

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. / L & LT/2M-1481/2019

Dated: 29.09.2023.

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

Sub.: Submission of compliance report for diversion of 12.3786 ha of forest land in favour of the North East Frontier Railway for construction of Sevoke-Rangpo New BG Rail line Project (tunnel).
(Proposal No. FP/WB/RAIL/40708/2019).

- Ref. : (i) Govt. of India, MoEF, E.R.O., Bhubaneswar accorded Stage-I/In-principle approval vide letter No. 5-WBC110/2020-BHU dated 07.09.2020 (copy enclosed).
(ii) The D.F.O. Kalimpong Forest Divn. letter No. 3417/8-47 dated 18.08.2023 (copy enclosed).
(iii) The District Magistrate, Kalimpong District letter No.003/NOC/FRA/KPG/2022-23 dated 27.05.2022.

Sir,

The Project (Proposal No. FP/WB/RAIL/40708/2019) has been granted Stage-I/In-principle approval vide reference cited above. The conditions as detailed in the Stage-I/In-principle approval is complied with, and D.F.O. report is submitted herewith. FRA Certificate as submitted by the District Magistrate, Kalimpong District is enclosed.

It is, therefore, requested the same may be forwarded to the Regional Office, Bhubaneswar for kind consideration please.

Yours faithfully,

29/9/23
Addl. Principal Chief Conservator of Forests &
Nodal Officer, FCA

Encl.: As stated above.

No. / L & LT/2M-1481/2019

Dated: 29.09.2023.

Copy forwarded for information and necessary action, to :-

1. The Chief Conservator of Forests, Hill Circle, W.B.
2. The Divisional Forest Officer, Kalimpong Forest Division.
3. The Project Director/SRRP, IRCON International Limited, New Railway Colony, Near by Sivok Railway Station, P.O.-Kalijhora, Dist. Darjeeling, Pin-734 008.

29/9/23
Addl. Principal Chief Conservator of Forests &
Nodal Officer, FCA

GOVERNMENT OF WEST BENGAL
OFFICE OF THE DISTRICT MAGISTRATE, KALIMPONG
KALIMPONG.



No. 003/NOC/FRA/KPG/2022-23

Dated: 27th May, 2022

- Ref.: 1. Ministry of Environment and Forests (MoEF), Government of India's letter No. H-9/98-FC (pt) dated 3rd August 2009.
2. Ministry of Environment and Forests (MoEF) letter bearing F. No. 11-9/98-FC(pt) dated 5th February, 2013
3. Minutes of the Meeting held on 11.9.2019 under the chairmanship of CEO, NITI Aayog (NE States Division).

TO WHOMSOEVER IT MAY CONCERN

Subject : NOC for Linear Project – Sivok-Rangpo Rail Link.

In compliance of the Ministry of Environment 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, read with minutes of the Meeting held on 11.9.2019 under the chairmanship of CEO, NITI Aayog (NE States Division) vide F. No. M-13052/10/2019-S-S-NE dated 18.09.2019, it is certified that (i) 4.2362 hectares in Darjeeling Forest Division, (ii) 6.6146 Ha in Kalimpong Forest Division ie total 10.8508 hectares of forest land proposed to be diverted in favour of Northeast Frontier Railway, New Jalpaiguri for construction of New Broad Gauge Railway Line from Sivok in West Bengal to Rangpo in Sikkim falls within jurisdiction of Tarzam Khola (Near Deolari) & Rabi Khola (Tista Bazar) village in and Laborbote (Near Forest Depot), Kirney Khola in Kalimpong-I tehsils and Mamkhola & 10th mile under Kalimpong-II tehsils under Kalimpong district. And

Whereas, the Sivok-Rangpo Railway Broad Gauge Line is a linear project;

Whereas, the Gram Sabha of Melli Forest Village which is being directly affected by the railway project has resolved on 20/01/2020 that the forest dwellers have no objection against any development work including that of Railway project, the copy of which is enclosed;

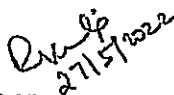
Whereas, the other 4 Forest Villages namely; (1). Kirney (2). Mangwa Teen Block (3) Mangchu 10th Mile and (4) Mamkhola through which the railway line passes does not infringe the rights as conferred under Sec. 3 (1) of the Forest Rights Act, 2006;

Whereas, the proposal does not involve the recognised rights of primitive tribal groups and pre-agricultural communities; and

Whereas, the proposed project will cater to the requirement of larger interest of the public.

