

GOVERNMENT OF ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR, GUWAHATI-6

ECF No.205095/169

Dated Dispur, the 26th October, 2022

To : The Inspector General of Forest (Central),
Government of India, Ministry of Environment, Forest & Climate Change,
Integrated Regional Office, 4th Floor, Housefed Building,
G.S Road, Rukminigaon, Guwahati-781022

Sub : Up gradation of Bilasipura-Chapar-Tulungia-Jogighopa-Gendera-Paikan-Dudhnoi-Guwahati Road (Length 225.000 km) for Goalpara district, in the State of Assam

Ref : Govt. of India letter F. No. 3 AS C/100/2022/GHY/2863-2864 dtd. 04.08.2022.

Sir,

In inviting a reference to your letter on the subject cited above, I am directed to furnish herewith the following additional information/documents as sought vide letter under reference for favour of your kind information and necessary action:-

Govt. of India letter F.No 3 AS C/100/2022/GHY/2863- 2864 dated 04.08.2022	Information Provided
Condition No.(i)	<p>The User Agency (NHIDCL) vide their letter No. PMU-BNGN/Forest/53/2022/1947 dated 7.10.2022 (Copy enclosed) has stated that as per Point no 4 & 5 of Clause 2.1 (Page 10) of IRC: SP: 93-2017: "Guidelines on requirements for Environment Clearance of Road Project" Environment Clearance is not required in the following Cases,</p> <p>(i) National Highway widening project of upto 100 KM length And (ii) National Highway widening projects of more than 100 KM length involving additional right of way or land acquisition upto 40m (at any place) on existing alignment and 60m (at any place) on re-alignments or bypasses.</p> <p>The instant length considered for up-gradation of NH-17 (Bilasipara to Guwahati) from Pancharatna to Dhupdhara is 68.20 KM under Pkg 6,7 & 8 which is less than 100 KM.</p> <p>In total length of 225 KM (Bilasipara to Guwahati), the additional Land Acquisition is (i) less than 40m on existing and (ii) less than 60m on bypass. The road is not a new National Highway or a Green Field Project. Also, the Road doesn't pass through any Eco-Sensitive Zone, Notified National Park or Wildlife Zone.</p>

Contd./-

/60581/2022

Condition No.(ii)	The User Agency (NHIDCL) vide their letter No. PMU-BNGN/Forest/53/2022/1947 dated 7.10.2022 (Copy enclosed) has stated that as per the letter of PWD (NH) (copy enclosed) the road section from Pancharatna to Dhupdhara existed prior to 1956, having an ROW of 12m and accordingly it is submitted that the date of completion of the road is prior to 1956.
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Yours faithfully,

Enclo: As stated above.

**Signed by Indreswar
Kalita****Date: 26-10-2022 15:22:15**

(I. Kalita, ACS)

Addl. Secretary to the Govt. of Assam
Environment and Forest Department

Memo ECF No.205095/169-A

Copy to:

Dated Dispur, the 26th October, 2022

The Principal Chief Conservator of Forests & HoFF, Assam, Panjabari, Guwahati-37.

(ESIGNED)Addl. Secretary to the Govt. of Assam
Environment and Forest Department

PMU-BONGAIGAON

National Highways & Infrastructure Development Corporation Ltd.

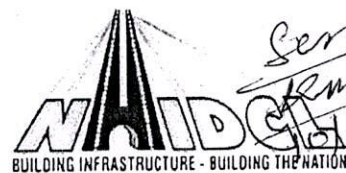
(Ministry of Road Transport & Highways, Government of India)

PMU-BONGAIGAON

Chapaguri Road, Pars Point 4th Floor, Near PNB Bank

Bongaigaon Assam- 783380

Email:-pmubongaigaon@gmail.com/gm.pmu-bongaigaon@nhidcl.com



A GOVT. OF INDIA UNDERTAKING

Date: 07.10.2022

PMU-BNGN/Forest/53/2022/1947

3679

11/10/22

District Forest Officer (T)

Goalpara Division,

Goalpara, Assam

Sub: Forest diversion proposal for 27.054 Ha offorest land for Up-gradation of National Highway from Pancharatna to Dhupdharain RF/PRFs under Goalpara Division in favour of NHIDCL. - Reg.

