



भारत सरकार
GOVERNMENT OF INDIA
एकीकृत क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
लॉड सीब लुम्बतंगेन/LAW-U-SIB, LUMBATNGEN,
/SHILLONG-793021
TEL. 0364-2537278; FAX. 0364-2536041
E-mail: moefro.shillong@gov.in



No. 3-TR C 065/2020-SHI/ 3281-82

22nd January, 2021

सेवा में,

सचिव/Secretary,

त्रिपुरा सरकार/ Government of Tripura

पर्यावरण और वन विभाग /Department of Environment & Forests,

कुंजावन, अगरतला/ Kunjaban, Agartala.

Sub : Diversion of 10.643 ha of forest land for settlement of BRU Migrant at location Shikaribari in favour of SDM, Khowai under Khowai District, Tripura.

Sir,

This has got reference to the State Government of Tripura letter No.F.6-1268/FC/For-2020/661-69 dated 05.10.2020, even no. 854-59 dated 27.10.2020, even no. 1027-032 dated 13.11.2020 and No.F.11(2)RR&DM/Reang/2020(P-I) dated 24.12.2020 from Revenue Department, Govt of Tripura on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

2. After careful examination of the proposal of the State Government of Tripura by the Regional Empowered Committee (REC) in its 34th meeting held on 29.10.2020 the REC recommended the same as a very special case subject to submission of additional information. The State Government vide their letter dated 20.11.2020 submitted the additional information and the same was further discussed and accepted by the REC in the 35th meeting held on 03.12.2020.

3. The Ministry vide letter No.FC-11/204/2020-FC dated 21.12.2020 communicated the decision of the high-level meeting held under the chairmanship of the Union Home Secretary wherein it was informed by the State Government that the Bru (Reang) migrants are forest dwellers from Mizoram and the same has been corroborated by Government of Mizoram and that they will be given permission to construct dwelling units without conferring any ownership of land. Therefore, de-notification of forest land may not be required. A decision was then taken that the *"the diversion of forest land for resettlement /rehabilitation of the Bru (Reang) migrants must be processed by MoEF &CC, GoI (as a special case in relaxation of the existing guidelines, if required urgently as the agreement has to be implemented in a time bound manner"*.

4. Subsequently, on the approval of Competent Authority of the MoEF&CC, GoI, New Delhi for IRO, Shillong to process the proposal (s) as per FC Rules, the *In-principle / Stage-I* approval of the Central Government is hereby granted for **10.643 ha** of forest land for settlement of BRU Migrant at location Shikaribari in favour of SDM, Khowai under Khowai District, Tripura, subject to the following conditions:

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

1. The user agency shall transfer, the Net Present Value (NPV) of the forest land being diverted under this proposal, 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 as per the guidelines issued by the Ministry vide letters No 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into CAMPA account of the State concerned.
2. The land identified for the purpose of CA shall be clearly depicted on Survey of India toposheet of 1: 50000 scale;
3. The user agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include appropriate for anticipated cost increase for works scheduled for subsequent years;
4. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA account only through **e-portal** (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
5. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).
6. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the District Collector;
7. The User Agency shall deposit with the State Forest Department an amount of Rs.20.00 lakhs for ex-Situ Conservation of local orchid flora in an Orchid Conservation Park etc.
8. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from the pillar to pillar and GPS co-ordinates;
9. 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.
10. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
11. The state Govt shall submit the copy of the notification of mutation of the equivalent non-forest land identified for the compensatory afforestation while submitting compliance report to the In-principle approval (IPA).

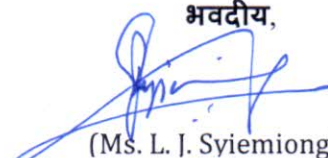
B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

1. Legal status of the diverted forest land shall remain unchanged. No right of ownership of land will be conferred on the settlers;
2. Compensatory Afforestation shall be raised over equivalent non- forest area i.e. **10.643 ha** identified in compartment No 5, Khatian No. 2/12 & 2/53, RS Plot No. -1926/P & 2151/P, Tulashikar, Khowai Forest Sub Division, Khowai District of Tripura within three years from the date of Stage –II Clearance and maintained thereafter by the State Forest Department at

the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified non- forest land within three years of grant of final approval. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance;

3. The non- forest area (10.643 Ha) at Tulashikar, Khowai Forest Sub Division, Khowai District of Tripura identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department and shall be declared RF / PF under Section 4 or Section 29 of the Indian Forest Act, 1972.
 4. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
 5. The User Agency shall obtain the Environment Clearance as per the provisions of Environment (Protection) Act, 1986, if required;
 6. 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;
 7. No damage to the flora and fauna of the adjoining area shall be caused;
 8. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
 9. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
 10. The user agency shall explore the possibility of successful translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 11. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year; and
 12. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
 13. All other clearance/NOCs under different applicable rules/regulations /local laws and under Forest Dwellers (Recognition of Forest Rights) Act, 2006 as required vide MoEF, New Delhi guideline No.11-9/1998-FC(pt) dated 03.08.2009 shall be complied with.
 14. As per Ministry's letter No 11-30/96-FC(Pt) dt 14.9.2001, if the compliance of stipulated conditions is awaited from the State Govt for more than 5(five) years, the in-principle approval would be summarily be revoked considering that the user agency is no longer interested in the project.
3. After receipt of the compliance report from the State Government on fulfilment of the conditions mentioned above, final approval will be issued in this regard. Formal transfer of forest land shall not be effected by the State Govt till final approval is granted by the Central Government.



भवदीय,

(Ms. L. J. Syiemiong)

उप वन महानिरीक्षक (केंद्रीय)/
Deputy Inspector General of Forests (C)

Copy to:

1. प्रधान मुख्य वन संरक्षक, त्रिपुरा सरकार , पर्यावरण और वन विभाग , कुंजावन,
अगरतला / Principal Chief Conservator of Forests, Govt. of Tripura, Department of
Environment & Forests, Kunjaban, Agartala.

वन उप महानिरीक्षक (केंद्रीय)
/Deputy Inspector General of Forests(C)