक, आजमगढ़ वृत्त, आजमगढ़।
- प्रभागीय निदेशक सा० वा० प्रभाग देवरिया, बलिया, मऊ एवं गाजीपुर।

Full Title of the Project: Protected forest land to be diverted for Doubling of Existing Railway Track from (Km No.- 1.000 to 125.000) Bhatni – Aunrihar Railway line in Forest Division -Deoria (From Km. 1.000 to 28.226), Forest Division - Ballia (Km. 28.226 to 52.952 in Ballia district), Forest Division - Mau (Km. 52. 952 to 81.874 in Mau district) and Forest Division - Ghazipur (Km. 81. 874 to 125.000 in Ghazipur district), Uttar Pradesh.

Proposal No. : FP/UP/RAIL/44309/2020

Date of Proposal: 30th January. 2020

Forest Land Proposed For Diversion: 162.8776 Ha.

मक डिस्पोजल प्रमाण-पत्र

रेल विकास निगम लि० द्वारा प्रस्तावित रेल ट्रैक की डब्लिंग हेतु मक डिस्पोजल योजना के संबंध में प्रमाण पत्र।

प्रमाणित किया जाता है कि रेल विकास निगम लि० द्वारा प्रस्तावित रेल ट्रैक की डब्लिंग से प्रभावित होने वाली 162.8776 हे० में किसी प्रकार का मिट्टी खुदान कार्य नहीं किया जायेगा। अतः प्रस्तावित परियोजना हेतु मक डिस्पोजल योजना अनुमन्य नहीं है।

Disposal/Management Plan

While preparing FCA case, if there is any activity in the project which involves digging of land, muck disposal/management plan has to be prepared.

Should include :

- | | |
|--|------|
| 1. Calculation of muck to be generated self factor has to applied | N.A. |
| 2. Quantity of muck to utilized in the project activities | N.A. |
| 3. Balance quantity of muck. Which requires disposal/management plan? | N.A. |
| 4. Carriage of muck from the muck generation site in the dumping site. | N.A. |
| 5. Ownership of land and the consent of land owner, in case muck disposal on non forest land | N.A. |
| 6. Photograph & carrying capacity of proposed dumping site (muck disposal site) | N.A. |
| 7. Development of dumping site construction of retaining walls and other structure as per requirement of the site. The objective is to completely stop rolling down of the muck. | N.A. |
| 8. Rehabilitation of dumping site like leveling planting of grass, shrubs and tree species. | N.A. |

After construction work of approach road will be done


Cost to be incurred on the above activities has to be given component wise. Details of dumping site including length, width and height of structures to be exacted must be mentioned.

Undertaking by the use agency has to be given to the effect that :

1. Muck management plan will be implemented by the user agency and in case of non implementation of the plan, they will be liable to penalty/action at their cost.
2. The proposed dumping site is located away from river/stream/nala.

Place : Varanasi

Date: 17.06.2021


(प्राधिकृत हस्ताक्षर) Civil
Manager
RVNL/BSB
रेल विकास निगम लि० वाराणसी

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

NO. 81/W2/15/5

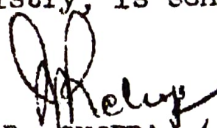
New Delhi, Dated: 7-4-1984.

The General Managers,
All Indian Railways.

Sub: Agreement for handing over Railway land for
afforestation purposes to the State Forest
Departments -

.....

A draft agreement form for execution with the State Forest
Departments for handing over railway land to them for afforestation
purposes, duly vetted by the Legal Cell of this Ministry, is sent
herewith, for adoption on the Zonal Railways.

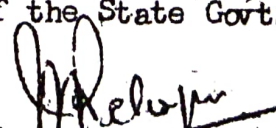

(U.R. CHOPRA) 4.4.84
JT. DIRECTOR, LAND MANAGEMENT
(RAILWAY BOARD)

No. 81/W2/15/5

New Delhi, Dated: 4-4-1984.

Copy to:

1. General Manager, C.L.W. Chittaranjan.
2. General Manager, D.L.W. Varanasi.
3. General Manager, I.C.F. Madras.
4. The Director General, R.D.S.O. Lucknow.
5. Inspector General, Forests (D), Ministry of Agriculture,
Krishi Bhavan, New Delhi.
6. Shri R.P. Kapoor, Asstt. Inspector General of Forests (D), Ministry
of Agriculture, Krishi Bhavan, New Delhi, along with 30 spare
copies for circulation to Forest Department of the State Govts.
for necessary action.


(U.R. CHOPRA) 4.4.84
JT. DIRECTOR, LAND MANAGEMENT
(RAILWAY BOARD)


Manager/Civil
RVNL/BS

Proposed Agreement to be adopted for handing over
Railway Land for afforestation purposes
to the State Forest Departments.

