



GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
REGIONAL OFFICE (RANCHI)
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No.FP/BR/Road/31492/2018/2997

Dated 12th March, 2019

To

The Principal Secretary,
Department of Environment, Forests & Climate Change,
Government of Bihar, Sinchai Bhawan,
Secretariat, Patna.

Sub: Diversion of 23.45 ha forest land for widening and strengthening of NH-333, Kurwa Tola-Bamdah-Bishunpur-Jharkhand Border Road (Km 115.00- Km 141.05) in Jamui district of Bihar.

Sir,

I am directed to refer to letter No.Van Bhumi-64/2018-1154(E)/Pa.Va. dated 15.10.2018 of the State Government and letter No.FC-4 dated 1.1.2019 of the Nodal Officer, 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 11.3.2019, the Central Government, hereby, conveys "**in-principle**" approval for diversion of 23.45 ha forest land for widening and strengthening of NH-333, Kurwa Tola-Bamdah-Bishunpur-Jharkhand Border Road (Km 115.00- Km 141.05) in Jamui district of Bihar, subject to the fulfillment of the following conditions.

1. Legal status of forest land proposed for diversion shall remain unchanged.
2. The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be 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 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard.

Note: Additional amount of NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India, shall be charged by the State Government from the user agency.

3. 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. The user agency shall

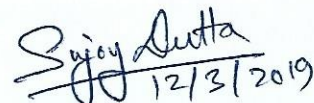
transfer the cost of plantation and its maintenance for 10 years (revised as on the date to incorporate the existing wage structure) to State Forest Department.

4. The State Govt. shall charge the penal Net Present Value (NPV) for violation, which is equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five times the NPV plus 12% simple interest till the deposits is made. In case of public utility projects of the Government the penalty shall be 20% of the penalty proposed above.
5. User Agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
6. a) Felling of trees above 60 cm girth as required should be done under the supervision of the concerned Divisional Forest Officer. As recommended by the State Forest Department, the trees under 60 cm girths shall be translocated by the User Agency at their own cost as per instructions of the DFO.
b) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads segment covered under this approval, in consultation with the State Forest Department at the project cost.
c) Earth or any other material shall not be brought from and debris resulting during construction shall not be disposed of in the adjoining forest area by the user agency.
6. a) It will be the responsibility of the User Agency to ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna.
b) The User Agency shall provide LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas for collection of firewood for their use.
7. The lay out plan of the proposed expansion of the road entailing use of forest land shall not be changed without prior approval of the Ministry of Environment, Forests and Climate Change.
8. The forest land to be diverted, under no circumstances, be transferred to any other agency, department or person without prior approval of the Ministry of Environment, Forest and Climate Change.
9. The user agency and the State Government shall ensure compliance of the provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

10. Any other conditions that the Ministry of Environment, Forests and Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the user agency.

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 effected by the State Government till formal order approving diversion of forest land is issued by the Central Government. To facilitate speedy execution of this project involving diversion for the road expansion, the in-principle approval may be deemed as the working permission for tree felling and commencement of works, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realised 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).

Yours faithfully,


12/3/2019

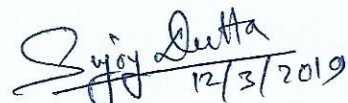
(Sujoy Dutta)

Technical Officer (Forestry)

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Copy to:-

1. The Director, RO(HQ), Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests (HoFF), Department of Environment, Forests & Climate Change, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
3. The APCCF-cum-Nodal Officer, Department of Environment, Forests & Climate Change, Government of Bihar, Aranya Bhawan, Shahid Pir Ali Khan Path, Patna - 800 014.
4. The Divisional Forest Officer, Jamui Forest Division, Jamui, Bihar.
5. The Executive Engineer, NH Division, Lakhisarai at Munger.
6. Guard File.


12/3/2019

Technical Officer (Forestry)

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