



सत्यमेव जयते



No. 5-WBC094/2017-BHU

22nd March, 2018

To

The Principal Secretary,
Forest Department (Forest Branch),
Govt. of West Bengal,
Aranya Bhawan, (1st Floor)
Block-LA-10A, Sector-III, Salt Lake City,
KOLKATA – 700 098.

Sub:- Diversion of 14.682 ha of forest land in favour of District Collector, Birbhum for “Mega Tourism Project” at Tarapith under Birbhum Forest Division.

Sir,

I am directed to refer to State Govt. letter No.1080-For/O/L/10T-02/2017 dated 03.04.2017. No.4040 dated 27.11.2017 and No.391 dated 20.02.2018 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 17.11.2017, the Ministry of Environment, Forest & Climate Change hereby conveys *‘in-principle’* approval for diversion of 14.682 ha of forest land in favour of District Collector, Birbhum for “Mega Tourism Project” at Tarapith under Birbhum Forest Division, subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- (ii) 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 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. While conveying the compliance of this condition, mention be made of the Eco-class and density of forest for which NPV has been charged.
- (iii) At the time of payment of the Net Present Value (NPV) at the present 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.
- (iv) Compensatory afforestation over 28.1985 ha of non forest land @ 1000 plant per hectare i.e. $14.682 \times 1000 = 14,682$ plants be planted as per Ministry’s guidelines letter No.11-423/2011-FC dated 08.11.2017, identified in Plot No.602, J.L. No.17, Khatian No.288, Mouza- Sundarkhela, Block-Rajnagar of Birbhum district as proposed by the State Govt. against the area of forest land proposed to be diverted shall be raised and maintained by the State Forest Department at the cost of the user agency.


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- (v) If the requisite number plants @ 1000 per ha can not be planted on the non-forest land identified for taking up CA, then the balance number of the plants will be planted in degraded forest land as per the provisions of working plans. The State Govt. will intimate to the MoEF&CC the names of the RF/PF in which the balance seedling will be planted. The user agency will deposit the cost of planting these seedling.
- (vi) The non forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of Stage-II approval.
- (vii) State Govt. will formulate the compensatory afforestation scheme including activities like soil and moisture conservation, regeneration cleaning, silvicultural activities and shall ensure maintenance of these plantations for a period of seven to ten years as per requirement.
- (viii) The non forest land over which compensatory afforestation will be taken up shall be notified as PF/RF and shall remain under the administrative control of the State Forest Department.
- (ix) All the funds received from the user agency under the project shall be transferred through e-portal to the Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned. The user agency should ensure that the compensatory levies (C.A. 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.
- (x) The Trees existing inside the proposed eco park shall be enumerated and preserved and other improvements proposed for eco development/education purposes shall be taken up in the blank areas.
- (xi) **The user agency shall not construct any building of permanent nature in the Amusement Park nor in any other forest land under the project.**
- (xii) The State Govt./User Agency shall take up extension activities to promote environment awareness among tourist visiting the site.
- (xiii) The user agency shall submit detailed solid waste disposal measures before Stage-II approval.
- (xiv) The User Agency shall carry out plantation of small/ornamental trees on the available vacant space in the proposed area.
- (xv) The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, distance from adjoining pillars etc. As per Ministry's letter No.13-20/2015-CAMPA dated 09.06.2016, the cost of expenditure like boundary walls, stone pillars, demarcation charges, charges for felling of trees and their transportation to depots shall be deposited with DFOs concerned and the work should be undertaken departmentally in order to ensure that the task of erection of boundary walls, stone pillars, demarcation charges etc. are undertaken faithfully and in the best interests of the forests before the diversion and handing over of the forest land takes place. The work on these items should be completed within 6 months from the grant of final approval to diversion of forest land.
- (xvi) The State Forest Department/UA shall submit the surveyed sketch of non forest land identified for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The State Forest Department/User Agency shall also submit the DGPS reading of each demarcated pillar giving the latitude and the longitude.

- (xvii) No labour camp shall be allowed in the forest area.
- (xviii) The user agency shall provide LPG or alternate fuel, to labourers working at the site to avoid damage/tree felling and ensure no fuelwood use.
- (xix) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- (xx) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- (xxi) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without the prior approval of Ministry of Environment, Forest & Climate Change.
- (xxii) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.
- (xxiii) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No.11-9/1998-FC (pt.) dated 03.08.2009 read with letter No.11-9/1998-FC (pt.) dated 05.02.2013 and 05.07.2013, in support thereof.
- (xxiv) Any other conditions that the Ministry of Environment, Forests & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, which shall be complied by the user agency.
- (xxv) The State Govt. and user agency shall ensure compliance to 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.

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of West Bengal, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. **Transfer of forest land to user agency should not be effected by the State Government of West Bengal till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.**

Yours faithfully,



(S. Mohapatra)

Conservator of Forests (Central)

Copy to:-

1. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests, Aranya Bhawan, LA-10A, Sector-III, 4th to 6th Floor, Salt Lake City, Kolkata – 700 098.
3. The District Collector, Prasasanik Bhawan, Suri, Dist: Birbhum-731101, West Bengal.
4. Guard File.



Conservator of Forests (Central)