No objection certificate is hereby issued in favour of North East Frontier railway, New Jalpaiguri for the construction of Broad Gauge Railway Line from Sivok in West Bengal to Rangpo.

Enclosed: As Stated.


27/5/2022
Smt R. Vimala, IAS
District Magistrate & Collector
Kalimpong.

ANNEXURE-A

Diversion of 12.3786 ha of forest land in favour of North-East Frontier Railway for construction of Adits in connection with Sivok-Rongpo New Broad Gauge line under Darjeeling, Darjeeling(Wildlife) and Kalimpong Forest Divisions.

In-Principal Approval para	Description of Condition	User Agency Reply	DFO Comment	CCF Comments
I	Legal status of forest land proposed for diversion shall remain unchanged.	Agreed and will be complied	User agency has agreed to comply with the same	As per DFO the User Agency has agreed to comply the condition. They have submitted their compliance vide no. W/30/ADITTUNNEL/SIVOK-RANGPO/DT. 8.06.2022(<i>Copy enclosed</i>)
ii	The User agency shall obtain NBWL clearance for 1.5278 Ha of Forest Land in Mahananda Wildlife Sanctuary from competent authority.	NBWL Clearance from competent authority has been obtained vide 62nd meeting of Standing committee of NBWL held on 30.03.2021. Copy of letter from DIG of Forests (Wildlife) dated 10.05.2021 is enclosed as ANNEXURE-1	User agency has agreed to comply with the same	As per DFO the User Agency has agreed to comply the condition. They have submitted their compliance vide no. W/30/ADITTUNNEL/SIVOK-RANGPO/DT. 8.06.2022 (<i>Copy enclosed</i>)
iii	The User agency shall restrict the felling of trees to minimum numbers in proposed forest land and trees shall be felled under strict supervision of the State Forest Department and cost of felling of trees shall be deposited by the user agency with the State Forest Department.	Complied. Cost of felling of trees has been deposited as under: i) Rs. 6,73,500 for Darjeeling & ii)) Rs. 51,56,677 for Kalimpong Forest Division paid on 30.01.2021. iii) Rs. 7,70,000 for Darjeeling Wildlife division	It appears that the user agency had deposited to West Bengal SFDA the cost for Tree Felling amounting Rs.2642177.00(The value of Rs 51,56,677 includes cost of Boundary pillar) for Kalimpong Forest Division	As per DFO the User Agency appears to have deposited to WB-SFDA felling costs vide their letters nos. (i)IRCON/2046/Sivok-Rangpo/Forest/05/71 dt. 15.01.2021(ii) IRCON/2046/Sivok-Rangpo/Forest/05/190 Dt. 1.02.2021 (iii) IRCON/2046/NFR-SRRP/NFR/05/1303 dt. 14.08.2021. (<i>Copies enclosed</i>). The value of Rs 51,56,677 includes cost of Boundary pillar) for Kalimpong Forest Division.
iv	The user agency shall prepare and implement comprehensive soil conservation measures at project cost in consultation with the State Forest Department and submit a copy of the approved comprehensive soil conservation plan to Regional Office, Bhubaneswar.	Soil Conservation Plan has been prepared in consultation with the State Forest Department. The same has been accepted by the State Forest Department. An amount of Rs. 45,68,17,096 had been demanded for the same and total amount has been deposited online on 30.07.2021. ANNEXURE-3	User agency has agreed to comply with the same	As per DFO the User Agency has agreed to comply with the condition . Vide their Annexure-3 to letter no. W/30/ADITTUNNEL/SIVOK-RANGPO/DT. 8.06.2022 (<i>Copy enclosed</i>) the User Agency has mentioned that the demanded amount of Rs 45,68,17,096/- had been deposited online on 30.07.2021.

