



भारत सरकार/Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय
Integrated Regional Office
कोलकाता/Kolkata-700106
Phone-033-2335-5713/7938 Fax-2335-5904



No. WB-SRBG-09/2021/FC/118

13.07.2021

To,

Principal Secretary
Department of Forest and Wild Life
Government of West Bengal,
Kolkata

Sub: Diversion of 13.512 ha (2.7945 ha under Darjeeling Forest Division + 0.0589 ha under Kurseong Forest Div. + 10.2086 ha under Kalimpong Forest Div.) of forest land in favour of North East Frontier Railway for Construction of approach roads, site for muck disposal and staff in connection with Sevok-Ranpoo BG line-reg.

Sir,

I am to refer to State Govt. letter 423-For/O/L10T-04/2021 dated 19.03.2021 and APCCF (Nodal), West Bengal's letter no. 1574/L & LT/2M-27/2021 dated 08.07.2021 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 24.06.2021, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage- I/In-Principe*' approval for diversion of 13.512 ha of forest land in favour of North-East Frontier Railway for construction of approach roads, site for muck disposal and staff quarter in connection with Sevok-Rangpo new BG line under Darjeeling, Kurseong and Kalimpong Forest Division, subject to the fulfilment of the following conditions:

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(CA) on the CA land 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

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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 13.512 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, 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 and 5-3/2007-FC dated 05/02/2009 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. 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.
5. 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 27.7 ha. degraded forest land at Sandakphu-2, Mal-3 compartment and Setikhola in Darjeeling District Forest Division at the cost of the User Agency. As far as possible, a 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.
 5. Wherever possible and technically feasible, the User Agency shall in consultation with State Forest Department undertake appropriate afforestation/ vegetation enrichment measures all around the site related to the area diverted under this approval, at the project cost.
 6. User Agency shall demarcate the forest land to be diverted with boundary Pillar of atleast four feet high with forward and backward bearing before taking up the project activity in the diverted land at project cost.
 7. The muck, debris and materials generated out of the construction, shall not be spilled down on slopes and be disposed off in the predetermined area only and the muck stabilized area after afforestation shall be transferred back to the State Forest Department.
 8. 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.
 9. The layout plan of the proposal shall not be changed without prior approval of Central Government.
 10. (a) No labour camp shall be established on the forest land.
(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.
 11. The period of diversion under this approval shall be co-terminus with the period of the project life.
 12. (a) The forest land shall not be used for any purpose other than that specified in the project proposal.
(b) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of Central Government.
 13. 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.
3. After receipt of the compliance report regarding fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land to user agency should not be given effect to by the State Government till formal order approving diversion of forest land is issued by the Central Government.

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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.


Yours faithfully,


13/07/2021
(Bivash Ranjan)

Deputy Director General of Forest (C)

Copy to:

1. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, India, Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi- 110003.
2. The Principle Chief Conservator of Forest & HoFF, Department of Forests, Government of West Bengal, Aranya Bhawan, Salt Lake City, Kolkata, 700098.
3. The Nodal Officer (FC), Department of Forests , Government of West Bengal, Aranya Bhawan, Salt Lake City, Kolkata, 700098.
4. The Dy. Chief Engineer (Construction), North East Frontier Railway, New Jalpaiguri-721011.
5. Guard File.


13/07/2021
(Bivash Ranjan)

Deputy Director General of Forest (C)