Ref: (i) MoEF Letter No. - ASC/00/2022-Ghy/2863-2864 dated 04.08.2022.

(ii) PWD(NH)Assam Letter No. - NHR.125/2003/Pt/157 dated 06.10.2022.

(iii) DFO Goalpara letter no - B/GLP/DFO (T)/FC Act/NH/4964 dated 12.08.2022

Sir,

- Please refer to your letter dated 12.08.2022 cited at ref.(iii) vide which a letter received from Chief Conservator of Forests & Nodal Officer (FC Ac), Assam, O/o Principal Chief Conservator of Forest & Head of Forest Force, Panjabari, Guwahati was forwarded to this office with a request to furnish the information / documents as per Inspector general of Forests (C), MoEF & Climate Change, Guwahati letter point 1 and 2.
- The details as sought by Inspector general of Forests (C), MoEF & Climate Change, Guwahati is tabulated below:-

Point no	Clarification Requested	Information
1	The current status of the environment clearance of this instant proposal as the length of the proposed road is 225 Km which involved additional right of way as per the Ministry letter 8.02559(E) dated 22.08.2013.	<p>a. Point no 4 & 5 of Clause 2.1 (Page 10) of IRC: SP: 93-2017: 'Guidelines on requirements for Environment clearance of Road Projects' states with clarity that, Environment clearance is not required in the following cases,</p> <p>(i) National Highway widening projects of upto 100 km length</p> <p>And</p> <p>(ii) National Highway widening projects of more than 100 km length involving additional right of way or land acquisition upto 40m (at any place) on existing alignment and 60 m (at any place) on re-alignments or bypasses.</p> <p>b. The instant length considered for upgradation of NH-17 (Bilasipara to Guwahati) from Pancharatna to Dhupdhara is 68.20 Km under Pkg 6, 7 & 8 which is less than 100 km.</p>

-BONGAIGAON
onal Highways & Infrastructure Development Corporation Ltd.
istry of Road Transport & Highways, Government of India)
J-BONGAIGAON
paguri Road, Pars Point 4th Floor, Near PNB Bank
gaigaon Assam- 783380
ail:-pmubongaigaon@gmail.com/gm.pmu-bongaigaon@nhidcl.com

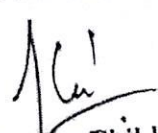


A GOVT. OF INDIA UNDERTAKING

		<p>c. In total length of 225 Km (Bilasipura to Guwahati), the additional Land Acquisition is (i) less than 40m on existing and (ii) less than 60m on bypass.</p> <p>d. The road is not a new National Highway or a Green Field Project.</p> <p>e. Also, the Road doesn't pass through any Eco-Sensitive Zone, Notified National Park or Wild Life Zone.</p>
2	The actual date of completion of work of existing road with 12 m ROW to be provided in order to avoid court case and other complicity in future	Letter of PWD (NH) dated 06.10.2022 attached wherein it has been stated that the road section from Pancharatna to Dhupdhara existed prior to 1956, having an ROW of 12 m and accordingly it is submitted that the date of completion of the road is prior to 1956.

3. In view of the above, it is kindly requested to reply to the MoEF observations from your end for early disposal of the matter.
4. An early action in this regard is highly requested.

Yours Faithfully,


(Ajay Kumar Chikhale)
General Manager (P)
PMU Bongaigaon, NHIDCL

Forests (MoEFCC) on the recommendations of an Expert Appraisal Committee (EAC) constituted by the Central Government;

All Highway projects included as Category 'B' in the above Schedule which fulfill the General Conditions (GC) stipulated in the Schedule, require prior environmental clearance from the State/Union territory Environment Impact Assessment Authority (SEIAA). The SEIAA bases its decision on the recommendations of a State or Union territory level Expert Appraisal Committee (SEAC). In the absence of a duly constituted SEIAA or SEAC, a Category 'B' project shall be treated as a Category 'A' project.

