

FORM-II
(for Projects other than Linear Projects)
GOVERNMENT OF WEST BENGAL
Office of the District Collector, Darjeeling

No. 008/NOC/FRA/Darj/2021-22.

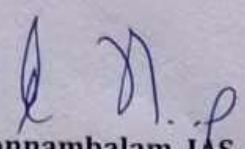
Date : 22 - 02 - 2022.

TO WHOMSOEVER IT MAY CONCERN

In compliance of the Ministry of Environments and Forests (MoEF), Government of India's letter No. H-9/98-FC(pt) dated 3rd August 2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA', for short) on the forest land proposed to be diverted for non-forest purposes read with MoEF's letter dated 5th February, 2013 wherein MoEF issued certain relaxation in respect of linear projects, it is certified that **.95 Hectare** of forest land (Darjeeling wild life Division-I) proposed to be diverted for development of Tourism Cottages, at Tiger Hill under Senchel West Range within jurisdiction of Jorebunglow-Sukhiapokhari Development Block, Rungbull Gram Panchayat under Darjeeling (Sadar) tehsil, District Darjeeling.

It is further certified that:

- (a) The complete process for identification and settlement of rights under the FRA has been carried out for the entire **.95 Hectare** of forest area proposed for diversion. **The Proposed area does not cover any part of the FRA 2006 since there is no any claim in the area as on date.**
- (b) The diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Gram Sabha have given their consent to it; **Not applicable in this area.**
- (C) The proposal does not involve recognized rights of Primitive Tribal Groups and Pre-Agricultural Communities. **Not applicable in this area.**


Sri S. Ponnambalam, IAS
District Magistrate/ Collector
District- Darjeeling (WB)

Time: 11:30 AM.

Members Present:

Sl. No.	Name	Designation	Member/ Invitee
1	Shri Dulen Roy, WBCS (Exe.)	Sub-Divisional Officer, Sadar, Darjeeling	Chairman
2	Shri S. P. Sharma, WBFS	Addl. Divisional Forest Officer, Territorial Division, Darjeeling.	Member
3	Shri Sanjay Ghising	Block Development Officer, Darjeeling -Pulbazar, Bijanbari	Invitee Member
4	Samirul Islam	Block Development Officer, Jorebunglow- Sukhiapokhari	Invitee Member
5	Miss. Phurmu D. Lepcha	Inspector, BCW, Rangli Rangliot.	Member
6	Shri Biplob Moktan	EOME, Jorebunglow-Sukhiapokhari Dev. Block	Representative from Block

The meeting was chaired by the Sub- Divisional Officer, Sadar, Darjeeling and Chairman, Sub-Divisional Level Committee, Forest Right Act. After introducing each other, individual claims as received on Form A under the Forest Right Act, 2006 in the Darjeeling Sub-Division, were taken up. The three blocks namely Darjeeling -Pulbazar, Rangli- Rangliot and Jorebunglow- Sukhiapokhari processed the claims of ST Cases only and after finding as many as those fit submitted to the SDLC.

For the ST Claimants the cut off date is 13.12.2005. On scrutiny the following ST claims were found to be properly backed by satisfactory documentary evidences. For Darjeeling - Pulbazar Development Block the remaining ST Cases have been processed and scrutinized as follows: -

Sl. No.	Name of the Forest Village	No. of cases placed
1.	Rammam Forest Village	08 ST Cases
2.	Sammanden Forest Village	06 ST Cases
3.	Lingsebung Forest Village	01 ST Case
4.	Dhotray Forest Village	01 ST Case
5.	Rithu Forest Village	02 ST Cases
Total		18 ST Cases

Total 18 ST Cases (Re- Verification) were placed and out of which all 18 ST Cases were again sent back by the DFO Territorial Division.

