



भारत सरकार/Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

Ministry of Environment, Forest & Climate Change
एकीकृत क्षेत्रीय कार्यालय, कोलकाता/ Integrated Regional Office, Kolkata
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File No.IRO/KOL/WB/RAIL/47293/2020/263

Date 16th June 2022

To,

The Addl. Chief Secretary,
Department of Forests,
Government of West Bengal,
Aranya Bhawan, Block-LA, 10-A, Sector – III,
Salt Lake City, Kolkata – 700106.

Sub: In-principle (Stage-I) approval of Central Government under Forest (Conservation) Act 1980 for re-diversion of 1.75 ha forest land in favour of North East Frontier Railway for temporary use of forest land during construction phase of the Sivok Rangpo New BG Line Project under Kurseong Forest Division, West Bengal - reg.

Sir,

This refers to letter No.836-For/O/L/10T-15/2022 dated 9.06.2022 of the Government of West Bengal on the above-mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

After due consideration of the proposal of the State Government, the Ministry of Environment, Forest & Climate Change hereby conveys '**Stage-I/in-principle**' approval for re-diversion of 1.75 ha forest land in favour of North East Frontier Railway for temporary use of forest land during construction phase of the Sivok Rangpo New BG Line Project under Kurseong Forest Division, West Bengal subject 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 State Government shall charge the Net Present Value (NPV) for the 1.75 ha forest area to be re-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 letter No. 5-1/1998-FC(Pt.II) dated 8/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006, 5-3/2007-FC dated 05/02/2009 and **5-3/2011-FC(vol-I) dated 19/01/2022** in this regard.

2. 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>).
3. The FRA certificate as per Ministry's guidelines shall be submitted / uploaded 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.
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>).

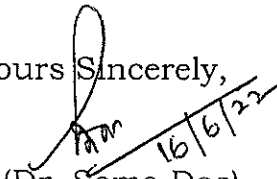
B: Conditions which need to be strictly complied on field after handing over of forest land to the User Agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of forest land proposed for diversion shall remain unchanged.
2. Additional amount of the NPV of the re-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.

3. The State Forest Department shall submit a report regarding the present status of compensatory afforestation as well as its notifications as RF/PF against the diversion of 338.05 ha forest land for construction of Teesta Low Dam Project, Stage-IV.
4. The boundary of the re-diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
5. The proposed re-diverted forest land shall be handed over back to the Forest Department by the User Agency after carry out stabilization and reclamation of the site by raising plantation of suitable species at their own cost under the supervision of concerned DFO at the end of temporary use period.
6. The User Agency should construct a protection wall towards the highway side of the area proposed for re-diversion to protect the area from getting encroached on completion of temporary use.
7. The User Agency should construct gabion structures along the adjoining stream bank. No waste should be disposed in the adjoining stream.
8. The User Agency shall ensure that muck does not roll down the slopes. All such areas where muck has rolled down, the slopes shall be rehabilitated at the cost of User Agency and under the strict supervision of the State Forest Department.
9. The lay out plan of the proposal shall not be changed without prior approval of the Central Government.
10. (a) All the natural streams and water bodies in surrounding area shall be protected.
(b) The User Agency shall ensure that the labourers and staff engaged in construction activity do not damage the nearby forest flora and fauna.
(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.

- (d) No labour camp shall be established on the forest land.
- (e) 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. (a) The forest land shall not be used for any purpose other than that specified in the Project proposal.
- (b) The period of re-diversion under this approval shall be co-terminus with the period of the temporary use of the land.
- (c) The forest land proposed to be re-diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
12. Any other conditions that the Ministry of Environment, Forest & Climate change may stipulate from time to time in the interest of conservation, protection and development of forest and wildlife.

After receipt of the compliance report from the State Government regarding due compliance and fulfillment of the above conditions as 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 Central Government.**

Yours Sincerely,

(Dr. Soma Das)

Inspector General of Forests (C)

Copy to:-

1. The Principle Chief Conservator of Forest & HoFF, Department of Forests, Government of West Bengal, Aranya Bhawan, Salt Lake City, Kolkata, 700098.
2. The APCCF cum Nodal Officer (FCA), Department of Forest, Department of Forests, Government of West Bengal, Aranya Bhawan, Salt Lake City, Kolkata, 700098.
3. The Divisional Forest Officer, Kurseong Forest Division, West Bengal.

4. The Deputy Chief Engineer/Construction/ NJP, New Jalpaiguri - 734101.
5. Guard file

/
Inspector General of Forests (C)