

Ref: RJIL/ SCO/ EDS/2023/07

Date: 13/07/2023

To,
The Divisional Forest Officer
Jalpaiguri Forest Division
Jalpaiguri, West Bengal

Subject: Clarification on the EDS raised against Proposal for installation of Mobile Tower at Hillajhora Compartment under Jalpaiguri Division

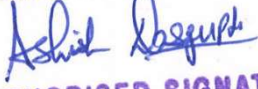
Proposal ID: FP/WB/Others/145923/2021

In reply to your EDS dated 11 July 23 regarding provision of providing Non-Forest Land for CA, Once again this is to bring your kind notice that as per the Circular of MoEF & CC vide ref no FC-11/118/2021-FC dated 13th June 2022, clause V.(b) for diversion of Forest Land less than a Hectare alternate land is not required for CA.

In Support of that , A Letter of Nodal Officer, WB vide No 3420/L</2M-83/2022 dated 11th July 2023 addressed to ACS Forest, Govt of WB is attached herewith for your reference.

Thanks & Regards.

For Reliance Jio Infocomm Limited

RELIANCE JIO INFOCOMM.LTD

AUTHORISED SIGNATORY

(Ashish Dasgupta)
Deputy Manager

Government of West Bengal
Directorate of Forests
Office of the Principal Chief Conservator of Forests, Head of Forest Force
Aranya Bhawan, Block: LA-10A, Salt Lake City, Sector – III, Kolkata:: 700 106
Phone - Fax:: (033) 2335 8581/7751, e-mail : nfcawb@gmail.com
Visit us at: www.westbengalforest.gov.in

No- 3420 / L & LT/2M-83/2022

Dated: 11.07.2023

To The Additional Chief Secretary to the Govt. of West Bengal,
Department of Forest.

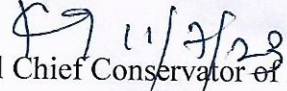
Sub: Proposal for diversion of 0.0144 ha. of Forest Land in favour of Reliance Jio Infocomm Limited for setting up e-Node (Mobile Tower) at Mongpong 10 compartment under Kalimpong Forest Division (Propoal No. FP/WB/Others/145926/2021).

Ref : i) Government of India , MoEF & CC letter no.FC-11/118/2021-FC dated. 13th June, 2023 (copy enclosed).
ii) Govt. of India, MoEF & CC, Integrated Regional Office, Kolkata EDS letter no. IRO/KOL/WB/Others/145926/2021/164 dated 2nd May, 2023.

As per June, 2022 Rules, compensatory afforestation was required to be undertaken over equivalent non-forest land for Private Sector. However, in a review meeting held on 10.07.2023, the DG, Forest clarified that letter dated. 13.06.2023 will be applicable retrospectively to Private Organization.

Therefore, the EDS raised by the IRO, Kolkata under reference (ii) regarding equivalent non-forest land for CA may not be considered for this project. Submitted please.

Encl: As stated.



Addl. Principal Chief Conservator of Forests
& Nodal Officer, Forest Conservation Act.

No- 3421 / L & LT/2M-83/2022

Dated: 11.07.2023

Copy forwarded for information and necessary action to:

- 1) The Chief Conservator of Forest, Hill Circle, West Bengal.
- 2) The Divisional Forest Officer, Kalimpong Forest Division.
- 3) Shri Ashish Dasgupta, ROW Lead, JIO Digital Fiber Pvt. Limited, Tower-II, 18th Floor, Godrej Water Side Building, Sec-V, Salt Lake, Kolkata, Pin-700091.


Addl. Principal Chief Conservator of Forests
& Nodal Officer, Forest Conservation Act.

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi-110003

Dated: 13th June, 2023

To

The Addl. Chief Secretary/Principal Secretary (Forests),
All State/UT Governments

Sub: Clarification on the provisions of raising compensatory afforestation - reg.

Sir,

I am directed to refer to the Government of Sikkim's and National Highway Authority of India's letter no. 2001/FCA/F&ED/998 dated 19.03.2023 and letter no. 11012/Env/Policy-FCRules-2022/e-192793 dated 03.03.2023, respectively on the above subject. In this connection, it is to inform that the issue was considered by the Advisory Committee in its meeting held on 24.03.2023. Minutes of the meeting of the Advisory Committee may be accessed at www.parivesh.nic.in.