For the sake of clarity, Environment Clearance is not required in following cases:

1. Road development projects other than State Highways and National Highways
2. State Highway widening projects located below an altitude of 1000m AMSL
3. State Highway widening projects not located in an ecologically sensitive area
4. National Highway widening projects of upto 100 km length
5. National Highway widening projects of more than 100 km length involving additional right of way or land acquisition upto 40m (at any place) on existing alignment and 60 m (at any place) on re-alignments or bypasses.

"New National Highways", though not defined anywhere, is understood to mean Greenfield projects

2.2 Procedure for Environment Clearance

Since April 2014, MoEFCC has developed a single window web portal for all Environmental clearances. The portal is known as, 'Online Submission & Monitoring of Environmental, Forest and Wildlife Clearances (OSMEFWC)'. The project authorities need to register on the Portal. After successful registration, the application for seeking Terms of Reference (TOR) for conducting the Environment Impact Assessment for the Project, or for seeking Environment Clearance (EC) may be uploaded online. The step-wise process for uploading the applications is provided on the Portal.

Along with the online submission, the Project Authorities are also required to submit hard copies of the applications and other documents. The Procedure for submission of application for obtaining prior Environment Clearance for Highway Projects is defined below:

The project proponent submits application [to MoEF&CC for category A projects and to the SEIAA for category B projects] in prescribed Form 1 (**Annexure 1**) including proposed Terms of Reference for carrying out EIA along with Feasibility Report before commencing any construction activity or preparation of land at site by the applicant.

The Process can best be divided into four stages:

- Screening [Only For Category B Projects]

GOVT. OF ASSAM
OFFICE OF THE CHIEF ENGINEER, P.W.D., NH WORKS, ASSAM
CHANDMARI, GUWAHATI-781003

No.NHR.125/2003/PV/157

Dtd. Guwahati, the 6th October, 2022

To,
✓ The DGM(P), Regional Office NHIDCL,
Agnishanti Business Park,
Opposite AGP Office, GNB Road, Ambari, Guwahati-781001

Subject: Details regarding construction of Panchratna-Dhupdhara section of NH-17 having 12m RoW

Ref: Your letter no.: RO-NE/P&IL/22/10411 dated 18.08.2022 addressed to the Special Commissioner and Special Secretary, PW (Building & NH) Department, Dispur, Guwahati-6

Sir,

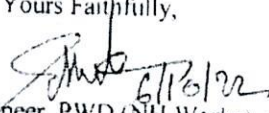
Inviting reference to NHIDCL letter dated 18.08.2022 addressed to Govt., I have the honour to inform you that the road originating in Goalpara and continuing upto Saikhoaghat was declared as National Highway no. NH-37 through "The National Highways Act", enacted on 11.09.1956 (Copy Enclosed). Prior to this, the road was an important connectivity corridor in the State of Assam. The section of this National Highway from Panchratna to Dhupdhara falls in the Goalpara District.

2. This road(NH-37) connects the important towns and cities on the South Bank of River Brahmaputra. At the time of declaration of NH-37 in 1956, there was no connectivity across River Brahmaputra for communication from places of South bank like Goalpara/Pancharatna/Dhupdhara to Places of North Bank like Jogighopa /North Salmara. The Road alignment connecting North Salmara (on the North Bank) & Goalpara (on the South Bank) was declared as National Highway-31B vide Gazette of India Notification SO 513, dated 12.02.1963.(Copy Enclosed)

3. It may be thus be appreciated that the road section from Pancharatna to Dhupdhara existed prior to 1956, having an ROW of 12m and accordingly it is submitted that the date of completion of the road is prior to 1956.