Diversion of 12.3786 ha of forest land in favour of North-East Frontier Railway for construction of Adits in connection with Sivok-Rongpo New Broad Gauge line under Darjeeling, Darjeeling(Wildlife) and Kalimpong Forest Divisions.

v	Compensatory afforestation shall be undertaken by Forest Department over 25.10 Ha degraded forest land identified in Darjeeling Forest Division (8.5 Ha), Darjeeling Wildlife Division (3.10 Ha) and Kalimpong Forest Division (13.50 Ha) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.	An amount of Rs. 1,42,27,969/- has been deposited against the CA as per demand from respective forest division. The breakup of amount is as under: i) Darjeeling Forest Division Rs. 38,91,824/- ii) Kalimpong Forest Division Rs. 74,40,250/- amount deposited online on 31.12.2020 iii) Darjeeling wildlife Rs. 28,95,897/-, deposited online on 13.07.2021 ANNEXURE.4	It appears that the user agency had deposited to West Bengal CAMPA the cost for CA amounting Rs.7440250.00 for Kalimpong Forest Division(<i>The CA shall be taken at the location Merong-1 over 6.5ha and Iche-2 over 6ha under Pankhasari Range, Kalimpong Forest Division.</i>)	As per DFO it appears that the User Agency had deposited to WB-CAMPA the costs of CA. Vide their letter no. W/30/ADITTUNNEL/SIVOK-RANGPO/DT. 8.06.2022 (Copy enclosed) the User Agency has mentioned that they have deposited the CA costs. ANNEXURE-4 is enclosed.
vi	The cost of Compensatory afforestation at the prevailing wage rates as per considering all these factors. compensatory afforestation scheme and at the cost of survey, demarcation and erection of permanent pillar if required on CA land shall be deposited in advance with 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.	Cost has been worked out by concerned DFOs considering all these factors. The amount towards CA has been paid as referred at (v) above.	The wage rate has been given by the DFO	As per DFO the wage rates have been given by them. As per the User Agency CA costs have been paid by them as per Annexure-4 referred in para (v) above.
vii	The State Govt. shall charge the Net present value (NPV) for 12.3786 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, 1.08.2003,28.03.2008,24.04.2008 and 09.05.2008 in AI No. 566 in Writ Petition (Civil) No. 202/1995 and as per the guidelines issued by Ministry vide letter 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 No. 5-3/2007- FC dated 05.02.2009 in this regard.	Net Present Value deposited online on 31.12.2020 for Darjeeling Forest Division & Kalimpong Forest Division as per the demand note from above two forest division. NPV for Darjeeling wildlife division was paid online on 13.07.2021 as per the demand note from this forest division. Total amount paid against NPV is Rs. 1,62,03,423/- (Rs. 44,18,357 for Darjeeling FD, Rs. 56,21,979 for Kalimpong FD and Rs. 61,63,087 for Darjeeling Wildlife division. ANNEXURE-5	It appears that the user agency had deposited to West Bengal CAMPA the cost for NPV amounting Rs.5621979.00 for Kalimpong Forest Division	As per DFO it appears that the User Agency had deposited the amount to WB -CAMPA. Vide their letter no. W/30/ADITTUNNEL/SIVOK-RANGPO/DT. 8.06.2022(Copy enclosed) along with Annexure-5 the User Agency mentions about the deposition of NPV made by them to WB-CAMPA.