For Rangli - Rangliot Development Block, 01 ST Case under 3rd Mile Simkuna Forest Village and 01 ST Case under Reshep Forest Village were placed and those 02 Cases were found to be satisfactorily backed by their documents and had been passed by the DFO, Wildlife Division and 04 ST Cases were placed before

DLC for Rejection under the prescribed format which now cannot be processed further because of the following reasons:-

Sl. No.	Name of the Claimant	Category	Gram Panchayat	Block	Area	Reason for rejection
1.	Narbu Gyalchen Lama	ST	Takdah	Rangli Rangliot	1.40 acre	Was not the resident of the proposed area in the year 2006
2.	Sunita Tamang	ST	Lamahatta	Rangli Rangliot	2.06 acre	Land belongs to Peshok Tea Estate
3.	Buddhiram Subba	ST	Lamahatta	Rangli Rangliot	0.92 acre	Land belongs to Peshok Tea Estate
4.	Bishal Tamang	ST	Pubong Rampuria	Rangli Rangliot	0.02 acre	Claimant is of unsound mind

Lastly, Jorebunglow - Sukhiapokhari Development Block placed 99 ST Claims (88 ST Cases previously placed at SDLC Meeting under Darjeeling Territorial Forest Division) and 11 ST Cases under Darjeeling Wildlife Forest Division. Breakup of the cases was as follows: -

Sl. No.	Name of the Forest Village	No. of cases placed
1.	Gurasey Permanent Forest Village	06 ST Cases
2.	Pashupati Fatak Rangbhang Forest Village	07 ST Cases
3.	Ghoom Bhanjyang Forest Village	06 ST Cases
4.	Sukhia Line Forest Village	10 ST Cases
5.	Gurdum Forest Village	01 ST Case
6.	Lepcha Jagat Forest Village	20 ST Cases
7.	Kaiyabhir Simana Forest Village	26 ST Cases
8.	Maneybhanjyang Forest Village	04 ST Cases
9.	Simana Bazar Forest Village	08 ST Cases
Total		88 ST Cases

Sl. No.	Name of the Forest Village	No. of cases placed
1.	Simkuna 3 rd Mile Forest Village	09 ST Cases
2.	2 nd Mile Gaddikhan Forest Village	01 ST Case
3.	Peshok / Senchel Road Forest Village	01 ST Case
Total		11 ST Cases

Out of 88 ST Cases under Darjeeling Territorial Division, only 09 ST Cases had been passed and recommended by the DFO, Darjeeling Territorial Division and out of 11 ST Cases under Wildlife Division of Jorebunglow- Sukhiapokhari, 04 Cases was sent back and 07 ST Cases were recommended by the DFO Wildlife Division for DLC.

The OTFD cases were sent back to BDO Office with the direction to submit more than one document in support of the existence of the claimants in the Forest Village at least 75 years back as required by the rules.

Land diversion proposal had been initiated for the construction of the Forest Bungalow at Tiger Hill under Sinchel West Range, a notice was issued inviting individual and community claims from the villagers of Sinchel Wild Life Sanctuary at Tiger Hill under Sinchel West Range, Rangbull Gram Panchyat under

the respective forest villager till the date invited for claims and objections i.e. 07th December, 2021. Hence, NO Objection Certificate can be issued in favour of the authority concerned.

Again, regarding Installation of Reliance 4G Jio Tower in respect of Dungdungia, Lepcha Jagat Beat and Durbin, Chataidhura Beat one communication had been made from the Sub- Divisional Officer vide Memo No. 591/SDO (C), dated 03.08.2021.

Block Development Office, Jorebunglow- Sukhiapokhari fixed the joint enquiry on 24.09.2021 with all stakeholders as per the communication made by the Sub- Divisional Officer, Sadar Darjeeling. It was found that all were present except the Range Officer and he/ she had sent his/ her representative. After preparation of Sketch Map and Joint Enquiry Report the Range Officer intimated that he/ she did not sign on the Sketch Map and Enquiry Report because he/ she did not receive written instruction from the higher authority of Darjeeling Territorial Division.