Enclo: as stated

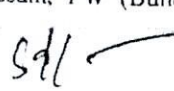
Yours Faithfully,


Chief Engineer, PWD (NH Works), Assam
Chandmari, Guwahati-3
Dtd. Guwahati, the 6th October, 2022

Memo No.NHR.125/2003/PV/157-A

Copy to:

1) The Special Commissioner and Spl. Secretary to the Govt. of Assam, PW (Building & NH) Department, Dispur, Guwahati-6 for favour of kind information


Chief Engineer, PWD (NH Works), Assam
Chandmari, Guwahati-3

THE NATIONAL HIGHWAYS ACT, 1956

No. 48 of 1956

Dated the 11th September, 1956

An Act to provide for the declaration of certain highways to be national highways and for matters connected therewith.

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

- | | |
|---|---|
| 1. (1) This act may be called the National Highways Act, 1956. | Short title, extent and commencement. |
| (2) It extends to the whole of India | |
| (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint | |
| 2. (1) Each of the Highways specified in the Schedule (except such parts thereof as are situated within any municipal area) is hereby declared to be a national highway. | Declaration of certain highways to be national highways |
| (2) The Central Government may, by notification in the Official Gazette, declare any other highway to be a national highway and on the publication of such notification such highway shall be deemed to be specified in the Schedule. | |
| (3) The Central Government may, by like notification, omit any highway from the Schedule and on the publication of such notification, the highways so omitted shall cease to be a national highway. | |
| 3. In this Act, "municipal area" means with a population of twenty thousand or more the control or management of which is entrusted to a municipal committee, a town area committee, a town committee or any other authority | |
| 4. All national highways shall vest in the Union, and for the purposes of this Act "Highways" include:— | National Highways to vest in the Union |
| (i) all lands appurtenant thereto whether demarcated or not, | |
| (ii) all bridges, culverts, tunnels, causeways, carriageways and other structures constructed on or across such highways, and | |
| (iii) all fences, trees posts and boundary furlong and mile stones of such highways or any land appurtenant to such highways. | |
| 5. It shall be the responsibility of the Central Government to develop and maintain in proper repair all national highways; but the Central Government may, by notification in the Official Gazette, direct that any function in relation to the development or maintenance of any national highway shall, subject to such conditions, if any, as may be specified in the notification, also be exercisable by the Government or the State within which the national highway is situated or by any officer of authority subordinate to the Central Government or to the State Government. | Responsibility for development and maintenance of national highways |
| 6. The Central Government may give directions to the Government of any State as to the carrying out in the State of any of the provisions of this Act or of any rule, notification or order made thereunder. | Power to issue directions |
| 7. (1) The Central Government may, by notification in the Official Gazette levy fees at such rates as may be laid down by rules made in this behalf for services or benefits rendered in relation to the use of ferries, temporary bridges and tunnels on national highways. | Fees for services or benefits rendered on national highways |
| (2) Such fees when so levied shall be collected in accordance with the rules made under this Act. | |

- (3) Any fee leviable immediately before the commencement of this Act for services or benefits rendered in relation to the use of ferries, temporary bridges and tunnels on any highway specified in the schedule shall continue to be leviable under this Act unless and until it is altered in exercise of the power conferred by sub-section (1).
8. Notwithstanding anything contained in this Act, the Central Government may enter into an agreement with the Government of any State or with any authority entrusted with the control or management of any municipal area in relation to the development or maintenance of the whole or any part of a national highway situated within the State or, as the case may be, in relation to the development or maintenance of any such part of a highway situated within a municipal area as is referred to in sub-section (1) of section 2 and any such agreement may provide for the sharing of expenditure by the respective parties thereto.
9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
- the manner in which, and the conditions subject to which, any function in relation to the development or maintenance of a national highway or any part thereof may be exercised by the State Government or any officer or authority subordinate to the Central Government or the State Government;
 - the rates at which fees for services rendered in relation to the use of ferries, temporary bridges and tunnels on any national highway may be levied and the manner in which such fees shall be collected;
 - the periodical inspection of national highways and the submission of inspection reports to the Central Government;
 - the reports on works carried out on national highways;
 - any other matter for which provision should be made under this Act.
10. All notifications or agreements issued or entered into under this Act shall be laid before both Houses of Parliament as soon as may be after they are issued or entered into and all rules made under section 9 shall be laid for not less than thirty days before both Houses of Parliament as soon as may be after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

