



भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय/Integrated Regional Office

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एफ.पी/बी.आर./रेल/153523/2022/1034

दिनांक:10/04/2023

सेवा में,

प्रधान सचिव

पर्यावरण, वन एवं जलवायु परिवर्तन विभाग

बिहार सरकार, सिंचाई भवन

पटना – 800015.

विषय:-In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for diversion of 8.243 ha forest land for construction of New B.G Railway Line from Araria to Thakurganj by N. F. Railway, Maligaon in Araria district of Bihar – reg.

महाशय /Sir,

I am directed to refer to you the Bihar Govt.'s letter No.Van Bhumi-57/2022-20(E)/Pa.Va.Ja.Pa. dated 05.01.2023 of the State Government, Bihar and letter No. Va.Sa./40/2022-227 dated 31.03.2023 of the Nodal Officer (FC), Bihar 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.

After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee held on 10.02.2023, the “**in-principle**” approval of Central Government, is hereby conveyed for diversion of 8.243 ha forest land for construction of New B.G Railway Line from Araria to Thakurganj by N. F. Railway, Maligaon in Araria district of Bihar, subject to the following conditions and stipulations.

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

- (1) The cost of compensatory afforestation on the CA land (16.486 ha) at the prevailing wage rates as per compensatory afforestation scheme (including the cost of survey, demarcation and erection of permanent pillars etc. as required for securing the land against encroachment) shall be deposited in advance with the State 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.
- (2) The State Government shall charge the Net Present Value (NPV) for the 8.243 ha forest area to be diverted under this proposal from the User Agency as per

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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, 5-3/2007-FC dated 05/02/2009 and **letter No.5-3/2011-FC(Vol-I) dated 6/1/2022** in this regard.

- (3) 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/>).
- (4) **The KML files of the area to be diverted and the CA area shall be uploaded on the e-Green watch portal with all requisite details and submitting compliance report for seeking Stage-II approval.**
- (5) The User agency shall be uploaded/submitted tree translocation plan before the issuance of Stage-II approval.
- (6) The FRA certificate as per Ministry's guidelines shall be submitted before the issuance of final approval. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (7) The State Forest Department shall protect the fragmented piece of forest land owing to this diversion and if required it shall be done by way of constructing boundary walls all along the periphery. The exact estimate of the wall shall be submitted to this office along with an undertaking by the user agency to bear the cost of wall construction through project cost.
- (8) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of Comprehensive Guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No.5-2/2017-FC dated 28.03.2019.
- (9) The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

B: Conditions which need to be strictly complied on field after handing over of forest land to the User Agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

- (1) Legal status of the forest land shall remain unchanged.
- (2) Compensatory afforestation shall be taken up by the Forest Department over 16.486 ha. degraded forest land (Site – Rahikapur PF, Araria range under Araria Forest Division) at the cost of the user agency. As far as possible, a

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mixture of local native species shall be planted and monoculture of any species, especially non-native species should be avoided.

- (3) 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) 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. Further, in view of the State Government's recommendation, such number of trees whose removal is unavoidable, and whose translocation (species, number and girth to be decided by SFD) is practicable, will be translocated to the extent possible at the cost of user agency.
- (5) 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 Officer.
- (6) Wherever possible and technically feasible, the User Agency shall in consultation with SFD undertake appropriate afforestation / vegetation enrichment measures near the site related to the area diverted under this approval, at the project cost.
- (7) The User Agency should prepare and implement Muck Disposal Plan under the supervision of the concerned DFO.
- (8) (a) The User Agency shall ensure that the labourers and staff engaged in construction activities do not damage the nearby forest flora and fauna.
(b) The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- (9) The layout plan of the proposal shall not be changed without prior approval of the Ministry of Environment, Forest & Climate Change.
- (10) (a) The forest land shall not be used for any purpose other than that specified in the project proposal.
(b) The period of diversion under this approval shall be co-terminus with the period of the project life/ requirement.

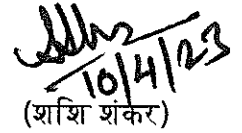
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(c) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of the Ministry of Environment, Forest & Climate Change.

- (11) 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.

After receipt of the report from the State Government regarding due compliance and fulfillment of the above conditions and stipulations, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land by the State Government to the user agency should not be given effect to till formal order approving diversion of forest land is issued by the Ministry of Environment, Forest and Climate Change. To facilitate speedy execution of this project, the in-principle approval may be considered for issuance of working permission for commencement of works by the competent authority, if the required funds for NPV and all other compensatory levies 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).

विश्वासभाजन

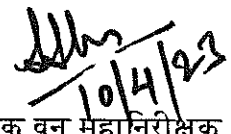


10/4/23
(शशि शंकर)

सहायक वन महानिरीक्षक

प्रतिलिपि:-

1. आई०जी०एफ०, आर०ओ०एच०क्यू०, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, इन्दिरा पर्यावरण भवन, जोर बाग रोड, नई दिल्ली-110003.
2. प्रधान मुख्य वन संरक्षक (HoFF)/ अपर प्रधान मुख्य वन संरक्षक- सह - नोडल पदाधिकारी (एफ. सी.), पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, बिहार सरकार, अरण्य भवन, शहीद पीर अली खां मार्ग, पटना-800014.
3. वन प्रमण्डल पदाधिकारी, अररिया वन प्रमण्डल, बिहार ।
4. उप मुख्य अभियंता, पूर्वोत्तर सीमा रेलवे, कटिहार, बिहार ।
5. गार्ड फाईल ।



10/4/23

सहायक वन महानिरीक्षक