



GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE  
REGIONAL OFFICE (RANCHI)  
BUNGALOW NO.A-2, SHYAMLI COLONY, RANCHI - 834002  
TEL: 0651-2410007, 2410002, E-mail: [ro.ranchi-mef@gov.in](mailto:ro.ranchi-mef@gov.in)



No.FP/JH/Rail/36382/2018 /3350

Dated 14<sup>th</sup> August, 2019

To

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

Sub: Diversion of 2.537 ha forest land for construction of Biratoli-Tori (Flyover) Line Connection and Biratoli-Mahuamilan (Surface line) link for connectivity of three lines of the new BG line between Tori and Shivpur in favour of East Central Railway in Latehar district of Jharkhand.

Sir,

I am directed to refer to letter No. Van Bhumi-32/2019-2874/Va.Pa. dated 30.7.2019 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.

2. After due consideration of the proposal of the State Government, the Central Government, hereby, conveys "**in-principle**" approval for diversion of 2.537 ha forest land for construction of Biratoli-Tori (Flyover) Line Connection and Biratoli-Mahuamilan (Surface line) link for connectivity of three lines of the new BG line between Tori and Shivpur in favour of East Central Railway in Latehar district of Jharkhand, subject to the following conditions and stipulations:

- 1) Legal status of the forest land shall remain unchanged.
- 2) **Compensatory afforestation:**
  - a) Compensatory afforestation shall be taken up by the Forest Department over 6.34 ha. degraded forest land (Site – Aan, Range-Chandwa, Plot No.412 under Latehar Forest Division) 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.
  - b) 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.

3) **NPV:**

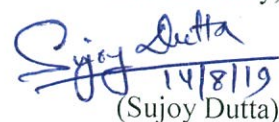
- a) The State Government shall charge the Net Present Value (NPV) for the 2.537 ha forest area to be diverted under this proposal from the User Agency as per the order of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 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) The State Govt. shall charge the penal Net Present Value (NPV) for violation under report vide letter No. Van Bhumi-16/2019-2841 dated 26.7.2019, which is equal to 20% of NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five times the NPV plus 12% simple interest till the deposits is made.
- c) 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.
- 4) 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/>).
- 5) The State Government shall take actions for the violations under reference as prescribed under sub para (iii) and (iv) of Para 3(B) of the Ministry's letter No.11-42/2017-FC dated 29.01.2018.
- 6) 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.
- 7) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads segment covered under this approval, in consultation with the State Forest Department at the project cost.
- 8) The User Agency shall submit the copy of proceedings of Gram Sabha(s) before issuance of the final approval. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- 9) The alignment and layout plan of the proposal shall not be changed without prior approval of Central Government.
- 10) (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.

- 11) 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.
- 12) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 13) The period of diversion under this approval shall be co-terminus with the period of the project life.
- 14) (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.
- 15) 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.
- 16) 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.
- 17) The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

3. 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 (including Penal NPV) specified in the in-principle approval are realized from the user agency and accordingly the State Government, by passing an order, may allow the commencement of work of the linear 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,

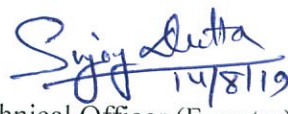
  
(Sujoy Dutta)

Technical Officer (Forestry)



Copy to:-

1. The Dy. Secretary, 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 (FC), Forests, Environment & Climate Change Department, Govt. of Jharkhand, Van Bhavan, Doranda, Ranchi.
4. The Divisional Forest Officer, Latehar Forest Division.
5. The Assistant Engineer/ Constrtion, East Central Railway/ Tori, Hazaribagh.
6. Guard File.

  
14/8/19  
Technical Officer (Forestry)  
o/c