

Government of India/ भारत सरकार
Ministry of Environment, Forest & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय
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4th September, 2020

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To

The Secretary,
Forest Department (Forest Branch),
Govt. of West Bengal,
Aranya Bhawan, (1st Floor)
Block-LA-10A, Sector-III, Salt Lake City,
KOLKATA – 700 098.

Sub:- 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.

Sir,

I am to refer to State Govt. letter 753-For/O/L/10T-01/2020 dated 30.06.2020 and APCCF (Nodal), West Bengal's letter No.29/L</2M-1481/2019 dated 31.07.2020 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee meeting held on 28.08.2020, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for 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, subject to the fulfillment of the following conditions.

- i. Legal status of forest land proposed for diversion shall remain unchanged.
- ii. The user agency shall obtain NBWL clearance for 1.5278 ha of forest land in Mahananda Wildlife Sanctuary from competent authority. The State Govt. shall realize compensatory levies of the project after the user agency submits NBWL clearance obtained from competent authority.
- iii. The user agency shall restrict the felling of trees to minimum numbers in proposed forest land and the trees shall be felled under 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.
- iv. The user agency shall prepare and implement comprehensive soil conservation measures at the project cost in consultation with the State Forest Department and

- submit a copy of approved comprehensive soil conservation plan to Regional Office, Bhubaneswar.
- v. Compensatory afforestation shall be taken up by the Forest Department over 25.10 ha degraded forest land indentified in Darjeeling Forest Division (8.50 ha), Darjeeling Wildlife Division (3.10 ha) and Kalimpong 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.
 - vi. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and at the cost of survey, demarcation and erection of permanent pillars if required on the 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.
 - 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 Orders of 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 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.
 - 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.
 - 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/>).
 - x. The complete compliance of the 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.
 - xi. The user agency shall obtain Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
 - xii. The layout of plan of the proposal shall not be changed without prior approval of Central Government.
 - xiii. No labour camp shall be established on the forest land.
 - 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.
 - 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.
 - xvi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 - 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.
 - xviii. The forest land shall not be used for any purpose other than that specified in the proposal.
 - 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.
 - 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.

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.

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

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of West Bengal, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of West Bengal till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.

4. However, to facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency, the State Govt. may allow the commencement of work of the linear project in forest land for a period of one year as per Para 11.2 of Chapter-11 of Handbook of Guidelines issued under F.C. Act, 1980 vide Ministry's letter No.5-2/2017-FC dated 28.03.2019. **No working permission will be granted to the project for commencement of work on forest land till NBWL clearance is obtained from competent authority.**

Yours faithfully,

Padma Mahanti

(Padma Mahanti)

Dy. Inspector General of Forests (C)

Copy to:-

1. The Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of West Bengal, Aranya Bhawan, LA-10A, Sector-III, 4th to 6th Floor, Salt Lake City, Kolkata – 700 098.
2. The Dy. Chief Engineer (Construction), North-East Frontier Railway, Guwahati-781011.


Dy. Inspector General of Forests (C)

