

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi: 1100 03,
Dated: August, 2023

To

The Additional Chief Secretary to Government,
Forest and Environment Deptt.,
Government of Assam,
Guwahati.

Sub: Proposal for diversion of 238.00 hectares of forest land for Relocation of the Forest Village from Laika in Dibru-Saikhowa National Park to Paharpur and Namphai RF in Tinsukia District of Assam State. (Online proposal No-FP/AS/REHAB/120428/2021). -regarding.

Sir,

I am directed to refer to the Government of Assam's letter No. FRS.4/2021/26 dated 27.01.2021 on the above mentioned subject, wherein prior approval of the Central Government for diversion of 238.00 hectares of forest land for Relocation of the Forest Village from Laika in Dibru-Saikhowa National Park to Paharpur and Namphai RF in Tinsukia District of Assam State, was sought in accordance with Section-2 (ii) of the Forest (Conservation) Act, 1980. After careful consideration of the proposal by the Advisory Committee constituted under Section-3 of the said Act, **In-principle /Stage-I approval** for diversion of the said forest land was accorded by the Ministry vide its letter of even number dated 29th March, 2021 subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the Stage-I approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Assam vide their letter No. ECF No.160044/163 dated 17.07.2023 **Final /Stage – II approval** of the Central Government is hereby granted under Section-2 (ii) of the Forest (Conservation) Act, 1980 for diversion of 238.00 hectares of forest land for Relocation of the Forest Village from Laika in Dibru-Saikhowa National Park to Paharpur and Namphai RF in Tinsukia District of Assam State, subject to the following conditions:

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- i. Legal status of the diverted forest land may be changed to non-forest land by the State in accordance with Hon'ble Supreme Court order dated 28.01.2019 in IA No. 3924 of 2015 in WP(C) 202/1995 and Ministry's Guidelines dated 20.05.2019;
- ii. The State Government shall ensure that the area under the Laika in Dibru-Saikhowa National Park becomes inviolate and no families are left within this village for further relocation;
- iii. The State Govt. shall ensure that the boundary of the diverted forest land, 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 pillar to pillar and GPS co-ordinates;
- iv. The State Government shall ensure that the proposed forest land i.e. 238.00 ha shall be handed over to the user agency only when the user agency has acquired the required non-forest land, if any, for the project;
 - v. The State Government shall ensure that the relocation package is implemented with due regard to specific court orders and Government norms in this regard;
 - vi. The State Government shall ensure that compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard, before handing over of forest land to the user agency;
 - vii. The State Government shall take effective steps to ensure that the villagers who are relocated do not return to the area;
 - viii. The State Government shall ensure that the land vacated in the protected area due to relocation of Village will be developed as per approved Wildlife Management Plan/NTCA Guidelines;
 - ix. The State Govt. shall implement the approved R&R Plan approved by the concerned authority;
 - x. The State Govt. will complete the socio-economic evaluation and a report must be submitted to Ministry in this regard before handing over the forest land for diversion and State Govt. will also ensure that no reverse migration happens in the case and land being diverted become inviolate and developed into the habitat of wildlife as per the plan.
 - xi. The State Government shall ensure that no fragmentation of forests should take place due to the relocation project;
 - xii. The State Govt. shall ensure that the details of relocation shall be provided to the NTCA for onward legal action/ compliance in IA No. 3924 of 2015 in WP(C) 202/1995;
 - xiii. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
 - xiv. The State Govt. shall ensure that as far as possible naturally growing trees are retained along the roads, in the school, other Government / public utility complexes around the boundaries of the proposed village, as natural groves;
 - xv. The user agency shall explore the possibility of 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 the supervision of the State Forest Department;
 - xvi. The State Govt. shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal;
 - xvii. The State Govt. shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
 - xviii. The State Govt. shall ensure that the Compliance report of this approval is uploaded on e-portal;
 - xix. 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;

- xx. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
- xxi. 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; and
- xxii. The State Government and user agency shall ensure compliance to all conditions stipulated in the Stage-I approval letter of even no. dated 29.03.2021 for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, pertaining to this project for the time being in force, as applicable to the project.

Yours faithfully,

Sd-

(Dr. Dheeraj Mittal)

Assistant Inspector General of Forests

Copy to: -

1. The Principal Chief Conservator of Forests (HoFF), Department of Forest, Government of Assam, Guwahati.
2. The Nodal Officer, (FCA), Department of Forest, Government of Assam, Guwahati.
3. The Sub-Regional Office, Guwahati of MoEF&CC.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.