Again, BDO, Jore- Sukhiapokhari Dev. Block wrote a letter to the Divisional Forest Officer, Territorial, Darjeeling vide Memo No. SKP/1482, dated 06.01.2022 requesting to do the needful for further course of action so that Sketch Map and Joint Enquiry Report could be signed jointly. In reply, the Divisional Forest Officer, Darjeeling Territorial Division wrote a letter to the BDO, Jore- Sukhiapokhari vide Memo No 57/15-55, dated Darjeeling 10.01.2022 stating that –

1. The concerned user agency is required to submit proposal in the prescribed format in "Parivesh Potal", once the proposal is submitted it will be analysed by the relevant agencies as per the act.
2. The role of SDLC and FRA will come at a later stage for checking whether there are any pending/ settled claims in the proposed site and giving NOC, in case of no such pending/ settled claims. It is to be noted that land under FRA titles given for homestead or cultivation land cannot be used for such purposes.
3. In such cases no joint enquiry with Range Officers is required from your office. The issue of NOC under FRA-2006 may be checked from FRA titles record or pending applications. For all other field enquires the forest personnel of concerned ranges will do the needful in the FCA cases.

Regarding Dhotra Jio Tower installation under Darjeeling- Pulbazar Dev. Block all necessary Sketch Map has been prepared but in Joint Enquiry Report there is no signatures of appropriate concerned authority of Forest Division.

The following were the cases placed and passed by the SDLC and recommended for DLC: -

AME OF BLOC K	VILLAGE/ FRC	TOTAL ADULT MEMBERS IN THE VILLAGE	ADULT MEMBER ATTENDING THE VILLAGE	CASES PLACED IN THE SDLC			CASES PASSED			NAMES SEND FOR REVERIFICATION
				ST	OTFD	Community Claim	ST	OTFD	Community Claim	
Darjeeling- Fulbazar Block	Rammam Forest Village	-	-	08	Nil	Nil	Nil	Nil	Nil	
	Sammanden Forest Village	-	-	06	Nil	Nil	Nil	Nil	Nil	
	Lingsebong Forest Village	-	-	01	Nil	Nil	Nil	Nil	Nil	
	Dhotray Forest Village	-	-	01	Nil	Nil	Nil	Nil	Nil	
	Rithu Forest Village	-	-	02	Nil	Nil	Nil	Nil	Nil	
	Total	-	-	18	0	0	0	0	0	
Rangli- Ranglot Block	3 rd Mile Simkuna Forest Village	-	-	01	Nil	Nil	01	Nil	Nil	
	Reshep Forest Village	-	-	01	Nil	Nil	01	Nil	Nil	
	Total	-	-	02	0	0	02	0	0	
Jorebunglow- Sukhiapokhari Block	Gurasey Permanent Forest Village	-	-	06	Nil	Nil	Nil	Nil	Nil	
	Pashupati Fatak Rangbhang Forest Village	-	-	07	Nil	Nil	Nil	Nil	Nil	
	Ghoom Bhanjyang Forest Village	-	-	06	Nil	Nil	01	Nil	Nil	
	Sukhia Line Forest Village	-	-	10	Nil	Nil	06	Nil	Nil	
	Gurdum Forest Village	-	-	01	Nil	Nil	Nil	Nil	Nil	
	Lepcha Jagat Forest Village	-	-	20	Nil	Nil	Nil	Nil	Nil	
	Kaiyabhir Simana Forest Village	-	-	26	Nil	Nil	Nil	Nil	Nil	

Mancybhanjy ang Forest Village Village	-	-	04	Nil	Nil	02	Nil	Nil	
Simana Bazar Forest Village	-	-	08	Nil	Nil	Nil	Nil	Nil	
Simkuna 3 rd Mile Forest Village	-	-	09	Nil	Nil	05	Nil	Nil	
2 nd Mile Gaddikhan Forest Village	-	-	01	Nil	Nil	01	Nil	Nil	
Peshok / Senchel Road Forest Village	-	-	01	Nil	Nil	01	Nil	Nil	
Total	-	-	99	0	0	16	0	0	
Grand Total	-	-	119	0	0	18	0	0	


 Chairman
 Sub- Divisional Level Committee
 Forest Right Act