



भारत सरकार
GOVERNMENT OF INDIA
एकीकृत क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
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F. No. 3-MG C 033/2021-SHI 1175-76

3rd September, 2021

सेवामे,

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

Sub : Proposal for diversion of 12.781 ha of Deemed Forest Land for up-gradation to 2-Lane of State Highway (SH-04) stretch from Nongjri to Maheshkhola (from existing Km 31.70 to 59.27) (Design Length = 25.525 Km) in the State of Meghalaya by NHIDCL.

Sir,

This has got reference to the State Government of Meghalaya letter No.FOR.39/2020/226 dated 19.05.2021 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

2. After careful examination of the proposal of the State Government of Meghalaya and the additional information submitted vide their letter No.MFG.38/84/4542 dated 06.08.2021, and after recommendation of the proposal in the Regional Empowered Committee (REC) in its meeting held on 20.08.2021, the **In-principle / Stage-I approval** of the Central Government is hereby granted for diversion of 12.781 ha of Deemed Forest Land for up-gradation to 2-Lane of State Highway (SH-04) stretch from Nongjri to Maheshkhola (from existing Km 31.70 to 59.27) (Design Length = 25.525 Km) in the State of Meghalaya by NHIDCL, subject to the following conditions:

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

1. The user agency shall transfer, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28/03/2008, 24/04/2008 and 09/05/2008 in Writ petition (Civil) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into CAMPA account of the State concerned;
2. The user agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include appropriate for anticipated cost increase for works scheduled for subsequent years;
3. The user agency shall transfer the cost of raising Avenue plantation on the road sides with the State Forest Department to CAMPA account only through e-portal;
4. All the funds received from the user agency under the project shall be transferred/deposited to CAMPA account only through e-portal (<https://parivesh.nic.in>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;

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5. Implementation by User Agency concerning placing of speed limit of the road as per the existing Motor Regulations in the State, erecting sign boards of animals presence and placing them on the turnings and curves of the roads, construction of speed breaks wherever there is straight stretch of road, under the guidance and directions of the Chief Wildlife Warden.

6. The User Agency shall deposit an amount of Rs. 10.0 lakhs with the Forest Department for constitution of 5 (five) Village Defence Squad (VDS) with expenditure to be incurred for the same @ Rs. 2 lakhs per squad for the total amount of Rs. 10. Lakhs.

7. For the purpose of awareness generation to the local people, to tackle man-animal conflict and conserve the wildlife on the proposed road, the User Agency shall deposit an amount of Rs. 15.0 lakhs for a fully equipped wildlife rescue cum extension vehicle fitted with essential equipments with the Forest Department.

8. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);

9. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the District Collector;

10. 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 I 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;

11. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;

B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of the diverted forest land shall remain unchanged;

2. Compensatory Afforestation shall be raised over double degraded forest area i.e. **25.55 ha** identified the State Forest Department in Compartment No. 7B, Saipung Block, Jaintia Hills Territorial Division in East Jaintia Hills District;

3. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;

4. The User Agency shall obtain the Environment Clearance as per the provisions of Environment (Protection) Act, 1986, if required;

5. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;

6. No damage to the flora and fauna of the adjoining area shall be caused;

7. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;

8. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
9. The user agency shall undertake re-grassing of the muck dumping area and restore the land to a condition which is fit for growth of fodder, flora, fauna etc.
10. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
11. 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;
12. 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;
13. 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 be summarily be revoked considering that the user agency is no longer interested in the project;
3. After receipt of the compliance report from the State Government on fulfilment 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 is granted by the Central Government.

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

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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