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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 120/2024/EZ

In The Matter of:
Sushil Murmu

... Applicant



Versus

Union of India & Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT
NUMBER 06, DISTRICT MAGISTRATE & COLLECTOR, PURULIA.

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	collectively annexed herewith		
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Filed by

Sibojyoti Chakrabarti

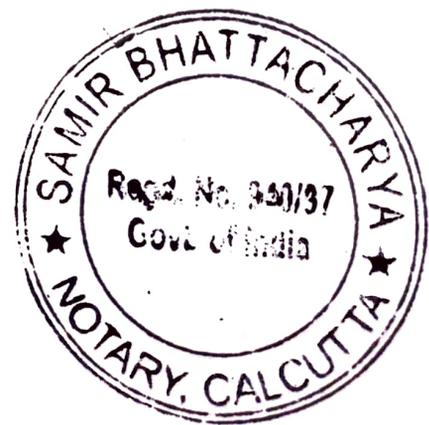
SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

Email: subho.advocate@gmail.com

(M): 9007035534





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In The Matter of:
Sushil Murmu

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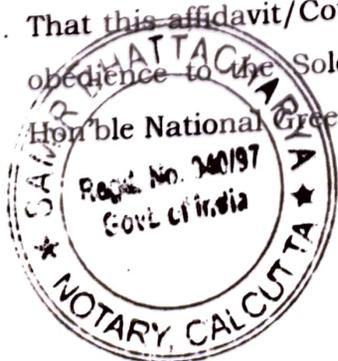
Union of India & Ors.

... Respondents

AFFIDAVIT-IN-OPPOSITION ON BEHALF OF THE RESPONDENT NUMBER
06, DISTRICT MAGISTRATE & COLLECTOR, PURULIA.

I, Sri Sudip Pal, S/o Late Narayan Chandra Pal, aged about 50 years, by occupation service and presently posted as Additional District Magistrate (Development) Purulia district, having office address at Old Collectorate Building, Purulia, Pin: 723101, West Bengal, do hereby solemnly affirm and submit as follows:-

1. That I am the Additional District Magistrate (Development), District Purulia, being impleaded as respondent number 06 above-named. I am competent to swear and affirm this affidavit for and on behalf of myself.
2. That this affidavit/Counter Affidavit is being filed in compliance and obedience to the Solemn Order dated 31.05.2024, passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.



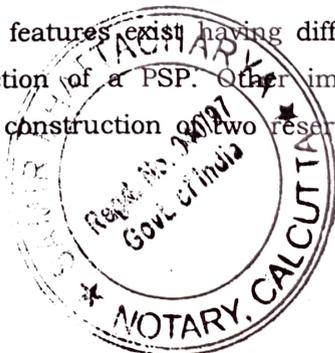


3. That at the outset it is submitted that the present original application relates to diversion of 234 Ha of forest land in the Ajodhya hills in the Baghmundi Block in the district of Purulia in the State of West Bengal with respect to construction of 1000 MW Turga Pumped Storage Project by the State PSU namely West Bengal State Electricity Distribution Company Limited (hereinafter for the sake of brevity referred to as the WBSEDCL) being the respondent number 07 herein.

The said project is one of the four projects proposed by the WBSEDCL based on identification by the Central Electricity Authority (CEA). In the mid 1960's the Central Electricity Authority, Ministry of Power, Government of India had identified 4 (Four) potential Pumped Storage Project (PSP) Sites in the Ajodhya Hills of Purulia district namely Kistobazar PSP, Turga PSP, Bandhu PSP and Kathlajal PSP and the WBSEDCL (Previously known as the WBSEB) along with Geological Survey of India, Government of India carried out technical and geological feasibility of the projects.

4. That since the instant original application relates to diversion of forest land for construction of a Pumped Storage Project (PSP) it is essential to clarify the concept of PSP. A Pumped Storage Project (PSP) is a configuration of two water reservoirs at different elevations that can generate power as water moves down from one to the other i.e discharge passing through a turbine. The entire mechanism also requires power as it pumps water back into the upper reservoir (recharge).

PSP is generally constructed where natural water bodies are present wherein plateau like topographical features exist having differential altitude is necessary for construction of a PSP. Other important factors include close proximity for construction of two reservoirs at



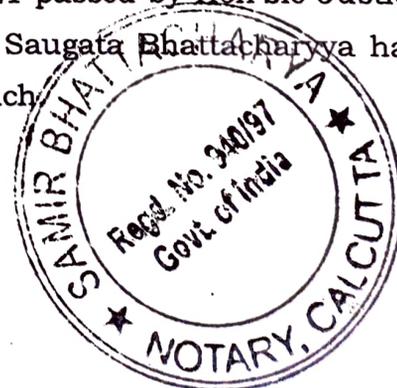
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Upper and Lower levels where water is released for rotating the turbine for generation and motor for pumping back to the upper level.

The site as identified by the user agency i.e the WBSEDCL and the GSI at Turga as ideal for construction of PSP and the same cannot be located in plain lands.

It is also stated that after success in implementation of the Purulia Pumped Storage Project in the year 2007-2008 the Government of West Bengal has taken initiative to implement the Turga Project for catering to the future needs for the State of West Bengal.

5. That the PSP is a conventional source of energy.
6. That it is pertinent to bring it to the judicial notice of the Hon'ble Tribunal that two cases have been filed on the self same cause of action as stated in this Original Application by different persons claiming themselves to be from the Scheduled Tribes and Forest Dwellers before the Hon'ble High Court, Calcutta and the same has also been stated in the original application being WP 20576 (W) of 2018 with CAN 3341 of 2019 (Rabi Besra & Ors Versus The State of West Bengal & Ors) in which *inter alia* vide Solemn Order dated 2nd July, 2019 the Hon'ble Court has been pleased to quash the 'In-Principle', approval granted by the Central Government, however in M.A.T 1156 of 2019 (WBSEDCL & Anr Versus Rabi Besra & Ors) and in M.A.T 1396 of 2019 (The State of West Bengal Versus Rabi Besra & Ors) the Hon'ble Division Bench of the High Court, Calcutta vide Solemn Judgment dated 23.12.2021 passed by Hon'ble Justice Subrata Talukdar and Hon'ble Justice Saugata Bhattacharya had set aside the judgment of the Single Bench.



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Photocopies of Server copies of the Solemn Order dated 2nd July, 2019 and Judgment dated 23.12.2021 are collectively annexed herewith and marked with the letter "R-1".

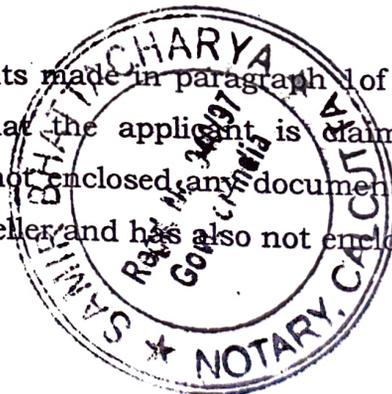
7. That in the entire original application reference has been made to the aspect that there has been infringement of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as the FRA, 2006). That both Stage I & II, Forest Clearance provides certain conditions which have been violated by the user agency that is the respondent number 7 herein.

However section 3(2) of the FRA, 2006 is inapplicable in the instant case in as much as the same relates to conventional source of energy as the project is hydel in nature and hence the provisions of section 3(2) of the Act, of 2006 are inapplicable as observed in page 8 & 10 of the Solemn Judgment of the Hon'ble Division Bench, Calcutta High Court and as such the project stands outside the purview of section 3(2) of the FRA, 2006.

The instant original application is the Third round of litigation filed on the same cause of action only in order to cause hindrance to a public utility project by some selfish person with self motivated interests.

8. That save and except those which are matters of record and which are specifically admitted by me herein below, each and every allegation, and/or contention, and/or submission, contained in the said Original Application, is denied and disputed as if the same is set out in seriatim herein and specifically traversed.

9. That with regard to the statements made in paragraph 1 of the original application it is submitted that the applicant is claiming himself to be a forest dweller but has not enclosed any documentary proof to show that he is infact forest dweller and has also not enclosed



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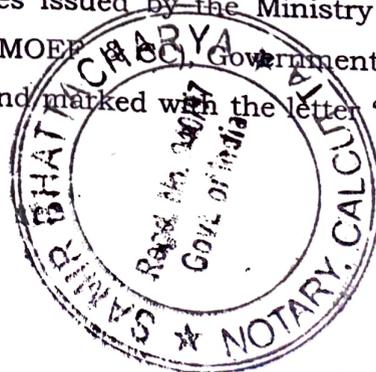
documents to show as to how the applicant is affected like having any plot of land etc on the proposed area for diversion of the project work.

10. That with regard to the statements made in paragraph 2 to 4 of the original application it is submitted that the same is a condition of Stage -I, Forest Clearance and is matter of record and this deponent does not comment on the same.

11. That with regard to the statements made in paragraph 5 of the original application it is submitted that the same are provision and conditions and all actions have been taken observing all due procedure as stated in the FRA, 2006 and the same are matters of fact and record and the same is within the domain of the Ministry of Environment, Forest & Climate Change, Government of India.

12. That with regard to the statements made in paragraph 6 of the original application it is submitted the proposal for the said diversion, had been prepared, finalized and uploaded by the WBSEDCL, the respondent number 7 herein in the website of Ministry of Environment, Forest & Climate Change, Government of India under section 2 of the Forest Conservation Act, 1980 and for its further processing the respondent number 7 had applied to the District Magistrate, District Purulia for FRA Act compliance in accordance with guideline issued by the Ministry of Environment, Forest & Climate Change, Government of India and forwarded the same to the office of the Divisional Forest Officer, Purulia as per Rule 6(2) of the Forest Conservation Rules, 2003.

Photocopies of the Proposal, Application to District Magistrate, Purulia for FRAC Compliance and the Guidelines issued by the Ministry of Environment, Forest & Climate Change, (MOEF & CC), Government of India are collectively annexed herewith and marked with the letter "R-2".



13. That with regard to the statements made in paragraph 7 of the original application it is submitted that the claim of the applicant regarding the pending Individual Forest Right & Community Forest Right, claims are not justified since prior to submission of those claim applications Stage-I & II, Clearance and Environmental Clearance from the MOEF & CC had already been accorded for the 234 Ha of forest land diversion in Ajodhya Hill in favour of TPSP.

The process for identification and settlement of Rights under the FRA had been carried out for the entire 234 Ha of forest land. NOC was given on the basis of the report of the Block Development Officer (BDO) Baghmundi block bearing (I) Memo number 1071/BDO/BAGH dated 27.03.2017 and (II) Vide number 182/BAGH/GP dated 23.03.2017 of the Pradhan Baghmundi Gram Panchayet and (III) vide number 22/AGP dated 24.03.2017 issued by Pradhan Ajodhyay Gram Panchayet and (IV) Vide memo number 1891/BDO/BAGH dated 05.06.2017 BDO, Baghmundi development block and (V) vide memo number 86/AGP dated 05.06.2017 issued by the Pradhan Ajodhyay Gram Panchayet.

Photocopies of the Memo number 1071/BDO/BAGH dated 27.03.2017, (II) Vide number 182/BAGH/GP dated 23.03.2017, (III) vide number 22/AGP dated 24.03.2017, (IV) Vide memo number 1891/BDO/BAGH dated 05.06.2017 (V) vide memo number 86/AGP dated 05.06.2017 are collectively annexed herewith and marked with the letter "R-3".

It is also stated that as far as 61 Individual Forest Right (IFR), and 1 Community Forest Rights (CFR), claims submitted to the Sub-divisional Level Committee (SDLC) by the so called Gram Sabha of Baruajara, Bandhughutu, Dulgubera, Ranga-Barelaharare concerned, all the geographical areas are not notified Gram Sanshad (Equivalent to Gram Sabha in West Bengal as classified by the



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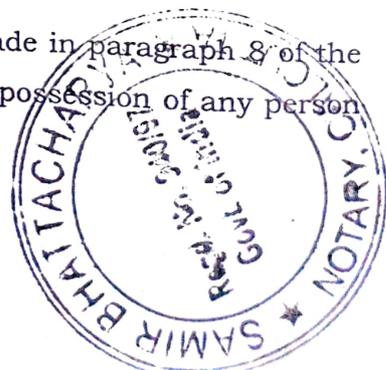
Ministry of Tribal Affairs, by letter dated 08.04.2008) within Baghmundi Gram Panchayet and Ajodhyay Gram Panchayet. It is also a fact that there is a notified Gram Sanshad named Ajodhyay/V within Ajodhyay Gram Panchayet comprising villages viz Ranga, Barelohar, Bhunighora and another Sanshad within Baghmundi Gram Panchayet name Baghmundi/X Sanshad comprising villages viz Sahebdi, Baruajara, Bandhughutu, Dulgubera and Tarpania which are notified by the District Panchayet Election Officer & District Magistrate, Purulia in the form of Final List of Polling Station.

Photocopies of the 08.04.2008 and subsequent notifications are collectively annexed herewith and marked with the letter "R-4".

The people of Baruajara, Bandhughutu, Dulgubera, Ranga-Barelahar area had called meeting of their own absolutely disregarding the mandatory procedure to call the meeting of Gram Sabha (Equivalent to Gram Sansad in West Bengal as classified by the Ministry of Tribal Affairs, by letter dated 08.04.2008) and involving only those people of their confidence whereas as per the West Bengal Panchayet Act, 1973 a meeting of the said Gram Sabha to be called by the Pradhan of the said Gram Panchayet with clear 7 (seven) days notice, notifying date, time and venue of the meeting. It is clear that due process was not followed in convening those so called gram sabha meetings. Hence those meetings cannot be admitted as meeting of Gram Sabha. The claim of Individual Forest Right (IFR) and Community Forest Rights (CFR) do not stand at all.

Photocopy of the West Bengal Panchayet Act, 1973 is annexed herewith and marked with the letter "R-5".

14. That with regard to the statements made in paragraph 8 of the original application it is submitted that dispossession of any person



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from the project site does not arise at all as during the process of identification and settlement of Rights under the FRA, 2006 had been carried out for the entire 234 Ha of forest land. The proposal had been placed before each Gram Sabha of forest dwellers eligible under section 3(2) of the FRA, 2006 and the concerned Gram Sabhas had given their consent. Neither any person had been given any Patta under FRA, 2006 nor was any person in possession of any portion of the forest land required for the project. Nobody had placed any objection in the Gram Sabha convened on 20.03.2017 and Baghmumdi Gram Panchayat dated 23.03.2017 at Ajodhyay Gram Panchayat. The NOC was issued by the District Magistrate, Purulia vide Memo number 2024/BCWP Dated 27.12.2017 in line with the notification from MOEF & CC, (FC Division), Government of India, dated 03.08.2009 following all due procedure.