An agreement made this 5 DECEMBER day of
1997 between the President of India representing
NE Railway administration acting through the Divisional Railway
Manager NE Railway Varanasi (herein called the Railway
Administration which terms shall indicate his successors) of the one
part and Governor of U.P. acting through Chief Conservator
of Forest, D.F.O. MANU (herein after called) the Forest
Department which terms shall indicate his successors) of the other part.

Whereas the Railway Administration is the absolute owner of the
lands situated along the Railway track on bet km 1/4 to 38/4 (BTT-1AA) section and
more particularly described in the schedule attached hereto (herein
called the said lands).

Whereas the Forest Department has agreed to take over the manage-
ment of the said land for afforestation purposes on the terms and
conditions specified hereunder :-

Now this agreement witnesses and the parties hereto agree as follows:-

- (1) The Forest Department shall from the 5 day of DECEMBER
1997 take over the management of the said lands for
the purposes of the afforestation thereof.
- (2) All initial costs of formation and protection will be borne by the
Forest Department. However, the Railway staff will assist wherever
required for conveying information etc.
- (3) All sale proceeds of timber, firewood, grass and other forest
produce on the land taken over for management by the Forest
Department will be credited to the Forest Dept.
- (4) The State Government will pay to the Railways an annual licence fee
@ Rs. 1/- per hectare of land for the land given for afforestation.
- (5) The Railways will be at liberty to resume the land at any time for
developmental purposes and emergencies including afforestation that
might be undertaken in future under the overall guidance of the
Ministry of Railway, without any compensation being payable to the
Forest Department. The Forest produce on the land taken back will
be credited to the Forest Department. Normally obly lands not likely
to be required by Railways in the next 10 years shall be handed over
to the Forest Departments.

Manager/Civil
RVNL/BSB

(2)

All instructions/restrictions of the Railways (copy enclosed as annexure A) relating to track visibility, planting of trees along the innerportion of Curves, minimum distance of planting line from track, measures for the safety of track and communication lines, choice of species for planting close to station yards etc., will be followed. So long as there is no conflict with specific restrictions placed by the Railways, the Forest Department would be free to select the species of trees, method of plantation and to regulate grazing etc.

- (7) The ownership of the Railway land will continue to vest with the Railways and will not be transferred to the State Forest Departments. The land selected for afforestation will be handed over to the Forest Department for management without interference to Railway operations and State Forest Act can be applied only for protection wherever deemed necessary.
- (8) The plantation of trees along the railway track will be done in close consultation with the nominated railway authorities so that the landscaping and safety aspects including future requirements, such as requirements of earth for maintenance, land for doubling of track etc., of the railway are not lost sight of.
- (9) The agreements will also provide specifically that the State Government will use the land made over only for afforestation and for no other purpose.
- (10) Suitable agreements will be signed by the State Forest Departments with the concerned Railway Administration which will incorporate all the conditions spelt out above and any other condition mutually agreeable depending upon local conditions.
- (11) These agreements should be renewable every 5 years.
- (12) The Forest Department shall be content to dispose of or sell the trees on the said land without the approval of the Railway Administration.
- (13) Settlement of dispute :- In the event of any dispute or difference arising out of or in respect of this agreement, which could not be settled by mutual agreement, the same shall be referred to the sole arbitrator to be appointed by the Member of the Railway Board.

Manager/Civil
RVNL/BSB

....7)

(3)

In the event of the arbitrator dying, neglecting or refusing to act or resigning or being unable to act for any reason, it shall be lawful for the Member, Railway Board to appoint another arbitrator in place of the out-going arbitrator in the manner aforesaid. Subject as aforesaid, the Arbitration Act, 1940 and the rules thereunder and any statutory modification there-of for the time being in force shall be deemed to apply to the arbitration proceedings under this clause.

- (14) The Railway Administration shall be entitled and permitted to utilize earth for repairs to formation, cut branches of trees and also to execute works required for normal functioning of the Railway. The Railway Asstt. Engineer shall decide the nature of such works and his decision shall be final and binding and no compensation shall be paid by the Railway Administration if any damage is caused in course of such works.
- (15) The Railway staff should be free to carry out their normal work in connection with maintenance of track signalling and they shall not be pre-vented, challenged or arrested while moving about in the performance of their duties.
- (16) In case of accidents, breaches and such other emergencies etc., the Railway Administration (Asstt. Engineer) may order cutting of trees for works required in connection with restoration communication both rail and telegra-phiic without giving any notice. No compensation shall be payable to the Forest Department in such cases.
- (17) The exact demarcation of the above stipulated limits of land shall be done by the Asstt. Engineer at site. Small shrubs may be planted on the slopes of embankment and cutting with the prior approval of the Asstt. Engineer, shrubs which may cause damage to the Railway formation shall have to be removed if so desired by the Asstt. Engineer.
- (18) The Divl. Engineer, however, may personally direct and permit any specified area amongst the above referred items to be included within the scope of plantation. All such area shall be demarcated jointly by the Railway, Administration and the Forest Department.

