

F No. 538/2012-FC  
Government of India  
Ministry of Environment & Forests  
(FC Division)

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110010  
Dated: 25.06.2013

To

The Principal Secretary (Forests)  
Government of Mizoram,  
Aizawl

**Sub:** Diversion of 74.4882 ha of forest land for construction of railway line between Bairabi and Sairang in the favour of North East Frontier Railway in the State of Mizoram - regarding

Sir,

I am directed to refer to the State Government of Mizoram's letter no. G-20015/55/2012-FST dated 27<sup>th</sup> April 2012 and letter no. B-22413/47-2008-FC/FCCF dated 14<sup>th</sup> January 2013 on the above subject seeking prior approval of the Central Government, in accordance with Section-2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

I am directed to convey that after careful consideration of the proposal and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby grants 'in-principle' approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 74.4882 ha of forest land for construction of railway line between Bairabi and Sairang in the favour of North East Frontier Railway in the State of Mizoram - subject to the fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the degraded forest land twice in extent to the forest land being diverted shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India top sheet of 1:50,000 scale;
- (iv) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate to the State Forest Department. The estimate may include appropriate provision for anticipated cost increase for wages scheduled for subsequent years;
- (v) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2013 in Writ Petition (Civil) No. 222/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2005-FC dated 13.03.2010 in this regard;
- (vi) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall continue performing to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;

- (vii) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- (viii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (ix) No labour camp shall be established on the forest land;
- (x) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xi) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xiii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xiv) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xv) No damage to the flora and fauna of the adjoining area shall be caused;
- (xvi) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- (xvii) Ex-situ conservation of endemic species of flora/fauna lost/disturbed in the process of execution of the project may be ensured.
- (xviii) The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.
- (xix) The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
- (xx) The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
- (xxi) The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
- (xxii) The State Government shall ensure controlled speed limit if the trains passing through the forest portion to enable the trains drivers to react to the sudden appearance of the wild animals on the track.
- (xxiii) The user agency shall prepare detailed muck utilization and disposal plan, ensure that no muck is disposed of in any of the streams or the rivers or on any forest land.
- (xxiv) No trees will be felled in the stretches of alignment where the track passes through tunnels.
- (xxv) The State Government shall constitute a Committee under the chairmanship of the Conservator of Forests of the concerned circle with representatives from local NGOs working in the field of forest/wildlife or hydrology. The Committee shall also include



the Division Forest Officers to the responsibility of the District Collectors. The Committee shall peruse the reports during construction and submit six monthly report to the Regional Office. The State Government shall also take appropriate measures in accordance with the observations in the Reports.

(xxvi) The user agency in accordance with the State Government shall create and maintain alternate habitats for the wildlife whose nesting trees are to be cleared in this project. Bird nesting material of eco-friendly material shall be used in the area, including forest areas and other habitats, adjoining the forest area being diverted for the project.

(xxvii) The State Government shall ensure that the transfer of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in the MoU No. 11-5/1998-FC (pt.) dated 03-8-2009 read with Guidelines No. 11/2009 dated 03-8-2009.

(xxviii) The user agency shall submit a compliance report in respect of the above conditions to the concerned Regional Office of the Ministry regularly.

(xxix) Any other conditions for the conservation, protection and development of forest & wildlife as stipulated by the Regional Office of this Ministry may stipulate from time to time.

(xxx) The User Agency shall ensure compliance to provisions of all applicable Acts, Rules, Regulations and orders for the time being in force as applicable to the project.

After receipt of the report of the user agency in compliance with the conditions mentioned above, the proposal shall be considered for approval under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the user agency shall not be effected by the State Government till formal orders approving the diversion of the land are issued by the Central Government.

Yours faithfully,

  
(F.C. Nair)

Assistant Inspector General of Forests

Copy to:-

1. The Principal Officer, Government of Jharkhand, Ranchi
2. The Charman, Forest Conservation Committee, Bhubaneswar, Odisha
3. The Addl. Principal Officer, Government of Jharkhand, Ranchi
4. The Nodal Officer, Government of Jharkhand, Ranchi
5. User Agency, Construction of Road, S.L. North East Frontier Region
6. Monitoring Committee, S.L. North East Frontier Region
7. Board of Forest Officers

  
(F.C. Nair)

Assistant Inspector General of Forests