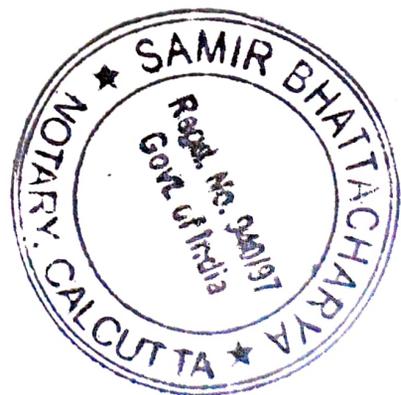
Photocopy of the NOC issued by the District Magistrate, Purulia vide Memo number 2024/BCWP Dated 27.12.2017 is annexed herewith and marked with the letter "R-6".

Moreover it has been in section 3(2) of the FRA that the Central Government shall provide for diversion of forest land for certain facilities managed by the Government in which Non Conventional Source of Energy has been specified but section 3(2) of the FRA, 2006 is inapplicable in the instant case in as much as the same relates to conventional source of energy as the project is hydel in nature and hence the provisions of section 3(2) of the Act, of 2006 are inapplicable as observed in page 8 & 10 of the Solemn Judgment of the Hon'ble Division Bench, Calcutta High Court and as such the project stands outside the purview of section 3(2) of the FRA, 2006.

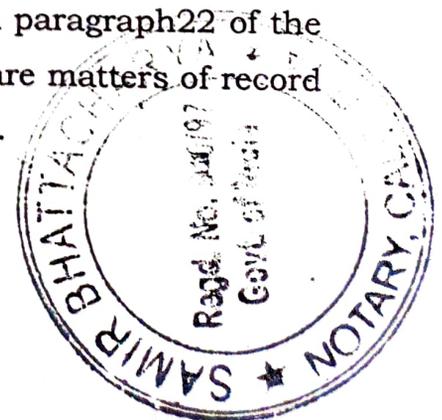


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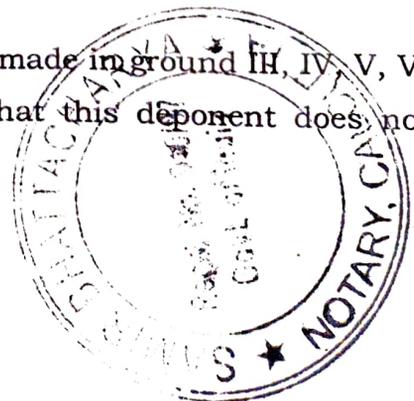
15. That with regard to the statements made in paragraph 9 of the original application it is submitted that the matter is related with the user agency WBSEDCL the respondent number 7 herein and this deponent does not comment on the same.
16. That with regard to the statements made in paragraph 10 of the original application it is submitted that the matter is related with the Forest department and the user agency WBSEDCL the respondent number 7 herein and this deponent does not comment on the same.
17. That with regard to the statements made in paragraph 11 & 12 of the original application it is submitted that the same is related to the Forest Department and this deponent does not comment on the same.
18. That with regard to the statements made in paragraph 13 of the original application it is submitted that this deponent reiterates the submissions made in regard to the statements made in paragraph 7 as stated above.
19. That with regard to the statements made in paragraph 14, 15, of the original application it is submitted that the same are matters of record and this deponent does not comment on the same.
20. That with regard to the statements made in paragraph 16 of the original application it is submitted that the NOC was issued by the District Magistrate, Purulia vide Memo number 2024/BCWP Dated 27.12.2017, by observing due procedure laid down in FRA, 2006 and hence the representation could not be considered.



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21. That with regard to the statements made in paragraph 17 of the original application it is submitted that with regard to the first part this deponent does not comment on the same and with regard to the second part the same is a matter of record.
22. That with regard to the statements made in paragraph 18 of the original application it is submitted that meeting of the concerned Gram Sabhas were convened at Baghmundi and Ajodhyay Gram Panchayat on 20.03.2017 and 23.03.2017, observing all due procedure and NOC was then issued on the basis of those Gram Sabha meetings and hence the representation of the self proclaimed Gram Sabhas could not be considered.
23. That with regard to the statements made in paragraph 19 of the original application it is submitted that the matter relates to Forest department and hence this deponent does not comment on the same.
24. That with regard to the statements made in paragraph 20 of the original application it is submitted that the alleged claim is not correct as Gram Sabha meetings were held at Baghmundi Gram Panchayat at 20.03.2017 and on on 23.03.2017 at Ajodhyay Gram Panchayat under FRA, 2006 for identification and settlement of rights.
25. That with regard to the statements made in paragraph 21 of the original application it is submitted that it relates to the user agency i. e the WBSEDCL and this deponent does not comment on the same.
26. That with regard to the statements made in paragraph 22 of the original application it is submitted that the same are matters of record and this deponent does not comment on the same.



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27. That with regard to the statements made in paragraph 23 of the original application it is submitted that Hon'ble High Court, Calcutta in WP 20576 (W) of 2018 with CAN 3341 of 2019 (Rabi Besra & Ors Versus The State of West Bengal & Ors) in which *interalia* vide Solemn Order dated 2nd July, 2019 the Hon'ble Court has been pleased to quash the 'In-Principle', approval granted by the Central Government, however in M.A.T 1156 of 2019 (WBSEDCL & Anr Versus Rabi Besra & Ors) and in M.A.T 1396 of 2019 (The State of West Bengal Versus Rabi Besra & Ors) the Hon'ble Division Bench of the High Court, Calcutta vide Solemn Judgment dated 23.12.2021 passed by Hon'ble Justice Subrata Talukdar and Hon'ble Justice Saugata Bhattacharyya had set aside the judgment of the Single Bench.
28. That with regard to the statements made in paragraph 24 of the original application it is submitted that the matter relates to the MOEF & CC, Government of India and this deponent does not comment on the same.
29. That with regard to the statements made in ground I of the original application it is stated that the same has already been adopted by the user agency for which stage I & II has been granted by the competent authority.
30. That with regard to the statements made in ground II of the original application it is stated that no habitation exists in the project area as per NOC issued by District Magistrate, Purulia and by the Gram Panchayats.
31. That with regard to the statements made in ground III, IV, V, VI of the original application it is stated that this deponent does not comment on the same.



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32. That with regard to the statements made in ground VII of the original application it is stated that the instant TPSP is a public utility project and for the welfare of the public at large to meet the energy requirements.
33. That with regard to the statements made in ground XI & X of the original application it is stated that same are matters of record.
34. That with regard to the interim prayer as prayed in the original application the same is not all maintainable the TPSP is a public utility project for benefit and welfare of the public at large and employment will be generated from the said project.
35. That with regard to the prayer as prayed in the original application the same is not all maintainable and the instant original application being devoid of any merit is liable to be dismissed.
36. That it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to pass necessary Order/Orders as is deemed fit for the ends of justice and that the deponent has high regard to the Order/Orders as passed by this Hon'ble Tribunal.

Identified by me

Sibojyoti Chakrabarti

Advocate

State of West Bengal

31/07/2024

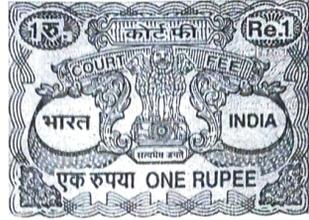
Sudip Pal
Deponent
Additional District Magistrate (Dev.)
Purulia

Solemnly Affirmed and
Declared before me U/S 139
CPC 21/5247 (C) CRPC

01.8.24
14 Notary

Samir Bhattacharya
Notary Govt. of India
Regd. No. 340/97
City Civil Court, Calcutta

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VERIFICATION:

I, the deponent above- named, do hereby verify and declare that the statements made in the aforesaid paragraphs are true and correct to the best of my knowledge and information and I believe that nothing material has been concealed there from.

Verified at Kolkata on the 31st Day of July, 2024.

Identified by me

Sibojyoti Chakrabarti

Advocate

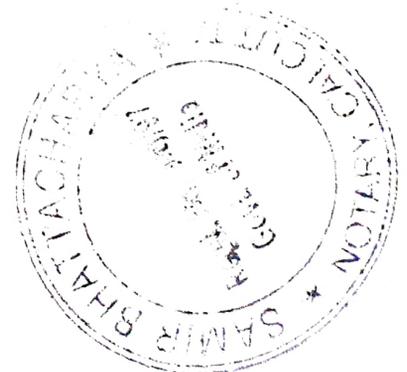
State of West Bengal

31/07/2024

Sudip Pal

Deponent

Additional District Magistrate (Dev.)
Purulia



meave - R-1) *
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

PRESENT:

HON'BLE JUSTICE SUBRATA TALUKDAR
AND
HON'BLE JUSTICE SAUGATA BHATTACHARYYA

M.A.T. 1156 of 2019

With

CAN 1 of 2019(Old No. CAN 9607 OF 2019)
CAN 2 of 2019(Old No. CAN 10307 OF 2019)
CAN 3 of 2020

WBSIEDCL & Anr.

vs.

Rabi Besra & Ors.

With

M.A.T. 1396 of 2019

With

CAN 1 of 2019(Old No. CAN 10259 OF 2019)
CAN 2 of 2019(Old No. CAN 10262 OF 2019)

The State of West Bengal

vs.

Rabi Besra

For the Appellants
In MAT 1156 OF 2019

: Mr. L.K. Gupta
Mr. Sujit Sankar Koley

For the Appellants
In MAT 1396 OF 2019

: Ld. Advocate General Mr. Subhabrata
Datta

Ld. Advocate General Mr. Debasish
Sarkar



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For the UOI
In both the appeals : Mr. Nandalal Singhania
Mr. Sankar Sarkar

For the respondents/ writ petitioner : Mr. Ambar Majumder
Mr. Ashirbad Sarkar

Heard on : 30/09/2021

Judgment on : 23/12/2021

Subrata Talukdar, J: The primary issue in this appeal arising out of the writ petition on the self-same point pertains to the steps taken by the State of West Bengal to submit a proposal to the Central Government seeking prior approval of the latter under Section 2 of the Forest (Conservation) Act, 1980 (for short *the 1980 Act*) for diversion of 234 hectares (234ha) of forest land for construction of the 1000 MW. Turga Pumped Storage Project of the West Bengal State Electricity Development Corporation Limited (for short *SEDCL*), also referred to as the User Agency, in Ayodhya Hills under Purulia Forest Division (for short referred to as the said Project).

Responding to the State's proposal dated 18th September 2017 seeking prior approval of the Central Government (*supra*), by a reply dated 12th April 2018 addressed on behalf of the Ministry of Environment, Forests and Climate Change (MoEF&CC), it was, *inter alia*, stated that the proposal of the State was examined by the Forest Advisory Committee (FAC) constituted by the Central

Government under Section 3 of the 1980 Act. Further, by the said communication dated 12th April 2018, the *In-principle* approval for diversion of 234ha of forest land for the said Project on the basis of the examination of the State's proposal by the FAC was made subject to fulfilment of XL/ 40 (Forty) conditions, as also stated in the letter dated 12th April 2018.

In the light of the aforesaid developments, the writ petitioners, who are three in number and are the respondents in both the appeals, arrived before the Hon'ble Single Bench seeking a writ of *Mandamus* upon the respondent authorities, both State and Centre, not to give any effect or further effect to the *In-principle* approval as granted by the FAC to *the said Project*. The writ petitioners also prayed for a writ of *Mandamus* declaring the Certificate issued by the District Magistrate, Purulia dated 13th of June 2017, *inter alia*, declaring that the work of settlement of rights of Scheduled Tribes and Other Traditional Forest Dwellers *qua the said Project* land has been completed, to be declared *void ab initio*.

By further praying for a writ of *Certiorari*, the writ petitioners urged the Hon'ble Court to call for the records and documents showing compliance of procedure by the Project Authorities of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (for short *the 2006 Act*).

The primary contention of the writ petitioners before the Hon'ble Single Bench in the writ petition being WP No. 20576 (W) of 2018 with its connected

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CAN 3341 of 2019 (for short *the said writ petition*) related to non-compliance by the Project Authorities of the provisions of *the 2006 Act* which protect the rights of Scheduled Tribes and Other Traditional Forest Dwellers from being encroached without the authority of law by the Project Authorities. It is submitted on behalf of the writ petitioners/the respondents to both these appeals by Mr. Ambar Majumder, Learned Counsel, that *the 2006 Act* provides for a detailed mechanism to consult the adult members of each village likely to be affected by *the said Project* and referred to as Gram Sabhas.

It is submitted that the DM, Purulia forwarded the certification dated 13th of June 2017 holding that the consultative mechanism provided by *the 2006 Act* has been completed and the Gram Sabhas have given their consent. It has been also certified by the DM, Purulia that no person has been given *patta* under *the 2006 Act* of the land in the project area and no person is in possession of forest land, also in the Project area. It is submitted by the writ petitioners/ the respondents to these appeals that *the 2006 Act*, particularly Section 3 thereof, protects both individual and community forest rights of Scheduled Tribes and Other Traditional Forest Dwellers. Although the procedure for consulting the Gram Sabhas has been clarified by the notices issued by the DM, Purulia to the effect that in compliance of the Scheduled Tribes and Other Traditional Forest Dwellers, (Recognition of Forest Rights Rules), 2008 (for short *the 2008 Rules*), the consultative mechanism in respect of each Gram Sabha within the project area was also initiated, the writ petitioners allege that actually no such consultative mechanism was followed

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prior to certifying the project area to be free from encumbrances. It is submitted that while proposing to obtain an *In-principle* approval from the Central Government, the State has been unable to show that the requirement of displacing the forest habitat *qua the said Project* was met by seeking the consent of each Gram Sabha represented by at least fifty percent of its adult population and also the public circulation of the requirement of the forest land for the project amongst the members of each Gram Sabha in a language comprehensible to the villagers.

The State was not represented before the Hon'ble Single Bench at the hearing. Neither did the State file an affidavit-in-opposition to the writ petition.

The User Agency/*SEDCL* and the Union of India were though represented before the Hon'ble Single Bench as respondents to the writ petition.

By a detailed order, the Hon'ble Single Bench noticed the requirement of specific compliance with the provisions of *the 2006 Act*. It was, *inter alia*, held that there is nothing on record to suggest that resolutions in favour of the said Project were taken by each and every Gram Sabha under Section 3 (2) of *the 2006 Act*. Therefore, in the absence of compliance with the provisions of *the 2006 Act*, the Hon'ble Single Bench quashed the *In-principle* approval granted by the Central Government, also quashing the purported resolutions of the Gram Sabhas and permission granted by the State Government to implement the project.