Manager/Civil
RVNL/BSB

(4)

(19) In case of strikes/emergencies, Railway Administration might have to stop even the Forest Contractor or officials to enter into the said Railway land for protection of Railway line in the interest of Travelling public. In such an event only those possessing permit issued by the Railway Administration shall be authorised to enter the said land.

(20) Existing trees on the said plot will vest with the Railway Administration who will have full right on these trees as regards disposal, earnings etc.

In witness whereof, of parties to these presents have hereinto put and subscribed their hands and seals.

DA/ Annexure A

Plan No.

Chief Conservator of Forest

_____ (Pradesh (State)

Signed, sealed and delivered on behalf of the Governor of

_____ by Shri

_____ Chief

Conservator of Forest,

Witnesses

प्रभागीय निदेशक

सा. व. वन प्रभाग

मऊ

(1)

(2)

64 प्रभागीय निदेशक (1)
प्रभागीय निदेशक वन प्रभाग
मऊ

मण्डल इंजीनियर/प्रभु
Divisional Railway Manager

N.E Railway Varanasi

Signed, sealed and delivered on behalf of the President of India by Shri _____

Divisional Railway Manager

N.E Railway.

Witnesses

(1)

(2)

Manager/Civil
VNL/BSR

ANNEXURE 'A'
(Item No.6)

General guide lines for Tree Plantation in Railway land by
State Forest Departments.

...

The row of trees should be planted as close to the land boundary as possible on each side of track. Existing boundary pillars should not be disturbed.

The distance between the rows and between the individual trees may be kept such that maximum number of trees are planted.

No tree should be planted within 6 m (20') of the Centre line of track. There should be no tree plantation between outer signal/sighting boards on either side of the station on the side on which signals and signal overhead alignments are provided. Similarly no tree should be planted within 3 m (10') under any A.C.S.R./Signal/Telegraph alignments. Only flowering shrubs can be planted at these locations.

No tree shall be planted inside of curves to avoid obstructions in visibility. The Forest Departments will notify concerned Railway official before planting trees so that all safety aspects may be considered by them before taking up plantation.

Along Railway line on approaches to Railway stations (on the side where plantation to be done) :-

- Within 6 m (20') track, only ornamental shrubs should be planted.
- Beyond 6 m to 9 m (20' to 30') ornamental trees line amalbas, gulmohar, pride of India etc.
- Beyond 9 m (30') upto boundary post, Euclypuus, Babul, Mango, Sheesham Teak etc.

Chief Conservator of Forest,
_____ (Pradesh (State))

Signed, sealed and delivered on
behalf of the Governor of

_____ by Shri
_____ Chief
Conservator of Forest.

Witness

(1)

(2)

मण्डल इंजीनियर/प्रभु
Divisional Railway Manager

N.E. Railway Varanasi

Signed, sealed and delivered
on behalf of the President of
India by Shri _____

Divisional Railway Manager
N.E. Railway

Witness

(1)

(2)

Manager Civil
RVNL/BSB

GOVERNMENT OF INDIA/भारत सरकार
MINISTRY OF RAILWAYS/RAIL MANTRALAYA
(RAILWAY BOARD)

No. 94/LM(L)/15/4

New Delhi, dated 14-11-1994.

The General Managers,
All Indian Railways and Production Units.

Sub: Afforestation on Railway land.

In pursuance of the suggestions made by Members of Parliament during discussions in the Meeting of the Consultative Committee of M.P.s, it has been decided that the Railways may observe strictly the following guidelines on afforestation on railway land:-

i) Execution of agreement with Forest Departments

It may be ensured that Agreement incorporating all the provisions of the Standard Agreement circulated by Board vide their letter No.81/W2/15/5 dated 4-4-84 is executed with the concerned Forest Department in all cases of land handed over to them for afforestation. Specific attention is drawn to Clause 7 of the Agreement which envisages that only management of the land is handed over to the Forest Department and the application of the State Forest Act in respect of such lands can only be for the limited purpose of protection of the plantation.

The Railways may also watch the progress of afforestation on railway land handed over to the Forest Departments and ensure that the land is actually utilised for afforestation and does not remain fallow nor is it encroached upon.

No new area of railway land may be handed over to a Forest Department until a proper agreement is executed by that Department for the land already handed over and such land is actually utilised for afforestation.]

ii) Plantation of fruit-bearing trees

An apprehension has been expressed that plantation of fruit-bearing trees along railway track may invite stone-throwing by people living in the vicinity, thereby causing injury to railway passengers and damage to railway property. In view of this, it may be ensured that plantation of fruit-bearing trees is restricted to staff colonies and areas away from operational buildings/structures.

(P.K. Wahi)

Executive Director, Land Management,
Railway Board.

Manager/Civil
RVNL/BSB

Manager/Civil
RVNL/BSB