As per the provisions of rule 11 of the Forest (Conservation) Rules, 2022, the provisions for raising compensatory afforestation on degraded forest land have been extended to Central Government Public Sector Undertakings or State Public Sector undertakings using forest land for captive coal mines on case to case basis. The Ministry issued guidelines dated 18th July 2022 clarifying the applicability of the Forest (Conservation) Rules, 2022 and extension of provisions of earlier guidelines contained in Handbook of Forest (Conservation) Act, 1980 issued on 28.03.2019 FCA, to the extent not contrary or inconsistent with the extant rules. However, Integrated Regional Offices of the Ministry in general and NHA and State of Sikkim in particular requested clarification regarding applicability of the dispensations given under para 2.3 and 2.4 of the Handbook of Forest (Conservation) Act, 1980 which allows use of recorded forest land and degraded forest land, double in extent to the forest land being diverted.

Based on the recommendation of the Advisory Committee and approval of the same by the competent authority, MoEF&CC, New Delhi, the Central Government hereby provides the following clarification with regards to raising of compensatory afforestation:

- i. *Where non-forest land is available but lesser in extent to the forest area being diverted, CA can be carried out over degraded forest twice in extent of the area being diverted or the difference between the forest land being diverted and the available non-forest land, as the case may be. The non-availability of suitable non-forest land for CA in the State/Union Territory will be accepted by the Central Government only on the basis of a Certificate of the State Government /Union territory Administration to that effect in respect of States/UTs having forest area more than 33% of the geographical area in the prescribed format.*

- ii. *As a matter of pragmatism, the revenue lands/zudpi jungle/chhote/bade jhar ka jungle/jungle-jhari land/civil-soyam/orange lands and all other such categories of forest lands not under management and/or administrative control of the State/UT Forest Department, on which the provisions of FC Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation. Such lands on which compensatory afforestation is proposed shall be provided double in extent to the area proposed for diversion and shall be transferred and mutated in the name of State Forest Department. It shall be notified as Protected Forests (PF) under the Indian Forest Act, 1927 prior to Stage-II approval.*
- iii. In Arunachal Pradesh, Degraded Unclassed Forests (USF) shall be considered for CA provided such land proposed for CA shall be double the extent of area proposed for diversion. Such land shall be transferred and mutated in the name of State Forest Department and notified as PF, under IFA 1927 or Assam Forest Regulation 1891 or Anchal Forest Reserve/Village Forest Reserve under the Arunachal Pradesh Forest Reserve/Village Forest Reserve (Consolidation and Maintenance) Act 1975 as amended from time to time, prior to Stage-II approval.
- iv. Waste lands of Himachal Pradesh, which come under the category of Protected Forests but have neither been demarcated on the ground nor transferred and mutated in the name of forest department in the revenue records, shall be considered for the purpose of CA provided that double the area of such category is covered under CA and is declared as PF under IFA, 1927 after mutation in the name of SFD prior to Stage-II approval. This dispensation shall be applicable for the Central, State and Private sector projects.
- v. In the following categories of proposals, cost of plantation of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation:
 - a. Clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation,
 - b. Diversion of forest land up to one hectare,
 - c. Underground mining in forest land without surface rights,
 - d. Renewal of mining lease for the forest area for which CA has already been paid
- vi. In respect of diversion of forest land for safety zone around a mine, User Agency shall deposit the amount for afforestation on degraded forest land, to be selected elsewhere measuring one and a half time the area of forest land under safety zone with the State Forest Department in addition to depositing funds with State Forest Department for the protection and regeneration of the Safety Zone area. The State Forest Department shall execute the afforestation.
- vii. Any degraded forest land for the purpose of CA, selected by State

I/46350/2023

Government as per above provisions, may be accepted by MoEF&CC only if the crown density of the area is below 40 percent.

This issues with the approval of competent authority.

Signed by
Charan Jeet Singh

Yours faithfully,

Date: 13-06-2023 19:09:49

(Charan Jeet Singh)
Scientist 'D'

Copy to:

1. The Principal Chief Conservator of Forests, All State/UT Governments
2. The Dy Director General of Forests (Central), All Regional Offices of the MoEF&CC
3. The Addl. PCCF & Nodal Officer (FCA), Office of the PCCF, All State/UIT Governments
4. Monitoring Cell, FC Division, MoEF, New Delhi
5. Guard File