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It was made clear that the Judgement and Order of the Hon'ble Single Bench dated 2nd July 2019 shall not prevent the Project Authorities from taking recourse in accordance with law to *the 2006 Act* for implementing the project.

Aggrieved by the Judgement and Order dated 2nd of July 2019 the State, being one of the implementing Project authorities and the *SEDCL*, being the User Agency for *the said Project*, have filed the instant appeals respectively being MAT 1396 of 2019 (*MAT-I*) and MAT 1156 of 2019 (*MAT-II*).

The State appellants represented by the Learned Advocate General and ably assisted by Mr. Subhabrata Datta, Learned Junior Government Advocate, argue that the writ petition is premature since, as on the date of the communication dated 12th April, 2018 from the Centre to the State, the *In-principle* approval conveyed by the FAC stands subject to fulfilment of forty conditions specified in the said communication. It is submitted that in the event if all the conditions are not fulfilled, the *In-principle* approval of the project will lapse.

This Court is taken copiously to the contents of the communication dated 12th April 2018. Reference is drawn to *Condition No. xxiii* of the said conditions. It is submitted that *Condition xxiii* relates to Settlement of the Rights of Scheduled Tribes and Other Traditional Forest Dwellers. It is pointed out that the onus has been placed on the State Government to *complete settlement of rights in terms of the 2006 Act* and providing documentary evidence as

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prescribed by the MoEF&CC in support thereof. Such documentary evidence would have to be in compliance with the MoEF&CC's orders dated 3rd August 2009 and 5th July 2013.

Therefore, it is argued that until *Condition No. xxiii* is satisfied and such condition directly relates to the issue of compliance of *the 2006 Act* raised by the writ petitioners before the Hon'ble Single Bench, the said Project can only be approved if all forty Conditions, including *Condition No. xxiii* stand fulfilled.

On the issue of the consultative mechanism *qua* Gram Sabhas stipulated by *the 2006 Act*, State takes the position that out of a total of seventeen villages said to have fallen within the Project area, one village is not within the Project area at all. Of the remaining, eleven villages fall under Ayodhya Gram Panchayat and five within Bagmundi Gram Panchayat. It is submitted that the consultative mechanism envisaged by *the 2006 Act* does not dispense with the role of Gram Panchayats acting as the vehicle for expression of consent by the Gram Sabhas under them.

In addition to the above points, the State takes the point of absence of *locus* of the three writ petitioners to maintain the writ petition at all. On the basis of facts emerging from documents produced at the hearing, the State submits that none of the writ petitioners are either Scheduled Tribes and Other Traditional Forest Dwellers requiring protection under *the 2006 Act*. It is submitted that only one of the writ petitioners is stated to be a resident within the Project area. It is urged that the writ petitioners therefore cannot espouse

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any legal right more so, on behalf of others, in respect of whom they (i.e. the writ petitioners) purport to file the writ petition, which is not even filed in representative capacity. Therefore, the State urges that the writ petition ought to have been dismissed *in limine* and this appeal should succeed at the very threshold.

On behalf of the User Agency, i.e. the *SEDCL*, Mr. L.K. Gupta, Learned Senior Counsel appears and takes the point outright that *the said Project* stands outside the purview of Section 3 (2) of *the 2006 Act*. It is argued that Chapter II of Section 3 (1) provides for the Forest Rights of Scheduled Tribes and Other Traditional Forest Dwellers. After such rights are enumerated in Section 3 (1), Section 3 (2) thereafter provides for the Central Government allowing for the diversion of the forest land *notwithstanding* anything contained in *the 1980 Act* connected to certain specific projects/ facilities managed by the Government which involve felling of trees. It is submitted that such facilities/ projects covered by Section 3(2) (*supra*), *inter alia*, relate to non-conventional sources of energy. It is submitted that *the said Project*, being hydel in nature, is a conventional source of energy and hence Section 3(2) stands inapplicable at the threshold.

Since the premise connected to the project itself laid down by Section 3 (2)(*supra*) stands to be inapplicable, its *Provisos* axiomatically stand inapplicable. Specific mention is made by Learned Senior Counsel for *SEDCL* to *Proviso II* requiring the Forest projects to be first recommended by the Gram Sabhas. It is urged that with *the said Project* not falling within the purview of

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Section 3(2) at all, the compliance of *Proviso (II)* as raised by the writ petitioners is wholly unnecessary.

Having considered the rival submissions and closely examined the materials placed, this Court arrives at the following findings:

- A)** That the non-application of Section 3(2) of *the 2006 Act* as raised by Learned Counsel for the User Agency/*SEDCL*/ the appellants in *MAT-II* requires to be first addressed. The premise on which Section 3(2) is based relates to facilities/projects managed by the Government which involve felling of tree which shall not exceed 75 trees per hectare. Therefore there is an arithmetical dimension to the application of Section 3(2) in respect of projects/facilities which involve the felling of trees specifically fixed at not exceeding 75 trees per hectare.
- B)** Keeping such arithmetic in mind *the said Project* area comprises in all 234 hectares. The total number of trees required to be felled for the said Project as recommended by the Conservator of Forests(Central) (pages 224-229 of the State' Paper Book) is 6816. Therefore, on an arithmetical basis, the number of trees required to be felled per hectare of the said Project is approx. 30 – a figure well within the limit of 75 trees per hectare provided by Section 3(2).
- C)** With further regard to the arguments placed by Learned Senior Counsel for the User Agency, the attention of this Court is drawn to the contents of the National Electricity Plan (Vol.-I), Generation, as

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issued by the Central Electricity Authority (CEA) Ministry of Power, Government of India in January 2018. Item 5.1 under Chapter 5 reads as follows:

"5.1 OPTIONS FOR POWER GENERATION IN INDIA

Coal is the major source for power generation in our country and since Low Carbon Growth Strategy has to be followed, other generation options need to be harnessed in the most optimum manner.

Fuel Options available for Power Generation are:

- *Conventional Sources- Coal and Ignite, Hydro, Nuclear natural gas*
- *Non-Conventional Renewable Energy Sources- Solar, Wind, Biomass, small hydro, tidal, Geothermal, Waste to energy, Hydrogen/fuel cells, etc."*

D) From item 5.1(*supra*) the position stands unassailable that *the said Project* being hydel in nature is a conventional source of energy. Since Section 3(2) of *the 2006 Act* confers blanket clearance to projects involving non-conventional sources of energy, *the said Project* stands admittedly outside the purview of Section 3(2)(*supra*).

E) Moving on from the pure factual indiccs offered by Section 3(2) of *the 2006 Act*, this Court is required to examine whether the Hon'ble Single Bench was *absolutely* justified in directing the respondent State/ Central Governmenta/ the User Agency to undertake the process under *the 2006 Act* afresh.



This Court is also required to examine whether having regard to the contents of the communication dated 12th April 2018, particularly *Condition xxiii* thereof disclosing, *inter alia*, that *the said Project* is still at the approval stage, whether the Hon'ble Single Bench was correct in cancelling the exercise outright at this stage.

- F)** At the heart of the controversy raised by the writ petitioners lies the consultative mechanism *qua* Gram Sabhas. While on the one hand, the writ petitioners insist on disclosure of the complete consultative mechanism in terms of the 2008 Rules attached to *the 2006 Act*, it will not be out of place to also notice the merits of the nature of the consultative exercise disclosed by the State leading up to its recommendation for confirmation of the *In-principle* approval.
- G)** The State has submitted that the villages within *the said Project* area are part of two Gram Panchayats namely, Ayodhya and Bagmundi. The State has disclosed the assent of the two Gram Panchayats, i.e. Ayodhya and Bagmundi. Now, the definition of Gram Sabha provided under Section 2(g) of *the 2006 Act* reads as follows :

“(g) “Gram Sabha” means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women;”



The definition of a Gram Panchayat in the West Bengal Panchayat Act, 1973 (for short, the 1973 Act) *vide* Section 4 thereof reads as follows :

“Section 4. Gram Panchayat and its constitutions.- (1) For every Gram the State Government shall constitute a Gram Panchayat bearing the name of the Gram. (2) Persons whose names are included in the electoral roll 2 [prepared in accordance with such rules as may be made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election] pertaining to the area comprised in the Gram, shall elect by secret ballot at such time and in such manner as may be prescribed, from among themselves such number of members 3 [not being less than five] or 4 [more than thirty] 5 [as the prescribed authority may, having regard to the number of voters in hill areas and other areas and in accordance with such rules as may be made in this behalf by the State Government, determine

Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a Gram Panchayat, and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that Gram Panchayat to be filled up by election as the population of the Scheduled Castes in that Gram or of the Scheduled Tribes in that Gram, as the case may be, bears to the total population of that Gram and such seats shall be subject to allocation by rotation, in the manner prescribed, to such different constituencies having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that

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Gram, as the case may be, bears with the total population in that Gram."

The definition of Gram Sabha is provided in Section 2(11a) of the 1973 Act and reads as follows:

"11(a) "Gram Sabha" means a body consisting of persons registered in the electoral rolls pertaining to a Gram declared as such under sub-section (1) of section 3;"

Section 2(10) and Section 2(11) of the said 1973 Act refer to Gram and Gram Panchayat and read as follows :

*"(10) "Gram" means an area referred to in section 3;
(11) "Gram Panchayat" means a Gram Panchayat constituted under section 4;"*

Finally Section 3 of the 1973 Act defines the area which forms part of a Gram and reads as follows:

"3. Gram. - (1) The State Government may, by notification, declare for the purposes of this Act any mauza or part of a mauza or group of contiguous mauzas or parts thereof to be a Gram: 3 Provided that any group of mamas or parts thereof, when they are not contiguous or have no common boundaries and are separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in subsection (3) of section 1 have not come into force, may also be declared to be a Gram.



(2) The notification under sub-section (1) shall specify the name of the Gram by which it shall be known and shall specify the local limits of such Gram.

(3) The State Government may, after making such enquiry as it may think fit and after consulting the views of the Gram Panchayat or Panchayats concerned, by notification—

(a) exclude from any Gram any area comprised therein; or

(b) include in any Gram any area contiguous to such Gram or separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force; or

(c) divide the area of a Gram so as to constitute two or more Grams, or

(d) unite the area of two or more Grams so as to constitute a single Gram.”

H) Therefore, to the mind of this Court from a conjoint reading of the 2006 Act and the 1973 Act the following may be deduced.

That Gram Sabha would mean a village assembly under *the 2006 Act* and, in case of States having no Panchayats, such village assembly shall include other traditional village institutions.

That in the context of a State such as West Bengal, the Gram Sabha, as statutorily defined, essentially indicates an electoral-



cum-geographical area comprising villagers residing in a particular Gram.

That again in the context of the State of West Bengal the statutory administrative unit for every Gram shall be the Gram Panchayat elected on the basis of adult franchise including women.

- I) In the light of the discussion at the **Paragraph-F** above, the disclosure by the State of the consent of Ayodhya and Bagmundi Gram Panchayats comprising the villages stated to be within *the said Project* area requires to be tested. It also requires to be tested whether the specific consent mechanism enshrined in the 2008 Rules attached to *the 2006 Act* as also notified by the DM, Purulia at the pre-recommendation stage of *the said Project* stands essentially fulfilled.

It must be also noticed that, as stated in the communication dated 12th of April 2018 the *In-principle* approval is not final but subject to fulfilment of settlement rights as provided by the 2006 Act. Reference may be had to *Condition xxiii* which requires the State Government/User Agency to complete the settlement of rights in terms of *the 2006 Act* and submit documentary evidence thereof. For the benefit of this discussion *Condition XXIII* stands quoted below :

“(xxiii). The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other

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 05.07.2013, in support thereof"

- J)** Accordingly, in terms of *Condition xxiii*, the issue of consent of the Gram Sabhas is still open for scrutiny under Section 2 of *the 1980 Act* by the appropriate authority constituted by the Central Government. It has been clearly conveyed by the communication dated 12th of April 2018 that there shall be no transfer of forest land to the User Agency till formal orders approving the diversion of forest land are issued by the Central Government. In the above view of the matter this Court finds substance in the argument of the State appellants that the writ petition is premature, although at the same time this Court does appreciate that compliance of the terms of *the 2006 Act* pertaining to rights of Scheduled Tribes and Other Traditional Forest Dwellers is an issue which requires scrutiny at the appropriate level.
- K)** This Court is now also required to notice certain supplementary but important facts.

That it is the second Project of its type in the Purulia region named as the Turga Pumped Storage Scheme. The previous project by the name of Purulia Pumped Storage Scheme is already operational. The

Geological Survey of India had conducted feasibility studies in 1978-1979.

That the Project is suitable for the terrain from the technical point of view.

That the Project is likely to generate permanent/ regular employment for 169 persons and temporary employment for 1890000 persons.

That the Project area also comprises of an Elephant corridor for a herd of around 14 wild elephants. However, the Project work involves minimum to nil displacement of humans, fauna and flora.(Source: Site Inspection Report of the Conservator of Forests (Central); (Pages 224-229 of the State' Paper Book).

It would be not without significance to notice that the above topographical, social, economic and natural facts stood uncontroverted at the hearing.

For the reasons as already stated above in this Judgement and Order, this Court is not persuaded to agree with the finding of the Hon'ble Single Bench that the consultative mechanism involving Gram Sabhas under *the 2006 Act* read with its 2008 Rules has been absolutely subverted.

This Court finds that the consultative mechanism performed and placed by the State requires to be tested at the appropriate level whether reflective of the consent of the minimum required adult members, including women, in villages covered by the *said Project* area.

For the above reasons, the Judgement and Order of the Hon'ble Single Bench dated 2nd July, 2019 directing the process of settlement to be executed afresh stands set aside.

The issue of settlement of rights as recommended by the State shall be now examined at the appropriate level by the Central Government in consonance with the requirement of *Condition xxiii* of the letter dated 12th April 2018. The writ petitioners, or their authorized representative, shall also be entitled to place their presentation before the Central Government, upon being put to prior notice. Needless to add, the other *Conditions* set forth in the letter dated 12th April, 2018 shall also be examined in accordance with law.

M.A.T. 1156 of 2019 with CAN 1 of 2019(Old No. CAN 9607 of 2019), CAN 2 of 2019(Old No. CAN 10307 of 2019), CAN 3 of 2020 and M.A.T. 1396 of 2019 with CAN 1 of 2019(Old No. CAN 10259 OF 2019), CAN 2 of 2019(Old No. CAN 10262 OF 2019) stand accordingly disposed of.

Parties shall be entitled to act on the basis of a server copy of this Judgement and Order placed on the official website of the Court.

Urgent Xerox certified photocopies of this judgment, if applied for, be given to the parties upon compliance of the requisite formalities

I agree.