Agreements with
State Governments or
municipalities

Power to make rules

Laying of notifications,
rules, etc. before
Parliament

THE SCHEDULE

(See section 2)

NATIONAL HIGHWAYS

S. No.	National Highway No.	Description of National Highways
1.	1	The highway connecting Delhi, Ambala, Jullundur and Amritsar and proceeding to the border between India and Pakistan.
2.	1 A	The highway connecting Jullundur, Madhopur, Jammu, Banihal Srinagar, Baramulla and Uri.
3.	2	The highway connecting Delhi, Mathura, Agra, Kanpur, Allahabad, Benaras, Mohania, Barhi and Calcutta.
4.	3	The highway connecting Agra, Gwalior, Shivpuri, Indore, Dhulia, Nasik, Thana and Bombay.
5.	4	The highway starting from its junction near Thana with the highway specified in serial No. 4 and connecting Poona, Belgaum, Hubli, Bangalore, Ranipet and Madras.
6.	5	The highway starting from its junction near Baharagora with the highway specified in serial No. 7 and connecting Cuttack, Bhubaneswar, Visakhapatnam, Vijayawada and Madras.
7.	6	The highway starting from its junction near Dhulia with the highway specified in serial No. 4 and connecting Nagpur, Raipur, Sambalpur, Baharagora and Calcutta.

8.	7	The highway starting from its junction near Banaras with the highway specified in serial No. 3 and connecting Mangawan, Rewa, Jabalpur, Lakhnadon, Nagpur, Hyderabad, Kurnool, Bangalore, Krishnagiri, Salem, Dindigul, Madurai and Cape Comorin.
9.	8	The highway connecting Delhi, Jaipur, Ajmer, Udaipur, Ahmedabad, Baroda and Bombay.
10.	8 A	The highway connecting Ahmedabad, Lumbdi, Morvi and Kandla.
11.	8 B	The highway starting from its junction near Bamanbore with the highway specified in serial No. 10 and connecting Rajkot and Porbandar.
12.	9	The highway connecting Poona, Sholapur, Hyderabad and Vijayawada.
13.	10	The highway connecting Delhi and Fazilka and proceeding to the border between India and Pakistan.
14.	22	The highway connecting Ambala, Kalka, Simla, Narkanda, Rampur and Chini and proceeding to the border between India and Tibet near Shipkila.
15.	24	The highway connecting Delhi, Bareilly and Lucknow.
16.	25	The highway connecting Lucknow, Kanpur, Jhansi and Shivpur.
17.	26	The highway connecting Jhansi and Lakhnaon.
18.	27	The highway connecting Allahabad with the highway specified in Serial No. 3 near Mangawan.
19.	28	The highway starting from its junction near Barauni with the highway specified in serial No. 23 and connecting Muzaffarpur, Pipra, Gorakhpur and Lucknow.
20.	28 A	The highway starting from its junction near Pipra with the highway specified in serial No. 19 and connecting Sagauli and Raxaul and proceeding to the border between India and Nepal.
21.	29	The highway connecting Gorakhpur, Ghazipur and Banaras.
22.	30	The highway starting from its junction near Mohania with the highway specified in serial No. 2 and connecting Patna and Bakhtiyarpur.
23.	31	The highway starting from its junction near Barhi with the highway specified in serial No. 31 and connecting Bakhtiyarpur, Mohameh, Purnea, Dalkhola, Siliguri, Sivok, and Cooch Behar and proceeding to its junction with the highway specified in serial No. 28 near Goalpara.
24.	31 A	The highway connecting Sivok and Gangtok.
25.	33	The highway starting from its junction near Barhi with the highway specified in serial No. 3 and connecting Runchi and Tatanagar and proceeding to its junction with the highway specified in serial No. 7 near Baharagora.
26.	34	The highway starting from its junction near Dalkhola with the highway specified in serial No. 23 and connecting Berhampore, Barasat and Calcutta.
27.	35	The highway connecting Barasat and Bangaon and proceeding to the border between India and Pakistan.
28.	37	The highway starting from its junction near Goalpara with the highway specified in serial No. 23 and connecting Gauhati, Jorabat, Kamargaon, Mukum and Saikhaboghat.
29.	38	The highway connecting Mukum, Ledo and Lekhapani.
30.	39	The highway connecting Kamargaon, Imphal, and Patel and proceeding to the border India and Burma.
31.	40	The highway connecting Jorabat and Shillong and proceeding to the border between India and Pakistan near Dawki.
32.	42	The highway starting from its junction near Sambalpur with the highway specified in serial No. 7 and proceeding via Angul to its junction with the highway specified in serial No. 6 near Cuttack.
33.	43	The highway connecting Raipur and Vizianagaram and proceeding to its junction with the highway specified in serial No. 6 Vizianagaram.
34.	45	The highway connecting Madras, Tiruchirappalli and Dindigul.
35.	46	The highway connecting Krishnagiri and Ranipet.
36.	47	The highway connecting Salem, Coimbatore, Trichur, Ernakulam, Trivandrum and Cape Comorin.
37.	47 A	The highway starting from its junction near Trichur with the highways specified in serial No. 36 and connecting with the West Coast Road near Chalissery.
38.	49	The highway connecting Madurai and Dhanushkodi.
39.	50	The highway connecting Nasik with the highway specified in serial No. 5 near Poona.

