



No. 5-WBB096/2017-BHU

21<sup>st</sup> December, 2018

To

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

Sub:- Diversion of 4.031 ha of forest land in favour of Public Works (Roads) Directorate for construction of twin 2 lane ROB and its approaches in replacement of level crossing of Km 652.00 on NH-31 between Neora and Lataguri under Jalpaiguri Forest Division.

Sir,

I am directed to refer to State Govt. letter No.3272-For/O/L/10T-11/2017 dated 14.09.2017, wherein prior approval of the Ministry of Environment, Forest & Climate Change for diversion of 4.031 ha of forest land in favour of Public Works (Roads) Directorate for construction of twin 2 lane ROB and its approaches in replacement of level crossing of Km 652.00 on NH-31 between Neora and Lataguri under Jalpaiguri Forest Division, was sought in accordance with Section-2 of the Forest (Conservation) Act, 1980. After due consideration of the proposal by the Ministry of Environment, Forest & Climate Change, the in-principle approval for diversion of the said forest land was accorded by Ministry vide this office letter of even number dated 20.09.2017, subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested to grant final approval of the proposal.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the State Govt. vide their letter No.1441-For/O/L/10T-11/2017 dated 08.08.2018, No.1521- For/O/L/10T-11/2017 dated 17.08.2018 and Addl. PCCF (Nodal), West Bengal's letter No.7430/L&LT/2M-1324/17 dated 05.11.2018, *Stage-II/final* approval of the Ministry of Environment, Forest & Climate Change is hereby granted under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 4.031 ha of forest land in favour of Public Works (Roads) Directorate for construction of twin 2 lane ROB and its approaches in replacement of level crossing of Km 652.00 on NH-31 between Neora and Lataguri under Jalpaiguri Forest Division, subject to the fulfillment of the following conditions:-

- i) Legal status of the diverted forest land shall remain unchanged.
- ii) 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 State Govt. from the user agency.

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- iii) Compensatory Afforestation shall be raised over 8.062 ha of degraded forest land identified in Range : Diana, Beat : Carron of Jalpaiguri Forest Division, against the area of forest land being diverted within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department at the cost of user agency. The C.A. plots have to be demarcated by raising 4 feet high RCC pillars at a distance of 50 meter with GPS readings noted on each pillar.
- iv) The State Govt./user agency shall take sufficient precautionary measures to protect the soil erosion of the proposed area.
- v) 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, DGPS coordinates, forward and back bearing and distance from pillar to pillar.
- vi) The designing of culverts/bridges, if any, over the natural streams/ rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
- vii) The user agency shall use fly ash for the road construction and for filling up of void created due to soil burrows which will be followed by compaction and spreading of top soil over it as per Fly Ash Notification No. S.O. 254 (E) dated 25.01.2016.
- viii) The user agency shall ensure that flanks of roads should be filled by transported soil and not with soil dug from the side of the roads.
- ix) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- x) No labour camp shall be allowed in the forest area.
- xi) The user agency shall provide LPG, to labourers working at the site to avoid damage/tree felling and ensure no fuelwood use.
- xii) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.
- xiii) 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.
- xiv) The layout plan of the proposed forest land shall not be changed without the prior approval of Ministry of Environment, Forest & Climate Change.

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- xv) 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.
- xvi) The user agency shall submit annual self monitoring report on compliance of stipulated conditions to the Nodal Officer (FCA) of the State and Eastern Regional Office of this Ministry.
- xvii) Any other conditions that the Ministry of Environment, Forest & 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.
- xviii) The user agency and the State Government shall ensure compliance to provisions of all the Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
- xix) In case of non-compliance of any of the above conditions, the State Govt. shall report to this office as per procedure laid down in the clause 1.9 of guidelines issued under Forest (Conservation) Act, 1980.

3. As has been mentioned at Para-2 of the Stage-II approval, this approval for diversion of forest land is subject to the fulfillment of stipulated conditions mentioned in this approval letter. Therefore, in the event of non-compliance of any of the conditions laid out in this approval letter, the Eastern Regional Office of MoEFCC may withdraw the said approval for diversion of the forest land and stop the non-forest activity being carried out in the forest land besides initiating the legal action as per provisions of Forest (Conservation) Act, 1980.

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, 4<sup>th</sup> to 6<sup>th</sup> Floor, Salt Lake City, Kolkata - 700 098.
3. The Addl. PCCF & Nodal Officer (FCA), O/o The Principal CCF, Aranya Bhawan, LA-10A, Sector-III, 4<sup>th</sup> to 6<sup>th</sup> Floor, Salt Lake City, Kolkata -700 098.
4. The Superintending Engineer, Public Works Directorate, National Highways, Govt. of West Bengal, Khadya Bhawan, Block-A, 1<sup>st</sup> Floor, 11a, Mirza Ghalib Street, Kolkata - 700087, West Bengal.
5. Guard File.



Conservator of Forests (Central)