(Saugata Bhattacharyya, J.)

(Subrata Talukdar, J.)

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IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present :

The Hon'ble Justice Debangsu Basak.

WP 20576 (W) of 2018
With
CAN 3341 of 2019

Rabi Besra & Ors.
Versus
The State of West Bengal & Ors.

For Petitioners	:-	Mr. Amber Majumder, Mr. Santanu Chakraborty.
For Respondent Nos. 8 & 9	:-	Mr. Saptangsu Basu, Sr. Adv., Mr. Debansu Bera, Mr. S. S. Koley.
For Union of India	:-	Mr. N. L. Singhanian, Mr. Sankar Sarkar.
Heard On	:-	July 2, 2019.
Judgment on	:-	July 2, 2019.

CAN 3341 of 2019 and WP No.20576(W) of 2018 are taken up together for hearing pursuant to the order dated April 17, 2019.

The petitioners assail the grant of 'in-principle' forest clearance permission and felling of trees in an area which according to the petitioners is a tribal area and a forest land.

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Learned Advocate appearing for the petitioners submits that, the petitioners are tribals. They are located in an area which is a tribal and a forest area. The petitioner are entitled to the protection under the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. He submits that, the respondent authorities have undertaken a hydel power project in an area which comes within the purview of the Act of 2006. According to him, requisite permission under the Act of 2006 were not obtained by the authorities. The District Magistrate concerned, manufactured documents so as to give it a colour of legality. He draws attention of the Court to the writings of the District Magistrate and the steps taken by the Central Government. He submits that, every step taken by every authority, is contrary to the provisions of the Act of 2006 and at least in non-compliance thereof. Non-compliance are so glaring, that immediate intervention of the Court is required. He submits that, all rights recognised and granted under the Act of 2006 to a tribal is sought to be negated by the actions taken. He seeks appropriate directions from the Court.

Learned senior Advocate appearing for the respondent nos. 8 and 9 submits that, the provisions of the Act of 2006 requires permission of the Gram Sabha and that, resolutions of at least two Gram Sabhas are available on record. It is not the case of the petitioners that, the Gram Sabhas did not grant permissions. His clients are implementing the project. His clients have taken steps pursuant to the project and made over a sizeable portion of the property to Forest Department for afforestation. He relies upon *(2009) 2 Calcutta High*

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Court Notes 379 (Calcutta Swimming Club Versus Lalit Singh

and Ors.) and submits that, the petitioners have no cause of action to espouse.

The petitioners cannot champion the causes of the others. The petitioners are located in an area which will not be affected by the project. Two petitioners have residential houses in such area. Therefore, at least at the instance of the petitioners, the writ Court need not intervene.

Learned Advocate appearing for the Central Government submits that, the Central Government granted 'in-principle' approval to the project subject to the compliance of the conditions laid down in the letter granting impugned 'in-principle' approval.

None appears for the State despite notice. The State was represented on April 17, 2019 when it was made clear that, the writ petition and the application will be taken up for hearing. The matters appeared yesterday in the cause list when the State did not appear. A request was made to the learned Advocate for the parties to inform the learned counsel for the State about the matter. The Court is informed that, such communication was made by the learned Advocate for the writ petitioners to the learned counsel appearing for the State.

The respondent no.8 is undertaking a hydel power project in an area which admittedly is governed under the Act of 2006. The Act of 2006 recognises the forest rights of forest dwelling Scheduled Tribes and other traditional forest

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dwellers. Nothing is on record to suggest that, none of the petitioners before me are not persons who are covered under the Act of 2006. They reside in an area in which the Act of 2006 applies.

The Act of 2006 after recognising forest rights of forest dwelling Scheduled Tribes and other traditional forest dwellers in Section 3 allows diversion of forest land involving felling of trees. The projects are specified in sub-Section (2) of Section 3 of the Act of 2006 where, felling of trees are permissible. Felling trees for a non-conventional source of energy is permissible under the Act of 2006. The project spoken of, contemplated and sought to be implemented by the respondent no.8 can be construed to be a non-conventional source of energy and therefore, coming within the purview of Section 3(2) of the Act of 2006. Section 3 Sub-Section (2) of the Act of 2006 have two provisos. The second proviso require the clearance of the development project which is subject to the condition that the same is recommended by the Gram Sabha. Gram Sabha is defined in Section 2(g) of the Act of 2006. It is as follows:-

[2(g). "Gram Sabha" means a village assembly which shall consist of all adult members of a village and in case of States having no Panchayats, Padas, Tolas and other traditional village institutions and elected village committees, with full and unrestricted participation of women.]

The definition of the Gram Sabha as appearing in the Act of 2006 requires attendance of adult members of the village in a meeting for the purpose

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of considering a development project as enumerated under Section 3(2) of the Act of 2006. Admittedly, the project area covers numerous Gram Sabhas. Resolutions of only two Gram Sabhas are on record. The Court is informed that, apart from two Gram Sabhas, there are at least 15 others in the locality. State is not present today. It did not file any affidavit in the writ petition as also in the application for extension of interim order despite directions being given. Central Government also did not file any affidavit. The other respondents have filed their affidavits. Therefore, there is nothing on record to suggest that, resolutions were taken by each and every Gram Sabha affected by the project in terms of Section 3(2) of the Act of 2006 for the authorities to proceed further. The Act of 2006 is such that, a project can only be implemented, if, the procedure laid down under the Act of 2006 is followed. The starting point of the implementation of the project in an area governed by the Act of 2006 is a requisite resolution of the Gram Sabha affected by such project. In the present case, even assuming at the highest, although, the facts are otherwise, that, the two resolutions of the two Gram Sabhas satisfy the tests laid down under Section 3(2) read with Section 2(g) of the Act of 2006, then also, all the Gram Sabhas affected did not take the appropriate resolution under the Act of 2006.

So far as the resolutions of the two Gram Sabhas which are on record are concerned, none of them, satisfies the tests laid down under the Act of 2006. One of the resolutions is unsigned by any villager. The other resolution shows an attendance and does not discuss the number of adults available in the village for the Gram Sabha convened. Requisite notice for convening the Gram Sabha

are absent on record. It cannot be said that, the other resolution of the Gram Sabha which bears the signatures of the villagers were held in accordance with law. In absence of the requisite materials being produced by the State despite opportunities given to the State to do so, the irresistible inference is that, appropriate procedure laid down under the Act of 2006 was not followed for the purpose of convening any meeting of any Gram Sabha of any village affected by the project and that, there does not exist appropriate resolution of the Gram Sabha permitting the implementation of the project on the area coming within the purview of the Act of 2006.

The 'in-principle' approval by the Central Government falls in view of the absence of requisite resolution of the Gram Sabha. It is astonishing that, the Central Government approved the project 'in-principle' without being satisfied as to whether requisite formalities under the Act of 2006 have been complied with or not. As the State Government, the Central Government also did not file any affidavit. However, the Central Government is fortunate to be represented before this Court in course of hearing. The queries raised by the Court towards the Central Government remains unsatisfied. There is no answer to the query as to what documents did the officer granting the 'in-principle' approval consider and whether such officer took into account the provisions of Section 3(2) of the Act of 2006 read with Section 2(g) of the Act of 2006 or not.

A hydel project of the nature contemplated to be implemented is in public interest. However, implementation of such a project in public interest is required to be done, in accordance with law. The law in the present case will

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involve the provisions of the Act of 2006. On the materials made available to the Court, the only inference that is possible is that, the provisions of the Act of 2006 were not complied with, in either seeking permission for the project or trying to implement the same.

Calcutta Swimming Club (supra) is of the view that, a plaintiff cannot file a suit alleging that, by the action of the defendant, although none of his rights is infringed will, somebody else's right is going to be affected and such right of the third party should be protected. With respect, in the facts of the present case, the rights of the petitioners will stand affected if, the project is allowed to be implemented in the manner as it is sought to be done now. As tribals living in an area covered under the Act of 2006, the petitioners are entitled to ensure compliance of the provisions of the Act of 2006. It is the contention of the respondent nos.8 and 9 that, the land which the petitioners occupy will not be affected by the project. Again with respect, such a contention cannot be accepted. The petitioners are admittedly residents of an area which will be affected, if not the surroundings, by implementation of the project. Again, in my view, that is no defence to the authorities in not complying with the provisions of the Act of 2006. Any citizen of India is entitled to approach the writ Court to highlight any infraction of law at the instance of an authority within the meaning of Article 12 of the Constitution of India and seek appropriate redress with regard thereto. The petitioners cannot be non-suited on the ground as contended on behalf of the respondent nos.8 and 9. In such circumstances, the

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ratio laid down in *Calcutta Swimming Club (supra)* is not attracted to the facts scenario of the present case.

There exists an interim order granted while admitting the writ petition.

Since, the writ petition is heard on merits finally, it would be appropriate to quash the decision 'in-principle' approval granted by the Central Government. It is also appropriate to quash the so-called resolutions of the Gram Sabhas and permissions granted by the State Government in implementing the project. This order, however, will not prevent the authorities from taking recourse to the provisions of the Act of 2006 and acting in accordance with law in implementing the project contemplated.

Learned Advocate appearing for the petitioners submits that, the District Magistrate granting such a false certificate should be visited with appropriate punishment in the nature of costs. In the facts of the present case, I am not minded to enter into that arena.

CAN 3341 of 2019 and WP No.20576(W) of 2018 are disposed of.

No order as to costs.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(*Debangsu Basak, J.*)

Am-ave - R-2

F. No. 8-51/2017-FC
 Government of India
 Ministry of Environment, Forests and Climate Change
 (Forest Conservation Division)

Indira Paryavaran Bhawan,
 Jor Bagh Road, Aliganj,
 New Delhi - 1100 03.
 Dated: 12th April, 2018

To,
 The Principal Secretary,
 Government of West Bengal,
 Kolkata-700 098

Sub: Diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of WBSEDCL in Ajodya Hills under Purulia forest Division.

Sir,

I am directed to refer to the State Government's letter No. 3340-For/O/L/10T-12/2017 dated 18.09.2017 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys the 'in-principle' approval for diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of WBSEDCL in Ajodya Hills under Purulia forest Division subject to fulfilment of the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) On analysis on DSS it is observed that the part of Non -Forest land proposed for CA for the project is falling in the category of recorded forest. The status of Non -Forest land proposed for CA shall be clarified along with documentary evidences. State Government shall also analyse the same on DSS prior to submission of clarification to MoEF&CC. The DSS report generated by State Government shall be submitted prior to Stage II approval. It is noted that CA land has been given in 12 patches, which are dispersed in Puruliya & Jalpaiguri districts of West Bengal State. Based on DSS, Out of 12 patches proposed for CA, 6 CA Patches having the Legal status as Forest land.
- (iii) On perusal of item-wise breakup statement submitted by the State Government and in SIR, it is observed that 10.239 ha, 18.387 ha and 8.537 ha have been proposed for Civil structures, Construction facility and other component respectively. State Government shall submit details of these three components. No residential or commercial complexes which are not ancillary and not site specific shall be permitted.
- (iv) Since water is a precious resource, the user agency shall take some measures for creation of water conservation/ harvesting structures in the

S. D. Chak
 12.4.18

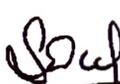
CAMPA: Compensatory Afforestation Fund Management and Planning Authority

CWLW: Chief Wildlife Warden

- Catchment Area so that the water to be released for use of communities and agriculture, down streams, is not affected.
- (v) The user agency should also address the stone quarry within the leased area. After extraction of stones, the quarry should be reclaimed with soil and should be vegetated; thereby developing the mined -out land into an ecotourism spot enhancing the ecology & aesthetics of the site.
 - (vi) The User agency may also fence the quarry prior to reclamation to check possible casualty of wildlife due to accidental fall.
 - (vii) The State Govt. may report for additional forest lands required to be diverted for dismantling the irrigation dam and pillars have to be posted there with proper demarcation;
 - (viii) The encroachment, as reported by CCF Northern Circle, West Bengal in The proposed CA area shall be evicted prior to mutation of land in favour of Forest department. State government shall ensure that the Non- forest land shall be free from all encumbrances. A certificate duly signed by the Nodal Officer(FCA) may be furnished in this regard;
 - (ix) State Government shall prepare a wild life conservation plan with special emphasis to avoid Human elephant conflict in the area at project cost. The plan shall be duly approved by CWLW. The Amount shall be deposited in Adhoc CAMPA. The sanctity of elephant corridor shall not be disturbed. All possible mitigation measure to protect the elephant corridor shall be incorporated in wild life management plan.
 - (x) Compensatory afforestation shall be raised over non- forest land equal to the diverted forest land. At least 1000 plants per hectare (234 hectares x 1000 = 234000 plants) shall be planted over identified non-forest land with provision for ten years on subsequent maintenance.
 - (xi) 25% of revised CA cost will be deposited extra by the user agency for soil and moisture conservation (SMC) activities on the CA land.
 - (xii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
 - (xiii) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance and the said non-forest land as identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, as the case may be, within a period of six months. The Nodal Officer (Forest Conservation) shall report compliance in this regard;
 - (xiv) 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 Ad-hoc CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
 - (xv) The User Agency shall transfer online, 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 the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;

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- (xvi) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xvii) The approved Catchment Area Treatment (CAT) Plan shall be implemented at the cost of the user agency and commensurate funds shall be deposited through on-line in the account of Adhoc CAMPA account;
- (xviii) The user agency should ensure that the compensatory levies (CA 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;
- (xix) The Forest clearance will be for a period co terminus with the lease period specified in the lease agreement. The State Government will submit the lease agreement document specified in the lease agreement;
- (xx) The State Govt. ensure that the user agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF &CC along with indicators for monitoring and expected observable milestones;
- (xxi) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project.
- (xxii) 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 pillar to pillar and GPS co-ordinates;
- (xxiii) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other 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 05.07.2013, in support thereof;
- (xxiv) The user agency shall carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down.
- (xxv) The dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
- (xxvi) The State Government and the user agency shall ensure that the tress available between full reservoir level (FRL) and FRL-4 meters are not felled;
- (xxvii) The User agency shall undertake afforestation along the periphery of the reservoir;
- (xxviii) User agency shall provide free water for the forestry related projects;
- (xxix) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xxx) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;



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- (xxxix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxxii) No labour camp shall be established on the forest land;
- (xxxiii) 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;
- (xxxiv) The user agency will abide by the applicable recommendations of the State Government including State Forest/Wildlife Departments;
- (xxxv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxxvi) 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;
- (xxxvii) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxxviii) 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;
- (xxxix) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xl) The user agency shall comply all the provisions of the all 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;

After receipt of the compliance report on fulfilment of the above conditions from the State Government, formal approval will be considered under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,



(Sandeep Sharma) 2.4.16

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of West Bengal, Kolkata.
2. The Nodal Officer (FCA), O/o the PCCF, Government of West Bengal, Kolkata.
3. Addl. Principal Chief Conservator of Forests (C), Regional Office, Bhubaneswar.
4. User agency.
5. Monitoring Cell
6. Guard file.