Dated the 4th May, 1960

J. PL-12 (11)/58

NOTIFICATION

S.R.O. 1199. In exercise of the powers conferred by sub-section (2) of section 2 of the National Highways Act, 1956 (48 of 1956), the Central Government hereby declares the highway specified in the table below to be national highways :

The said highways now declared to be national highways shall be deemed to be specified in the Schedule to the National Highways Act, 1956, with the Serial Number and National Highway Number indicated in the table.

TABLE

Sl No	National Highway No	Description of national highways
13A	11	The highway connecting Agra, Jaipur and Bikaner
13B	12	The highway connecting Jabalpur, Bhopal and Braora
13C	13	The highway connecting Sholapur and Chitradurga

Dated the 12th February, 1963

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 2 of the National Highways Act, 1956 (48 of 1956) the Central Government hereby declares the highways starting from North Salmara on the National Highway No. 31 and proceeding generally via Nalbari, Charali and Amingaon to Pandu on the National Highway No. 37 to be a National Highway.

The said highway, now declared to be a National Highway shall be deemed to be specified in the Schedule to the National Highways Act at serial No. 23 as extension of National Highway No. 31 which shall now be described as under :

S No. in the Schedule to the N.H. Act 1956	N.H. No.	Description of National Highway
23	31	The Highway starting from its junction near Barhi with the highway specified in Serial No. 3 and connecting Bakhtiarpur, Mokameh, Purnea, Dalkhola, Siliguri, Sivok, Cooch-Bihar, North Salmara and proceeding generally via Nalbari, Charali and Amingaon to its junction with the highway specified in Serial No. 28 near Pandu.

Consequently, the section of the National Highway starting from near North Salmara to its junction with National Highway No. 37 near Goalpara and forming part of National Highway No. 31 at present, shall hereafter be deemed to be specified in the Schedule to the National Highways Act after serial No. 24 as National Highway No. 31B, which shall now be described as under :

S. No. in the Schedule to the N.H. Act 1956	N.H. No.	Description of National Highway
24AA	✓ 31B	The highway starting from near North Salmara to its junction with National Highway No. 37 near Goalpara.

Dated the 18th December, 1967

No. PL-10 (4)/63

NOTIFICATION

In exercise of the powers conferred by sub-section (2) of section 2 of the National Highways Act, 1956