



GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
REGIONAL OFFICE (RANCHI)
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No.FP/JH/RAIL/18720/2016 /3143

Dated 15th May, 2019

To

The Additional Chief Secretary,
Department of Forests, Environment & Climate Change,
Government of Jharkhand,
Nepal House, Ranchi.

Sub: Diversion of 203.803 ha forest land for Koderma Railway Detour in favour of Dedicated Freight Corridor Corporation of India Limited in Hazaribagh district of Jharkhand.

Sir,

This refers to letter No.Van Bhumi-7/2019-1248/Va.Pa. dated 2.4.2019 of the State Government, Jharkhand on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest and Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee held on 30.4.2019, the Central Government, hereby, conveys "**in-principle**" approval for diversion of 203.803 ha forest land for Koderma Railway Detour Project in favour of Dedicated Freight Corridor Corporation of India Limited (an undertaking of the Ministry of Railways, GoI) in Hazaribagh district of Jharkhand, subject to the following conditions and stipulations:

1. Legal status of the forest land shall remain unchanged.
2. **Compensatory afforestation:** Compensatory afforestation shall be taken up by the Forest Department over 416 ha. degraded forest land (Village – Sudan-Barkatha, Thana No.36; Village – Choube-Barkatha, Thana No.30; Village – Lokai, Thana No.Koderma-322; Village – Bahrewatanr, Thana No.Koderma-330 and Village – Koderma, Thana No.333) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
3. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the 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.

4. NPV:

- a) The State Government shall charge the Net Present Value (NPV) for the 203.803 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 in this regard.
- b) 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.

5. 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 of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

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

7. 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/>).

8. (a) The conditions imposed by National Board for Wildlife as applicable in case of forest areas to be affected by the Koderma Railway Detour in Gautam Buddha Wildlife Sanctuary in Hazaribag Wildlife Division and Gaya Forest Division in Bihar should also be applicable to the appropriate extent in case of the forests in the impact zone of the railway detour in Hazaribag West Forest Division and Koderma Forest Division. Accordingly, mitigation as well as compensating measures as prescribed by Chief Wildlife Warden, Jharkhand in consultation with Wildlife Institute of India shall be implemented by the project proponent (DFCCIL) and SFD, Jharkhand at the cost to be borne by the project proponent.

(b) In this regard, an Integrated Wildlife Action Plan comprising of mitigation and compensating measures (besides the structural mitigation measures i.e. underpasses/overpasses and other structures or installations in and along the railway track to be executed by DFCCIL at its own cost) with landscape approach for the entire forest area in Hazaribag Wildlife Forest Division, Hazaribag West Forest Division and Koderma Forest Division in the impact zone of the Koderma Dedicated Freight Railway Detour project shall be prepared and executed at the cost of the project proponent DFCCIL inclusive of utilization of NPV and CA components for this purpose. The project proponent shall get the plan prepared by Wildlife Institute of India and the same shall be approved by Chief Wildlife Warden, Jharkhand for execution by SFD, Jharkhand. In case of detailed planning being contingent on time-

taking comprehensive impact assessment studies, an indicative / framework plan shall be drawn up based on rapid study / appraisal giving financial projections and endorsed by Chief Wildlife Warden, Jharkhand before issuance of working permission by State Government, Jharkhand for commencement of construction works.

(c) Joint committee(s) of SFD, Jharkhand and DFCCIL officials for coordination and monitoring at appropriate level(s) should be constituted by Nodal Officer (FC), Jharkhand in consultation with Chief Wildlife Warden, Jharkhand to ensure compliance of the wildlife related conditions and stipulations including adaptive planning and incorporation of mitigation measures, adherence to precautionary safeguards and regulatory practices (including practicable measures related to speed regulation etc.) by the DFCCIL during the construction phase and the post construction freight trains operation phase for at least 10 years

9. The conditions stipulated by the Standing Committee of the National Board for Wildlife not covered in condition no. (8) here above, shall also be complied with.
10. User Agency (DFCCIL) shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
11. The detailed layout plan and the usage therein of the detour railway tracks in the proposed alignment shall be submitted before the issuance of working permission and same shall not be changed without prior approval of Central Government.
12. (a) No labour camp shall be established on the forest land.
(b) Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
13. 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 Officers.
14. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
15. The period of diversion under this approval shall be co-terminus with the period of the project life.
16. (a) The forest land shall not be used for any purpose other than that specified in the project proposal.
(b) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of Govt. of India.

17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-42/2017-FC dt 29/01/2018.
18. 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.
19. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of the compliance report regarding fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land to user agency should not be effected by the State Government till formal order approving diversion of forest land is issued by the Central Government. To facilitate speedy execution of this project, the "in-principle" approval may be deemed as the working permission for tree felling and commencement of works, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency along with relevant compliance of condition no. 8(b) and 8(c) here above, and accordingly the State Government, by passing an order, may allow the commencement of work of the project in forest land for a period of one year (The detail guideline issued vide Ministry letter No. 11-306/2014-FC, dated 28.08.2015 may be referred).

Yours faithfully,

Bharat
(Bharat Jyoti)

Addl. Director General (Central)

Copy to:-

1. The Director, RO(HQ), 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), Forests, Environment & Climate Change Department, Government of Jharkhand, Van Bhavan, Doranda, Ranchi.
3. The PCCF-cum-Nodal Officer, Forests, Environment & Climate Change Department, Govt. of Jharkhand, Van Bhavan, Doranda, Ranchi.
4. The Divisional Forest Officer, Hazaribagh West and Hazaribagh Wildlife Forest Division.
5. The Chief General Manager Dedicated Freight Corridor Corporation of India Ltd., Kolkata.
6. Guard File.

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Addl. Director General (Central)