(Sandeep Sharma) 2.4.18

Assistant Inspector General of Forests (FC)



No. J-12011/13/2013-IA. I (R)
Government of India
Ministry of Environment, Forest and Climate Change

3rd Floor, Vayu Block,
Indira Paryavaran Bhawan, Jor Bagh Road,
Aliganj, New Delhi-110003

Dated: 02.07.2018

To

The Chief Engineer
M/s. West Bengal State Electricity Company Ltd.
Planning Investigation & Design Department
Vidyut Bhavan, 5th Floor,
Block-DJ, Sector-II, Salt Lake
Kolkata-700091.

Sub: 1000 MW (4x250 MW) Turga Pumped Storage project on Turga Nalla in Purulia District of West Bengal by M/s West Bengal State Electricity Distribution Company Ltd.- reg. Environmental Clearance.

Sir,

The undersigned is directed to refer to your online application No. **IA/WB/RIV/53589/2013** dated 09.05.2016 and online submission dated 8.5.2018 on the above subject. Terms of Reference (ToR)/Scoping Clearance for the above mentioned project has been issued vide Ministry's letter dated 4.11.2013.

2. It has been noted that you have proposed Turga Pumped Storage Project on Turga nalla, is located in Purulia district of West Bengal with installed power generation of 1000 MW. The Turga Pumped Storage Scheme envisages utilization of the water of the river Turga in Ayodhya hills for peak power generation on a Pumped storage type development. The coordinates of Upper Dam site are 23°12'47"N and 86°04'20"E. Coordinates of the lower Dam site are 23°11'49"N and 86°04'13"E. The project site is approachable by a jeepable road taking off from Balarampur - Baghmundi state highway. The nearest rail head is located at Barabhum and nearest airport is located at Ranchi.

3. The project envisages construction of Upper Dam (C.A. 8.29 Sq. km) across Turga nalla, a tributary of Subarnarekha river and a water conductor system with an underground Power House on the downstream of Upper Dam and a Lower main and saddle dams for the lower reservoir having intermediate catchment of 4.37 sq. km (total C.A. 12.66 sq. km). It is proposed to increase the gross storage capacity to 18 MCM (Live storage of 14.2 MCM at FRL: 316.5 m) by constructing the lower main dam just downstream of the existing Irrigation Dam and a Right Saddle Dam. The upper reservoir will have the gross storage capacity of 21.6 MCM (Live storage of 14.2 and pondage at MDDL is 3.8 MCM at FRL: 464.0 m). The Spillway for Upper Dam is proposed near the left abutment on the original course of Turga nalla. Considering the small design flood of 280 m³/s, an un-gated ogee overflow Spillway has been considered. The upper dam is a rock fill type dam with central impervious core and filter materials, rockshell material, etc. having length of 732 m maximum of height of 63.5 m. Main lower dam is a concrete gravity dam with dimensions of 872 m length and 64 m height. Further, lower

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saddle dam is a rock fill central impervious core with dimensions of 595 m length and 50 m height. Further, diversion tunnel, power intake, headrace tunnel, penstock, Power house (four units of pump turbine and motor-generator), tailrace tunnel will be built to cater to the installed power capacity of 4x250 MW with maximum of turbine discharge of 197 m³/s.

4. Land requirement for the proposed project is 292 ha out of which 234 ha is forest land. In-principle approval for diversion of 234.0 ha forest land has been accorded by the Ministry vide letter No.8-51/2017-FC dated 12.4.2018. Out of remaining 58 ha non-forest land/private land, 34 ha will be transferred from I & W Directorate, Government of West Bengal to Turga Pumped Storage Project. Remaining 24 ha of land to be arranged temporarily on leased basis. No family will be losing homestead. Some minimum private land is to be acquired on temporary basis and no permanent acquisition of private land is envisaged. Thus, issues related to Resettlement and Rehabilitation are not envisaged in the proposed Project. Further, there are no national parks, wildlife sanctuaries, eco-sensitive zone/areas and other protected areas within 10 km radius of the project.

5. The estimated requirement of construction material for the project are as below:

S.No.	Structure	Core Material (Lakh m ³)	Filter Material (Lakh m ³)	Rockfill Material (Lakh m ³)	Fine Aggregate (Lakh m ³)	Coarse aggregate (Lakh m ³)
1	Upper Dam	5.5	2.23	28.80	0.21	0.42
2	Lower Dam	-	-	-	3.78	7.55
3	Lower Saddle Dam	2.90	1.40	14.97	-	-
4	Power House and Turbine House	-	-	-	0.25	0.50
5	Waterway	-	-	-	0.36	0.72
	Total	8.4	3.63	43.77	4.60	9.19

6. The total quantity of muck expected to be generated has been estimated to be of the order of 32 lakh m³. Considering, 25% swelling factor, the total muck to be handled is 40 lakh m³. About 50% material shall be used as construction material. Remaining 20 lakh m³ of muck is planned to be disposed. The muck will be disposed in 3 muck disposal sites. The area of muck disposal sites is 11.04 ha with the capacity of 11.04 lakh m³. The remaining muck of 8.96 lakh m³ will be disposed in Kudna and Dulgubera Quarry areas, which have a total capacity of 9.7 lakh m³.

7. Primary environmental baseline data has been collected for three seasons (Winter: December- January, 2014; Summer: April, 2014 and Monsoon: August-September, 2014).

8. The recommended environmental flows for Upper reservoir and lower reservoir are as below:

Month/Season	Flow in 90% Dependable Year 1975 (MCM)	Environmental Release (MCM)	Percentage of inflow as Environmental Flow

Upper Reservoir			
June	0.11	0.03	30%
July	0.38	0.011	30%
August	0.02	0.006	30%
September	1.55	0.47	30%
October	0.56	0.17	30%
Monsoon (Total-A)	2.63	0.786	30%
Non-monsoon (Total-B)	0.29	0.0725	25%
Annual (A+B)	2.92 MCM	0.8585 MCM	
Lower Reservoir			
June	0.17	0.05	30%
July	0.58	0.17	30%
August	0.04	0.01	30%
September	2.37	0.71	30%
October	0.86	0.26	30%
Monsoon (Total-A)	4.01	1.20	30%
Non-monsoon (Total-B)	0.44	0.11	25%
Annual (A+B)	4.45 MCM	1.3 MCM	

9. The cost of environmental management plan is as below:

Sr.No.	Activity	Cost in Rs. Lakhs
1	Catchment Area Treatment Plan	409.65
2	Compensatory Afforestation and Bio-diversity Conservation	483.5
3	Fisheries Management	88.7
4	Greenbelt Development	16.8
5	Water, air and noise pollution control measures	20
6	Environmental Management in Labour Camps (Solid Waste Management)	204.75
7	Public Health Delivery System	308.23
8	Muck Disposal Plan	120
9	Restoration, Stabilisation and landscaping of quarry sites	60
10	Restoration, Stabilisation and landscaping of construction sites	20
11	Environmental Management in road construction	40

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12	Energy Conservation Measures	312.37
13	Disaster Management Plan	40
14	Local Area Development Plan which includes infrastructure development as committed during Public Hearing.	2204
15	Plan to Preserve Cultural identity of the locals	98.12
16	Environmental Monitoring during construction phase	187.23
17	Purchase of Meteorological Instruments	4.5
18	Purchase of Noise Meters	1
Total cost of Environmental Management Plan		Rs.46.12 Crores

10. Public Hearing for the proposed project has been conducted by West Bengal Pollution Control Board at Banabitan Meeting Hall, Vill. & P.O Baghmundi, District Purulia on 2.2.2016. During Public Hearing, local people demanded few new infrastructure facilities such as Potable Water Supply (Digging new Wells), digging new ponds, development of play ground in three villages and development & renovation of two temples (Ram Mandir and Vaishno Devi Mandir).

11. The proposal has been considered in the 94th meeting of EAC (RV & HEP) held during 2-3.06.2016 and 14th meeting of Re-constituted EAC (RV & HEP) held on 28.5.2018. The Committee has recommended for increasing the cost for Local Area Development Plan from Rs.22.04 Crores to Rs.44.12 Crores. Cost for infrastructure development and Corpus fund for maintaining the infrastructure will be Rs.29.12 Crores and Rs. 15.0 Crores, respectively. Accordingly, the increased cost of budget for Environmental Management Plan is Rs. 68.30 Crores. Estimated Project Cost is Rs. 5,141.49 Crores. The estimated employment during construction phase is 1000 persons.

12. In acceptance of the recommendations of the EAC (RV&HEP) in its meeting held during 2-3.6.2016 & 28.5.2018, and in view of the clarifications/documents furnished, **the Ministry hereby accords the prior Environmental Clearance under 1(C): River Valley Projects of Schedule of EIA Notification, 2006 and subsequent amendments issued time to time for the proposed project**, subject to compliance of following conditions:

Part A: Specific Conditions

- i. Free Fuel / Energy Conservation Plan to be implemented as envisaged in the EIA / EMP report.
- ii. Skill mapping be undertaken for the youths of the affected project area and based on the skill mapping, necessary trainings to the youths be provided for their appropriate engagements in the Project.
- iii. Solid waste management should be planned in details. Land filling of plastic waste shall be avoided and instead proposal for various uses may be made in the revised EIA/EMP report.
- iv. Environmental Clearance for stone quarries shall be obtained separately. After extraction of stones, the quarry void shall be reclaimed with the soil preferably muck generated from the project and planted with the local species.

- v. The Catchment Area Treatment (CAT) Plan as proposed in EIA/EMP (Sections 2.7 and 2.8; April, 2016) shall be implemented with biological and engineering measures in consultation with West Bengal Forest Department. The CAT proposed for the area of 20.95 sq.km (8.29 sq.km for upper dam and 12.66 sq.km for lower dam) with the budgetary provision of Rs.4.1 Crores shall be fully implemented and not to be diverted for any other purposes.

A.	Biological Treatment Measures	Year		Total
		I	II	
i.	Afforestation (ha)	7	8	15
ii	Enrichment Plantation (ha)	20	20	40
iii.	Pasture Development (ha)	10	10	20
iv.	Nursery Development (No).	2	--	2
v.	Vegetative Fencing (km)	3	2	5
vi.	Rim Plantation (Rs. in lakh)	25	25	50.00
vii	Social Forestry (Rs. in lakh)	5	5	10.00
B.	Soil & Water Conservation Works			
i.	Check Dams (No.)	6	5	11
ii.	Drainage line treatment (Rs. in lakh)	10	10	20
C.	Silt Observation Points (Rs.)			23.86
D.	Infrastructure Development (Rs. in lakh)			318.21

- * In case of change in CAT plan is envisaged in future, prior approval of the Ministry shall be taken for its implementation.
- vi. The project involves 292 ha out of which 234 ha is forest land and 58 ha is private/non-forest land. The R&R benefits for the land losers will have to comply with 'The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013' as applicable. Adequate publicity of the compensation package should be circulated in the affected villages.
- vii. A monitoring Committee for R&R shall be constituted which shall include representatives of project affected persons including representative from SC/ST category and a woman beneficiaries.
- viii. All the conditions stipulated in the forest clearance for diversion of 234.0 ha forest land for the proposed project issued vide Ministry's letter dated 12.4.2018 shall be complied with.
- ix. All commitments made during the Public Hearing should be fulfilled completely by the project proponent and records be maintained.
- x. Consolidation and compaction of the generated muck should be carried out at the muck dumping sites. As proposed in the muck disposal plan, out of total muck generation of 40 lakh m³, 20 lakh m³ shall be utilised in the construction and remaining 20 lakh m³ shall be disposed at three muck disposal sites and Kudna & Dulgubera Quarry areas. The available volume of the three muck disposal sites is about 11.04 lakh m³ and volume of the both quarries is about 9.7 lakh m³.



- xi. The proposed compensatory afforestation programme in 234 ha non-forest land shall be developed in consultation with State Forest Department. An amount of **Rs.2.2512 Crores** has been allocated for this purpose and should be fully utilized and not to be diverted for any other purposes.
- xii. The Fisheries Development and Management Plan as proposed in the EIA/EMP report (April, 2016) for conservation of fish in river/Nallah & reservoir shall be implemented in consultation with the State Fishery Department. A budget of **Rs.88.7 Lakhs** earmarked for fisheries management plan shall be utilized fully for the purpose and not to be diverted for any other purposes.
- xiii. The Biodiversity Conservation and Management Plan as proposed in the EIA/EMP report (April, 2016) should be implemented in consultation with State Forest Department. The allocated grant of **Rs. 2.584 Crores** should be fully utilized for this purpose and not to be diverted for any other purposes.
- xiv. Occurrence of stagnant pools/slow moving water channels during construction and operation of the project provide the breeding source for vector mosquitoes and other parasites. The river should be properly channelized so that no small pools and puddles are formed. Even after taking precautions, due to unforeseen situations, breeding of mosquito and resultant malaria or mosquitoes borne disease can increase. If such a situation arises, it will be the responsibility of project proponent to take all steps, i.e. residual insecticidal spray in all the project area and its surrounding of 3 km area keeping the flight range of mosquitoes in consideration.
- xv. The equipment likely to generate high noise levels during the construction period or otherwise shall meet the Ambient Noise Level standards as notified under the Noise Pollution (Regulation and Control) Rules, 2000 as amended in 2010 under the Environment (Protection) Act, 1986. Ambient Noise level monitoring shall be conducted on a monthly basis during the period of construction at suitable locations and copy of the test reports shall be submitted to concerned Regional Office on six monthly basis.
- xvi. Any other clearance from other organizations/departments, if required, should be obtained as and when necessary.

Part B: General Conditions:

- i. Adequate arrangements for providing free fuel like LPG/kerosene shall be made at the project cost for the labour force engaged during the construction work so that felling of trees located adjacent to the proposed project site is avoided.
- ii. Medical facilities as well as recreational facilities shall be provided to the labourers at the construction sites. First aid facility at the project site shall also be provided with proper signage.
- iii. The labourers to be engaged for construction works shall be thoroughly examined by health personnel and adequately treated before issuing them work permit to avoid contraction of any diseases to the local population.
- iv. Water sprinkling arrangements shall be made to control the fugitive dust, and ambient air quality, etc. be monitored during the period of construction according to the CPCB guidelines to meet the NAAQ standards.
- v. Potable drinking water and proper sanitary facilities shall be provided for the labour force. Any solid wastes generated at the colony of the labour force shall be collected and suitably disposed off.