Diversion of 12.3786 ha of forest land in favour of North-East Frontier Railway for construction of Adits in connection with Sivok-Rongpo New Broad Gauge line under Darjeeling, Darjeeling(Wildlife) and Kalimpong Forest Divisions.

viii	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 be charged by the State Govt. from the user agency. The user agency shall furnish an undertaking to this effect.	Undertaking attached as ANNEXURE-6	User agency has agreed to comply with the same	As per DFO the User Agency have agreed to comply the condition. <i>The undertaking given by UA is attached.</i>
ix	All the funds received from the user agency under the project shall be transferred / deposited to State CAMPA fund only through https://parivesh.nic.in/	Agreed.	User agency has agreed to comply with the same	As per DFO the UA had agreed to comply with the condition.
x	Than complete compliance of FRA 2006 shall be ensured by way of prescribed certificate from the concerned District Collector. The user agency shall submit separate FRA certificate pertaining to 12.3786 Ha of Forest land proposed for diversion before Stage -II approval.	FRA from District Magistrate of Kalinpong & Darjeeling for 10.8508 Ha & 1.5278 Ha forest land respectively under their jurisdictions has been issued in the Form-I, Copies enclosed as ANNEXURE-7	User agency has agreed to comply with the same	As per DFO the UA had agreed to comply with the condition. FRA clearance in Form-1 submitted as Annexure-7 by the UA is attached.
xi	The user agency shall obtain Environmental Clearance as per the provisions of the Environment(Protection) Act 1986, if applicable.	Railway Project is exempted from Environmental Clearance. ANNEXURE-8	User agency has agreed to comply with the same	As per DFO the UA had agreed to comply with the condition. Clarification for exemption to Railway Project as submitted by the UA (Annxure-8) is attached.
xii	The layout plan of the proposal shall not be changed without prior approval of Central Government.	Agreed.	User agency has agreed to comply with the same	As per DFO the UA has agreed upon the condition.
xiii	No labour camp shall be established on the forest land.	Agreed	User agency has agreed to comply with the same	As per DFO the UA has agreed upon the condition.
xiv	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 Forest Development Corporation or any other legal source of alternate fuel.	Agreed and alternate fuel is being provided to labourer.	User agency has agreed to comply with the same	As per DFO the UA has agreed upon the condition. The UA is complying with it.

Diversion of 12.3786 ha of forest land in favour of North-East Frontier Railway for construction of Adits in connection with Sivok-Rongpo New Broad Gauge line under Darjeeling, Darjeeling(Wildlife) and Kalimpong Forest Divisions.

xv	The boundary of the forest land being diverted shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.	Amount demanded for raising boundary pillars have been deposited as ANNEXURE-2.	It appears that the user agency had deposited to West Bengal SFDA the cost for Boundary Pillar amounting Rs.2514500.00 for Kalimpong Forest Division	As per DFO the UA had deposited the cost of raising boundary pillars. <i>Annexure-2 submitted by the UA is attached as in above para (iii).</i>
xvi	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.	Agreed.	User agency has agreed to comply with the same	As per DFO the UA has agreed to comply with the same.
xvii	The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.	Agreed.	User agency has agreed to comply with the same	As per DFO the UA has agreed to comply with the same.
xviii	The forest land shall not be used for any purpose other than that specified in the proposal.	Agreed	User agency has agreed to comply with the same	As per DFO the UA has agreed to comply with the same.
xix	The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without prior approval of Govt. of India.	Agreed	User agency has agreed to comply with the same	As per DFO the UA has agreed to comply with the same.
xx	The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.	Agreed	User agency has agreed to comply with the same	As per DFO the UA has agreed to comply with the same.

Diversion of 12.3786 ha of forest land in favour of North-East Frontier Railway for construction of Adits in connection with Sivok-Rongpo New Broad Gauge line under Darjeeling, Darjeeling(Wildlife) and Kalimpong Forest Divisions.

xxi	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 forests & wildlife.	Agreed	User agency has agreed to comply with the same	As per DFO the UA has agreed to comply with the same.
xxii	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in).	Agreed	User agency has agreed to comply with the same	As per DFO the UA has agreed to comply with the same.

Chief Conservator of Forests
Hill Circle WB.