- vi. Restoration of construction areas including muck dumping sites of excavated materials shall be ensured by leveling, filling up of borrow pits landscaping, etc. The area should be properly treated with suitable plant species preferable local indigenous species for better survival of plants and also to enrich the local habitat.
- vii. Environmental parameters shall be monitored and "six monthly monitoring reports" shall be submitted to the concerned Regional office of the Ministry as per guidelines.
13. The project Proponent shall provide full cooperation and all required documents/data shall be provided to the Officer (s) of the concerned Regional Office of the Ministry who would be monitoring the implementation of environmental safeguards.
14. The responsibility of implementation of environmental safeguards and carrying out environmental monitoring rests fully with the **M/s West Bengal State Electricity Distribution Company Ltd.**
15. Besides the above stated conditions, the Project Proponent shall also implement all environmental monitoring safeguards, as proposed in the EIA/EMP report and other reports from time to time. The concerned Regional Offices, MoEF&CC shall monitor implementation of EMP at regular intervals.
16. The Environmental Management Plan (EMP) shall be strictly adhered to. The total cost of implementation of mitigation measures as per EMP is **Rs. 68.30 Crores which includes budget of Rs. 44.12 Crores for Local Area Development Plan**, shall be fully utilized and shall not be diverted for any other purpose. In case of revision of the project cost or due to price level change, the cost of EMP shall also be updated proportionately.
17. In case of change in the scope of the project, the same shall be intimated to the Ministry and fresh approval, if required, shall be taken from the Ministry accordingly.
18. The Ministry reserves the right to add additional safeguard measures subsequently, if found necessary and to take action including revoking of the clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time-bound and satisfactory manner.
19. The project proponent should advertise at least in two local newspapers widely circulated in the region around the project, one of which shall be in vernacular language of the locality concerned informing that the project has been accorded environmental clearance and copies of clearance letters are available with the State Pollution Control Board/ Committee and may also be seen at the website of the Ministry of Environment, Forest & Climate Change at <http://www.moef.nic.in>.
20. A copy of the clearance letter shall be marked to concerned Panchayat/Zilla Parishad/Municipal Corporation, Urban local body and local NGO, if any, from whom any suggestion/representations, were received while processing the proposal. The clearance letter shall also be put in the website by the project proponent. Compliance to the conditions shall be ensured by the project and intimated to the state accordingly.
21. State Pollution Control Board/Committee shall display a copy of the clearance letter at the Regional Office, District Industries Centre and Collector's/ Tehsildar's Office for 30 days.

22. **The Environmental Clearance is valid for a period of 10 years** from the date of issue of this letter for commissioning of the project.

23. After 5 years of the commissioning of the Project, a study shall be undertaken regarding impact of the project on the environment and downstream ecology. The Study shall be undertaken by an independent agency, decided in consultation with the Ministry.

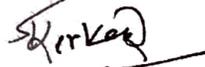
24. The project proponent shall also submit six monthly reports on the status of compliance of stipulated EC conditions including the results of monthly monitored data (both in hard copies as well as by email) to the Regional Office of MoEF&CC, Bhubaneswar.

25. A multi-disciplinary Committee (MDC) for monitoring the implementation of environmental safeguards during construction shall be constituted by the Project Proponent (PP) in consultation with the Ministry as early as possible. A panel may be proposed by the PP and submitted to Ministry and the Government of West Bengal. The project proponent shall organize six monthly meetings of the Committee and submit the monitoring report the Ministry. The MDC will monitor specifically the stability and effectiveness of muck dumping sites during all visits and suggest remedial measures, if so required.

26. Any appeal against this environmental clearance shall lie solely with the National Green Tribunal, if preferred, within a period of 30 days from the date of issue, as prescribed under Section-16 of the National Green Tribunal Act, 2010.

This issues with the approval of the Competent Authority.

Yours faithfully,



(Dr. S. Kerketta)

Director, IA.I

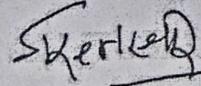
Telefax: 011 24695314

Copy to:

1. The Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001.
2. The Chairman, Central Electricity Authority, Sewa Bhawan, R.K. Puram, New Delhi-110066.
3. The Chairman, Central Water Commission, Sewa Bhawan, R.K. Puram, New Delhi-110606.
4. The Chairman, Central Pollution Control Board, Parivesh Bhawan, CBD-cum-Office Complex, East Arjun Nagar, Delhi-110032.
5. The Additional Principal Chief Conservator of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (EZ), A/3, Chandrasekharpur, Bhubaneswar - 751023.
6. The Secretary, Department of Environment, 5th Floor, Pranisampad Bhawan, Block LB-II, Salt Lake, Sector III, Bidhannagar, Kolkata - 700 106
7. The Member Secretary, West Bengal Pollution Control Board, Paribesh Bhavan, 10A, Block-L.A., Sector-III, Salt Lake City, Calcutta - 700 106.

~~SA~~

8. The District Collector, District Purulia, Office of The District Magistrate and
Collectorate, Government of West Bengal, Purulia, West Bengal- 723101.
9. Guard/Monitoring file.
10. Website of MoEF&CC.



(Dr. S. Kerketta)
Director, IA.I

Telefax: 011 24695314

File No. 8-51/2017FC
49

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

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi - 110003.

Dated: 13th October, 2022

To

The Principal Secretary (Forest),
Government of West Bengal,
Kolkata-700098

Sub: Diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of WBSEDCL in Ajodya Hills under Purulia forest Division.

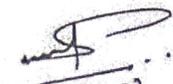
Madam/Sir,

I am directed to refer to the State Government's letter No. 3340-For/O/L/10T-12/2017 dated 18.09.2017 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the above proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. After careful consideration of the proposal by the Forest Advisory Committee (FAC) and after its recommendation, and approval of competent authority in the Ministry, In-principle/Stage-I approval was accorded vide this Ministry's letter of even number dated 12.04.2018 subject to fulfillment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and requested the Central Government to grant final approval.

2. In this connection, on the basis of the compliance report furnished by the Government of West Bengal vide their Letters No.1395-For/O/L/10T-12/2017 dated 22.12.2021, No.314-For/O/L/10T-12/2017 dated 11.03.2022, No.678-For/O/L/10T-12/2017 dated 12.05.2022 and No.1281-For/O/L/10T-12/2017 dated 01.09.2022, approval of the Central Government is hereby accorded under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 234.00 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of West Bengal State Electricity Distribution Company Limited (WBSEDCL) in Ajodya Hills under Purulia Forest Division, subject to following conditions:

A: Conditions which need to be complied prior to handing over of forest land to user agency by the State Govt.:

- i. The State Government shall ensure that the 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 this Ministry in this regard, before handing over of forest land to the user agency;
- ii. The State Govt. shall ensure that the User Agency will obtain necessary Environmental Clearance, Wildlife Clearance, CRZ Clearance, if required;
- iii. The State Government shall upload the KML files of the area under diversion and the sites identified for compensatory afforestation in the E-green Watch portal, before handing over forest land to the user agency.


13/10/2022

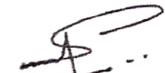
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B: Conditions which need to be complied after handing over of forest land to the user agency by the State Govt.:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The State Govt. shall ensure that Compensatory Afforestation over the identified non-forest land of 234 ha. i.e 578.22 Acres, which has been notified as Protected forest vide undermentioned notifications, shall be raised within a period of three years with effect from the date of issue of Stage-II clearance and maintained for ten years thereafter in accordance with the approved plan by the State Forest Department from the funds provided by the user agency. The detail of notifications is as under:

S.N.	Area in Acres	Notification No.
1	62.72	No. 851-For/0/1/10T-12/2017 dated 29.07.2021
2	392.65	No.531-For/O/L/10T-12/2017 dated 25.03.2019
3	122.85	No.412-For/O/L/10T-12/2017 dated 08.03.2019
Total:	578.22	

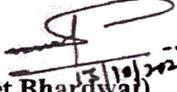
- iii. State Govt. and the user agency shall ensure to carry out the soil and moisture conservation activities on the area proposed for CA, from the funds provided by the User agency;
- iv. The State Govt. and the user agency shall ensure that no residential or labour colony or commercial complexes shall be constructed over forest land;
- v. The State Govt. shall ensure that the State Forest Department shall implement the approved Catchment Area Treatment (CAT) plan and approved Wildlife Conservation Plan from the funds provided by the user agency;
- vi. The State Govt. ensure that the user agency will carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down and the dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the user agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
- vii. The State Government and the user agency shall ensure that the trees available between full reservoir level (FRL) and FRL-4 meters are not felled;
- viii. The State Government shall ensure that the User agency will carry out afforestation along the periphery of the reservoir and provide free water for the forestry related projects;
- ix. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- x. The State Govt. shall ensure that 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;
- xi. The State Govt. shall ensure that 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 and the layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xii. The State Govt. ensure that the boundary of the forest land being diverted will be demarcated on ground at the project cost, using four feet high RCC pillars, each pillar inscribed with the serial number, DGPS coordinates, forward and backward bearings and distance from adjoining pillars etc;


13/10/2022



- xiii. The State Govt. ensure that the user agency will explore the possibility of translocation of maximum number of trees identified to be felled and any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department, and the User Agency will obtain permission for felling of trees as per applicable court orders/Forest Act/Rules/Guidelines;
- xiv. The User Agency shall submit the Annual Compliance Report in respect of the above stated conditions to the concerned Integrated Regional Office and to this Ministry every year regularly;
- xv. The 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
- xvi. The State Govt. shall ensure that the user agency shall comply with the provisions of 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.

Yours sincerely,


(Suneet Bhardwaj)

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests (HoFF), Government of West Bengal, Kolkata.
2. The Nodal Officer (FCA), O/o the PCCF(HoFF) , Government of West Bengal, Kolkata.
3. Regional Officer(C), Integrated Regional Office, Kolkata.
4. User agency.
5. Monitoring Cell of FC Division, MoEF&CC,IPB New Delhi for uploading on PARIVESH.
6. Guard file.

Letter No. 486/20-10-22

8

676

PA to PCCF & HOFF
25.10.22

PCCF (HOFF)
No. 486/20-10-22

Government of West Bengal
Department of Forests
Aranya Bhavan, Block-LA-10A, Sector-III, Salt Lake City
Kolkata-700 106

No. 1526 -For/O/L/10T-12/2017

Kolkata, the 20th October, 2022

ORDER

Sub: Diversion of 234 ha of forest land for construction of 1000 MW Turga Pumped Storage Project of WBSEDCL in Ajodhya Hills under Purulla forest Division

With reference to the In-principle/Stage-I approval accorded by the Ministry of Environment, Forests & Climate Change, Government of India vide its letter No. 8-51/2017-FC dated 12/5/2018 and in pursuance of Ministry of Environment, Forests & Climate Change, Govt of India's letter No. 8-51/2017-FC dated 13/10/2022, the undersigned is directed to say that the Governor is pleased to accord Stage-II/final approval under Sec 2 of the Forest (Conservation) Act, 1980, for diversion of 234 ha of forest land in favour of WBSEDCL for construction of 1000 MW Turga Pumped Storage Project in Ajodhya Hills under Purulla Forest Division, subject to the fulfilment of the following conditions:

1. Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has to be completed in accordance with the relevant Rules and Guidelines, before handing over of Forest land to the User Agency;
2. The User Agency will obtain necessary Environmental Clearance, Wildlife Clearance, Coastal Regulatory Zone Clearance, if required;
3. The KML files of the area under diversion and the sites identified for compensatory afforestation shall be uploaded in the E-green Watch portal, before handing over forest land to the User Agency;
4. Legal status of the diverted forest land shall remain unchanged;
5. Compensatory Afforestation over the identified non-forest land of 234 ha i.e. 578.22 acres, which has been notified as Protected Forest vide the under-mentioned Notifications, shall be raised within a period of three years from the date of issue of Stage-II clearance and maintained for ten years thereafter, in accordance with the approved plan, by the State Forest Department from the funds provided by the User Agency. The details of the Notifications are as under:

S.N.	Area in Acres	Notification No.
1	62.72	No.851-For/O/L/10T-12/2017 dated 29.07.2021
2	392.65	No.531-For/O/L/10T-12/2017 dated 25.03.2019
3	122.85	No.412-For/O/L/10T-12/2017 dated 08.03.2019
Total	578.22	

6. The soil and moisture conservation activities on the area proposed for Compensatory Afforestation shall be carried out from the funds provided by the User Agency;
7. The User Agency shall ensure that no residential or labour colony or commercial complexes are constructed over forest land;

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20.10.2022

ON No 1733

1733

for info pl

No/For file
20/10/2022

YOUNG MAN...
SILAN...

17/06/2023 01:24:23

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8. The State Forest Department shall implement the approved Catchment Area Treatment (CAT) plan and the approved Wildlife Conservation Plan from the funds provided by the User Agency;
 9. The User Agency will carry out muck disposal at pre-designated sites in such a manner so as to avoid its rolling down and the dumping area for muck disposal shall be stabilized and reclaimed by planting suitable species by the User Agency at the cost of project under the supervision of State Forest Department. Retaining walls and terracing shall be carried out to hold the dumping material in place. Stabilization and reclamation of such dumping sites shall be completed before handing over the same to the State Forest Department in a time bound manner as per Plan.
 10. The User Agency shall ensure that the trees available between full reservoir level (FRL) and FRL-4 meters are not felled;
 11. The User Agency will carry out afforestation along the periphery of the reservoir and provide free water for the forestry-related projects;
 12. The User Agency shall pay the additional amount of Net Present Value, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
 13. No labour camp shall be established on this forest land and the User Agency shall provide fuels, preferably alternate fuels, to the labourers and staff working at the site so as to avoid any damage of pressure on the nearby forest areas;
 14. 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 and the layout plan of the proposal shall not be changed without the prior approval of the Central Government.
 15. The boundary of the forest land being diverted will be demarcated on the ground at the project's cost, using four feet high RCC pillars, each pillar inscribed with the serial number, DGPS coordinates, forward and backward bearings and distance from adjoining pillars, etc;
 16. The User Agency will explore the possibility of translocation of maximum number of trees identified to be felled and, any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department, and the User Agency will obtain permission for felling of trees as per the applicable Court orders/Forest Act/Rules/Guidelines;
 17. The User Agency shall submit the Annual Compliance Report in respect of the above-stated conditions to the Department of Forests and the Integrated Regional Office, MoEFCC, Kolkata every year regularly;
 18. The 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, Issued by the MoEFCC, Kolkata letter No.5-2/2017-FC dated 28.03.2019; and
 19. The User Agency shall comply with the provisions of all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, as may be applicable to the project.

Sd/-

Deputy Secretary to the Government of West Bengal

No. 1526/1(5)-For/O/L/10T-12/2017

Kolkata, the 26th October, 2022

Copy forwarded for information and necessary action to:

- 1) The Additional Chief Secretary, Power Department
- 2) The PCCF (HoFF), WB
- 3) The PCCF & Nodal Officer, FCA, 1960
- 4) The Assistant Inspector General of Forests (FC), Ministry of Environment, Forests & Climate Change, (Forest Conservation Division), Govt. of India, Indira Paryavaran hawan, Jorbagh Road, Aliganj, New Delhi-110 003
- 5) The Chief Engineer, PSPD, WBSEDCL, Bidyut Bhavan, Kolkata-700 091


Deputy Secretary to the Government of West Bengal

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~~ANNEX - 2~~

7

GOVT. OF WEST BENGAL
 Office of the Block Development Officer
 Baghmundi Development Block
 Baghmundi # Purulia

☎ : 03252-250207

☎ : 03252-250207

E-mail : bdo.baghmundi@email.com, baghmundi@nic.in

Memo No.: 107/ / BDO / BAG

Date: 27/03/2017

To
 The Project Officer-cum-District Welfare Officer,
 Backward Class Welfare Deptt.,
 Purulia.

Subject : Gram Sabha resolution of Ajodhya and Baghmundi Gram Panchayat regarding No Objection Certificate for use of Forest Land with regard to 1000 MW Turga Pumped Storage Project.

Sir,

With regard to the above mentioned subject I am forwarding the gram sabha resolution along with no-objection certificate furnished by Ajodhya Gram Panchayat and Baghmundi Gram Panchayat under Baghmundi Development Block.

This is for your information and taking necessary action.

Thanking you.

Yours faithfully,

Encl.: As stated.

Biswajit
 27.03.17

Block Development Officer
 Baghmundi Development Block

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 in paragraph.....
 regarding.....
 in this.....
Takem Zang
 18-2

[Signature]
 Commis
 18/03/17

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OFFICE OF THE
BAGHMUNDI GRAM PANCHAYAT
BAGHUNDI - PURULIA

MEMO NO 182/BAGHM/SP

DATE 23/08/19

The Gram Sabha verified the entire proposed land as mentioned in the following schedule and found that no person have been given patta under schedule Tribe & others Traditional Forest dwellers (Forest Rights) Act nor any person is in possession of any portion of that land . this is also to certify that this Gram Sabha has no objection if this portion of Forest land Used 100M.W Turga pumped storage Project purpose.

Schedule of land

Sl no	Mouza	Plot no	Jl. No	Area in hectars
1	Baghmundi-sheet 1	2,3,4,5,6,	105	22.121
2	Baghmundi-sheet -2	22,210,218,334,357,358,	105	83.093
3	Baghmundi sheet 3	381	105	21.992
4	Baghmundi sheet 4	1507	105	34.430
5	Gosaidih	2	94	1.698
6	Bareria sheet 1	1,5,452	103	6.996
7	Bareria sheet 4	5757	103	0.57
8	Kudna Sheet 3	1196	122	13.648

Pradhan
Baghmundi Gram Panchayat
Pradhan

Baghmundi Gram Panchayat

WISE AREA (HA) OF LAND FOR COMPENSATORY AFFORESTION FOR 1000 MW TURGA PSP

DATED 31.01.2017

		Plot No.	Component	Area (Ha)	Part/Full	Remarks
1	Baghmundi Sheet-1	6	Hadhadinala Rock Quarry (RQA-3)	7.110	F	
		6	Hadhadinala Clay Quarry (CQA-1)	5.000	F	
		6	Permanent Road	0.193	P	$A=(192.87*10)/10000=0.19287$ Ha
		6	Temporary Road	1.585	P	$(144.5643*10)/10000=0.1445, 0.1445+1.440=1.5845$ Ha
		4	Upper Reservoir	0.066	P	
		6	Upper Reservoir	7.860	P	$(7.8270+0.0288)$
		2	Upper Reservoir	0.135	P	
		3	Upper Reservoir	0.110	P	
		5	Upper Reservoir	0.062	P	
		22	Upper Reservoir	46.809	P	
2	Baghmundi Sheet-2	357	Upper Reservoir	0.094	P	
		358	Upper Reservoir	0.082	P	
		22	Stockpile, Processing & Disposal Area (USP-1)	2.020	F	
		22	Stockpile, Processing & Disposal Area (USP-2)	7.270	F	
		22	Permanent Road	2.836	P	$(0.14+2.6625)=2.8025$ Ha. $L=(1171.7013+603.2722)m, W=15m$
		22	Temporary Road	3.287	P	$L=(878.3634+496.2902+1300.5805+339.9521)m, W=10m$
		210	Temporary Road	0.419	P	$Area=3.0152+0.271=3.2862$
		218	Temporary Road	0.226	P	$L=(188.0546+230.863)m, W=10m$
		334	Temporary Road	0.240	P	$L=225.1015 m, W=10m$
		22	Spillway (OPC-5)	1.760	F	$L=(176.34+63.3747) m, W=10 m$
3	Baghmundi Sheet-3	22	Construction facility ((UCF-1)	1.970	F	
		22	Construction facility ((UCF-2)	2.050	F	
		22	Construction facility ((UCF-3)	1.600	F	
		22	Construction facility ((UCF-4)	1.520	F	
		22	Rock Quarry Area (RQA-4)	1.040	F	
		334	Clay Quarry Area (CQA-3)	3.040	F	
		22	Upper Dam	6.830	F	
		351	Lower Reservoir Area	8.097	P	
		381	Penstock Assembly Yard (OPC-4)	1.360	F	
		381	Switch Yard (OPC-3)	1.100	P	
4	Baghmundi Sheet-4	381	Construction facility (LCF-3)	1.630	F	
		381	Rock Quarry Area (RQA-2)	3.150	F	
		381	Permanent Road	4.348	P	$(0.27+3.6913+0.3529)Ha, L=(2460.8668+235.2824+182.7768)m, W=15m$
		381	Temporary Road	2.307	P	$(0.291+0.467+1.5488)Ha, L=(101.2554+348.4701+368.2697+730.8595)m$
		1507	Permanent Road	2.778	P	$(0.57+1.8239) Ha, ((1215.954*15)/10000)=1.8239$ Ha
		1507	Temporary Road	2.256	P	$(0.6582+1.471+0.1262) Ha, ((126.2768*10)/10000)=0.1262$ Ha
		1507	Stockpile, Processing and Disposal Area (LSP-3, LSP-4)	8.160	F	$6.10+2.06=8.16$ Ha
		1507	Construction facility (LCF-2)	8.760	F	
		1507	Other Project Component (OPC-1, OPC-2)	3.910	F	$2.36+1.55=3.91$ Ha
		1507	Switch Yard (OPC-3)	0.410	P	
5	Hatnada Sheet-1	1507	Lower Concrete Dam	0.020	P	
		1507	Lower Saddle Dam	2.526	F	$0.8984+1.6272=2.5256$ Ha
6	Gosaidih	1507	Lower Reservoir	5.611	P	$3.7350+1.8761=5.6111$ Ha
		276	Hatinada Borrow Area (CQA-2)	10.050	F	
7	Ranga	2	Lower Reservoir	0.730	P	
		2	Lower Concrete Dam	0.339	P	
8	Teliebhasa Sheet-2	2	Stockpile, Processing & Disposal Area (LSP-2)	0.630	P	
		117	Upper Reservoir	32.640	P	
		544	Upper Reservoir	1.042	P	
		545	Upper Reservoir	0.759	P	
		571	Upper Reservoir	1.868	P	
		659	Upper Reservoir	2.766	P	
9	Barriya Sheet-1	677	Upper Reservoir	0.169	P	
		679	Upper Reservoir	0.094	P	
		743	Upper Reservoir	0.067	P	
		1	Permanent Road	0.690	P	
		1	Construction facility (LCF-1)	0.860	F	
		1	Stockpile, Processing and Disposal Area (LSP-2)	0.986	P	
		5	Stockpile, Processing and Disposal Area (LSP-2)	0.229	P	
		452	Stockpile, Processing and Disposal Area (LSP-2)	0.096	P	
		1	Lower Concrete Dam	0.366	P	
		5	Lower Concrete Dam	0.114	P	
10	Kudna Sheet-3	452	Lower Concrete Dam	0.044	P	
		1	Lower Reservoir	3.577	P	
		5	Lower Reservoir	0.023	P	
		452	Lower Reservoir	0.011	P	
		1196	Temporary road	0.388	P	
		1196	Stockpile, Processing and Disposal Area (LSP-1)	3.260	F	
11	Barriya Sheet-4	1196	Rock Quarry Area (RQA-1)	10.000	F	
		5757	Temporary Road	0.570	P	
Total Area (Ha)				234.000		FULL - Marked In Red, Part Plot- Marked in Black

Office of the
Ajodhya Gram Panchayat

AT+Po-ranga, P. S.-Baghmundi Dtst-Purulia

Memo No: 22/A)G)P

Date: 24.03.2017

To

The Block Dev, Officer

Baghmundi Dev, Block

Sub :NOC for diversion of forest land for 1000 M.W. Turga Pumped Storage Project in Baghmundi Block

Sir,

In pursuance of the Letter of District Project Officer vide memo no.-346/BCWP dated 06/03/2017 regarding the above mentioned subject Ajodhya Gram Panchayat have adopted a Resolution from the Gram Sabha verified the entire proposed land as mentioned in the following schedule and found that some person have been given patta under Schedule Tribes (Forest Rights Act),whose details is as follows:

Sl No	Name of Patta Recipient	Father	Plot No	Area
1	Kista Hansda	Lakkhan	659	45 decimal
2	Syamsing Hansda	Khiran	659	28 decimal
3	Lakkhan Murmu	Mangal	659	60 decimal
4	Bijoy Murmu	Sikhar	659	1 Acre

These Patta Recipient persons are agree to give NOC under the compensation ground .

This is also certify that this Gram Sabha has no objection except these patta recipient persons if this portion of forest land used 1000 M.W.Turga pumped Storage Project purpose.

Schedule of land

Sl. No.	Mouza	Jl No.	Plot No.	Area in Hectares
1	Hatinada(Sheet 1)	107	276	10.05
2	Ranga	106	117	32.64
			544	1.042
			545	0.759
			571	1.868
3	TeliabhasaSheet 2)	81	659	2.766
			677	0.169
			679	0.094
			743	0.067

This is for your kind information and taking necessary action.

Yours faithfully


 PRADHAN
 AJODHYA GRAM PANCHAYAT
 AT+P.O. RANGA

6/8

GOVT. OF WEST BENGAL
Office of the Block Development Officer
Baghmundi Development Block
Baghmundi # Purulia

☎ : 03252-250207

☎ : 03252-250207

E-mail : bdo.baghmundi@gmail.com, baghmundi@nic.in

Memo No.: 1891 / BDO / BAG

Date: 05.06.2017

To
The District Magistrate,
Purulia.

Subject: No Objection Certificate for diversion of forest land for 1000MW Turga Pump Storage Project at Plot No. 659 of Teliabhasa Mouza (H.No.81) under Ajodhya G.P. of Baghmundi Development Block.

Ref.: Memo No. 86/AGP Dated 05.06.2017 of the office of Ajodhya Gram Panchayat

Sir,

With reference to the above mention subject the undersigned is forwarding herewith No Objection certificate furnished by Pradhan, Ajodhya Gram Panchayat on the basis of joint physical verification carried out on early morning of 05.06.2017 on Plot No. 659 of Teliabhasa Mouza (H-81) which will be required for 1000 MW Turga Pump Storage Project.

This is for your information and taking necessary action.

Yours faithfully,

Encl.: NOC furnished by Pradhan, Ajodhya GP regarding diversion of forest land for 1000MW Turga Pump Storage Project in Baghmundi Block.

P. S. G. P.
Block Development Officer
Baghmundi Development Block

Date: 05.06.2017

Memo No.: 1891 /4/ BDO / BAG

Copy forwarded for kind information to:

1. The Additional District Magistrate (Dev.), Purulia.
2. The Project Officer-cum-District Welfare Officer, Purulia.
3. The Sub-Divisional Officer, Jhalda.
4. The Chief Engineer, PSPD, WBSIEDCL, Koi-700091.

P. S. G. P.
Block Development Officer
Baghmundi Development Block

58 ~~66~~

R-3

374

H/c Pl.
take action
after getting
letter from
BDO, Baghmundi

**Office of the
Ayodhya Gram Panchayat
AT+P.O.: Ranga, P.S. : Baghmundi, Dist.: Purulia**

05/06/17

Memo: 86/AGP

Date: 05th June 2017

To
The Block Development Officer,
Block Development Office
Baghmundi, Purulia

Sub: NOC for diversion of Forest Land for 1000 MW Turga Pumped Storage Project in Baghmundi Block – Reg: Forest Rights Acts

Ref: Letter vide Memo No.: 22/AGP dated 24.03.2017

Sir,

A joint site visit and physical verification was carried out on 05th June 2017 by the undersigned along with the officials from Block Development Office, Baghmundi Block and WBSEDCL of the plot no. 659 of Teliyabhasa Mouza, JL No. 81 which will be required for 1000 MW Turga Pumped Storage Project.

It is found that, no person has been given patta under Schedule Tribe & Others Traditional Forest Dwellers (Forest Rights) Act, nor any person is in possession of any portion of the proposed 2.766 Ha of the Forest Land which is required for the above-mentioned project in plot no. 659 of Teliyabhasa Mouza, JL-No. 81, Block- Baghmundi, Purulia.

The undersigned has no objection for the plot no. 659 of Teliyabhasa Mouza, JL-No. 81, Block- Baghmundi, Purulia, if this portion of Forest Land is used for 1000 MW Turga Pumped Storage Project, Baghmundi, Purulia.

This is for your kind information and necessary action please.

This is also to certify that the undersigned has no objection to any other plots as mentioned in letter vide memo NO. 22/AGP dt. 24.03.2017

Yours faithfully,

[Signature]

[Signature]
PRADHAN
AJODHYA GRAM PANCHAYAT
AT+p.o.-RANGA
BAGHMUNDI, PURULIA

PRADHAN
AJODHYA GRAM PANCHAYAT
AT+p.o.-RANGA
BAGHMUNDI, PURULIA

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Amended R-4

File No. FOR-23011/49/2021-SECTION(FOR)-Dept. of Forest (Computer No. 461319.)

Very imp
to be kept in file
11/11/2013

GOVERNMENT OF INDIA
Ministry of Tribal Affairs



Shastri Bhawan, New Delhi

April 8, 2018

To
Smt. R. Chatterjee
Joint Secretary to the
Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings
Kolkata-700 001.

Subject: Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 & Rules, 2008

Madam,

I am directed to refer to your letter No.668-BCW/6M(MC)-5/2006(1) dated 10.3.2008 on the above subject and to say that it appears that, in West Bengal, the "Gram Samshad" is the equivalent of "Gram Sabha". If so, this Ministry has no objection to the replacement of Gram Sabha by Gram Samshad in the case of West Bengal for the purpose of the implementation of the Act.

Yours faithfully,

Yadim Dasgupta

15/4/18

**TYPED COPY**

Government of India
Ministry of Tribal Affairs

Shsatri Bhaban, New Delhi,
April, 08, 2008.

To
Smt R. Chatterjee,
Joint Secretary to the
Government of West Bengal,
Backward Classes Welfare Department,
Writers Building,
Kolkata- 700001.

Subject:- Implementation of the Schedule Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights), Act, 2006 & Rules 2008.

Madam,

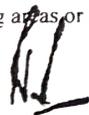
I am directed to your letter No. 668-BCW/6M(MC- 5/2006/(i)) dated 10.03.2008, on the above subject and to say that it appears that in West Bengal, the "Gram Sanshad" is the equivalent of "Gram Sabha". If so this Ministry has no objection to the replacement of Gram Sabha, by Gram Sanshad in the case of west Bengal for the purpose of the implementation of the act.

Yours Faithfully

SD/-

NOTICE OF PUBLICATION OF THE FINAL LIST OF POLLING STATIONS

In pursuance of Section 27 of the West Bengal Panchayat Elections Act, 2003, and subject to the direction issued by the West Bengal State Election Commission, I, **Rajat Nanda**, the District Panchayat Election Officer of **Purulia** hereby provide for the Panchayat General Elections, 2023 to the following Constituencies of Gram Panchayat, Panchayat Samiti, Zilla/ Mahakuma Parishad* of the Baghmundi Development Block, the Polling Stations specified in the appended list for polling areas or groups of voters noted against each for the aforesaid Constituencies.


District Panchayat Election Officer

Purulia, D.P.E.O.

List of Polling Stations of the Baghmundi Development Block for the following Constituencies for all Voters

Sl no	Panchayat Part No	AC Part No	AC No. & Name	Sections (Para, Mahalla etc.)	Name of the Polling Station	Name of Gram where the polling station is situated	Name of Gram Panchayat	Name of the constituency D.M. Purulia			Total number of voters in the Polling Station
								Gram Panchayat	Panchayat Samiti	Zilla/Mahakuma Parishad	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)(a)	(9)(b)	(9)(c)	(10)
1	1	162	240-Baghmundi	Simulbera, Usuldungri, Darudi, Kalijhama, Gururjhama, Chhatrajara	Adelbera Primary School	Simulbera	Ajodhya	Ajodhya/I	Ajodhya/PS-1	Baghmundi/ZP-16	892
2	2	163	240-Baghmundi	Chhatni, Bhursabera, Kendghutu, Silingda	Chhatni Primary School Room 1	Chhatni	Ajodhya	Ajodhya/II	Ajodhya/PS-1	Baghmundi/ZP-16	868
3	3	164	240-Baghmundi	Ajodhya, Bagandi, Majhidi, Matkandi, Safarambera	Ajodhya Junior Basic School-Room 1	Ajodhya	Ajodhya	Ajodhya/III	Ajodhya/PS-1	Baghmundi/ZP-16	1161
4	4	165	240-Baghmundi	Puniasasan, Chirutsarh, Kalha, Fulia, Kuchhirakha, Gordi, Lahadungri, Kotalmara	Ajodhya Junior Basic School-Room 2	Ajodhya	Ajodhya	Ajodhya/IV	Ajodhya/PS-1	Baghmundi/ZP-16	584
5	5	166	240-Baghmundi	Ranga, Barelohar, Bhunighora	Ranga Primary School	Ranga	Ajodhya	Ajodhya/V	Ajodhya/PS-2	Baghmundi/ZP-16	896
6	5-Ka	166	240-Baghmundi	Hatinada, Jilingnard, Jamghutu, Andhra, Mantnard, Bidyajara, Tanpania	Ranga Primary School	Ranga	Ajodhya	Ajodhya/V	Ajodhya/PS-2	Baghmundi/ZP-16	581
7	6	167	240-Baghmundi	Teliabhasa, Kusumtikri, Bhitpani, Saldi, Kurpahar, Saramchaki, Susinidi, Dugridi, Bamnijara, Aikusi	Teliabhasa Primary School	Teliabhasa	Ajodhya	Ajodhya/VI	Ajodhya/PS-2	Baghmundi/ZP-16	1052
8	7	168	240-Baghmundi	Saharjuri, Surjandi, Kendtar, Chetanbera, Kultanr, Kamlabahal, Bongada, Sonahara, Kalha, Dumdumi, Kherghutu	Saharjuri Primary School	Saharjuri	Ajodhya	Ajodhya/VII	Ajodhya/PS-2	Baghmundi/ZP-16	1391
9	8	169	240-Baghmundi	Pitidiri, Talakdha, Rugrughutu, Chiruberu, Bandhdi, Gundlidi, Hensadi, Kamlabahal	Bandhdi Primary School-Room 1	Bandhdi	Ajodhya	Ajodhya/VIII	Ajodhya/PS-2	Baghmundi/ZP-16	936

Sl no	Panchayat at Part No	AC Part No	AC No. & Name	Sections (Para, Mahalla etc.)	Name of the Polling Station	Name of Gram where the polling station is situated	Name of Gram Panchayat	Name of the constituency			Total number of voters in the Polling Station
								Gram Panchayat	Panchayat Samiti	Zilla/Mahakuma Parishad	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)(a)	(9)(b)	(9)(c)	(10)
10	9/1	170	240-Baghmundi	Burda, Bukadi, Ichakoto, Jilingsereng, Ibilsarjam, Ko-bera	Bukadi Primary School	Bukadi	Burda-Kalimati	Burda Kalimati/I	Burda-Kalimati/PS-3	Baghmundi/ZP-16	1089
11	9/2	171	240-Baghmundi	Jilling Sereng	Jilling Sereng Primary School	Jilling Sereng	Burda-Kalimati	Burda Kalimati/I	Burda-Kalimati/PS-3	Baghmundi/ZP-16	217
12	10	172	240-Baghmundi	Burda	Burda High School- Room 1	Burda	Burda-Kalimati	Burda Kalimati/II	Burda-Kalimati/PS-3	Baghmundi/ZP-16	677
13	11	173	240-Baghmundi	Burda	Burda High School- Room 2	Burda	Burda-Kalimati	Burda Kalimati/III	Burda-Kalimati/PS-3	Baghmundi/ZP-16	756
14	12	174	240-Baghmundi	Burda	Burda Junior Basic School	Burda	Burda-Kalimati	Burda Kalimati/IV	Burda-Kalimati/PS-3	Baghmundi/ZP-16	1377
15	13	175	240-Baghmundi	Ukada	Ukada Primary School	Ukada	Burda-Kalimati	Burda Kalimati/V	Burda-Kalimati/PS-3	Baghmundi/ZP-16	664
16	14	176	240-Baghmundi	Koreng, Pattanr	Koreng Primary School	Koreng	Burda-Kalimati	Burda Kalimati/VI	Burda-Kalimati/PS-3	Baghmundi/ZP-16	1106
17	15	177	240-Baghmundi	Pogrodi, Husir	Pogrodih Primary School	Pogrodih	Burda-Kalimati	Burda Kalimati/VII	Burda-Kalimati/PS-4	Baghmundi/ZP-16	1178
18	16	178	240-Baghmundi	Sarjumathu, Kuchi, Koredi	Sarjumhatu Primary School	Sarjumhatu	Burda-Kalimati	Burda Kalimati/VIII	Burda-Kalimati/PS-4	Baghmundi/ZP-16	1067
19	17	179	240-Baghmundi	Paramtikar, Churki	Paramtikar Primary School	Paramtikar	Burda-Kalimati	Burda Kalimati/IX	Burda-Kalimati/PS-4	Baghmundi/ZP-16	884
20	18	180	240-Baghmundi	Mounia	Mounia Primary School	Mounia	Burda-Kalimati	Burda Kalimati/X	Burda-Kalimati/PS-4	Baghmundi/ZP-16	412
21	19	181	240-Baghmundi	BURUDIHI	Burudih Primary School	Burudih	Burda-Kalimati	Burda Kalimati/XI	Burda-Kalimati/PS-4	Baghmundi/ZP-16	469
22	20	182	240-Baghmundi	Bagti, Nandaramdi	Bagti Primary School	Bagti	Burda-Kalimati	Burda Kalimati/XII	Burda-Kalimati/PS-5	Baghmundi/ZP-16	749
23	21	183	240-Baghmundi	Bandhdi, Serengdi	Bandhdi Primary School	Bandhdi	Burda-Kalimati	Burda Kalimati/XIII	Burda-Kalimati/PS-5	Baghmundi/ZP-16	1142
24	22	184	240-Baghmundi	Kalimati part	Kalimati Hat Msk- Room 1	Kalimati	Burda-Kalimati	Burda Kalimati/XIV	Burda-Kalimati/PS-5	Baghmundi/ZP-16	847
25	23	185	240-Baghmundi	Kalimati part	Kalimati Hat Msk- Room 2	Kalimati	Burda-Kalimati	Burda Kalimati/XV	Burda-Kalimati/PS-5	Baghmundi/ZP-16	766
26	24	186	240-Baghmundi	Peretorang, Pirorgoria	Peretorang Primary School	Peretorang	Tunturi-Suisa	TunturiSuisa/I	Tunturi-Suisa/PS-6	Baghmundi/ZP-16	1160
27	25	187	240-Baghmundi	Rangamati, Mukrub	Mukrub Primary School	Mukrub	Tunturi-Suisa	TunturiSuisa/II	Tunturi-Suisa/PS-6	Baghmundi/ZP-16	969
28	26	188	240-Baghmundi	Gagi	Gagi Primary School- Room 1	Gagi	Tunturi-Suisa	TunturiSuisa/III	Tunturi-Suisa/PS-6	Baghmundi/ZP-16	786
29	27	189	240-Baghmundi	Gagi	Gagi Primary School- Room 2	Gagi	Tunturi-Suisa	TunturiSuisa/IV	Tunturi-Suisa/PS-6	Baghmundi/ZP-16	760
30	28	190	240-Baghmundi	Gagi, Bandhdi, Saldabra	Saldabra Primary School	Saldabra	Tunturi-Suisa	TunturiSuisa/V	Tunturi-Suisa/PS-6	Baghmundi/ZP-16	836
31	29	191	240-Baghmundi	Suisa	Suisa High School	Suisa	Tunturi-Suisa	TunturiSuisa/VI	Tunturi-Suisa/PS-6	Baghmundi/ZP-16	1298
32	30	192	240-Baghmundi	Suisa, Dangdung	Dangdung Primary School	Dangdung	Tunturi-Suisa	TunturiSuisa/VII	Tunturi-Suisa/PS-6	Baghmundi/ZP-16	832
33	31	193	240-Baghmundi	Marcha, Saridi	Marcha Primary School	Marcha	Tunturi-Suisa	TunturiSuisa/VIII	Tunturi-Suisa/PS-7	Baghmundi/ZP-16	1061
34	32	194	240-Baghmundi	Saridi	Saridih Primary School- Room 1	Saridih	Tunturi-Suisa	TunturiSuisa/IX	Tunturi-Suisa/PS-7	Baghmundi/ZP-16	1063
35	33	195	240-Baghmundi	Liki, Simali	Saridih Primary School- Room 2	Saridih	Tunturi-Suisa	TunturiSuisa/X	Tunturi-Suisa/PS-7	Baghmundi/ZP-16	753
36	34	196	240-Baghmundi	Harta, Harup, Simali, Upar Parsidi	Simali Primary School	Simali	Tunturi-Suisa	TunturiSuisa/XI	Tunturi-Suisa/PS-7	Baghmundi/ZP-16	839

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Lok Sabha

Sl no	Panchayat Part No	AC Part No	AC No. & Name	Sections (Para, Mahalla etc.)	Name of the Polling Station	Name of Gram where the polling station is situated	Name of Gram Panchayat	Name of the constituency			Total number of voters in the Polling Station
								Gram Panchayat	Panchayat Samiti	Zilla/Mahakuma Parishad	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)(a)	(9)(b)	(9)(c)	(10)
37	35	197	240-Baghmundi	Atna, Burangburu	Atna Primary School	Atna	Tunturi-Suisa	TunturiSuisa/XII	Tunturi-Suisa/PS-7	Baghmundi/ZP-16	1112
38	36	198	240-Baghmundi	Deoli, Jordih	Deoli Primary School- Room 1	Deoli	Tunturi-Suisa	TunturiSuisa/XIII	Tunturi-Suisa/PS-7	Baghmundi/ZP-16	797
39	37	199	240-Baghmundi	Deoli, Jordih	Deoli Primary School- Room 2	Deoli	Tunturi-Suisa	TunturiSuisa/XIV	Tunturi-Suisa/PS-7	Baghmundi/ZP-16	711
40	38	200	240-Baghmundi	Tiruldi, Tilokdi, Lengdi	Tiruldh Primary School	Tiruldh	Tunturi-Suisa	TunturiSuisa/XV	Tunturi-Suisa/PS-8	Baghmundi/ZP-16	931
41	39	201	240-Baghmundi	Raidi, Nowadi	Nowadih Primary School- Room 1	Nowadih	Tunturi-Suisa	TunturiSuisa/XVI	Tunturi-Suisa/PS-8	Baghmundi/ZP-16	714
42	40	202	240-Baghmundi	Raidi, Nowadi	Nowadih Primary School- Room 2	Nowadih	Tunturi-Suisa	TunturiSuisa/XVII	Tunturi-Suisa/PS-8	Baghmundi/ZP-16	869
43	41	203	240-Baghmundi	Tunturi	Tunturi High School- Room 1	Tunturi	Tunturi-Suisa	TunturiSuisa/XVIII	Tunturi-Suisa/PS-8	Baghmundi/ZP-16	874
44	42	204	240-Baghmundi	Sopa	Tunturi High School- Room 2	Tunturi	Tunturi-Suisa	TunturiSuisa/XIX	Tunturi-Suisa/PS-8	Baghmundi/ZP-16	1250
45	43	205	240-Baghmundi	Tunturi	Tunturi Adibasi Primary School	Tunturi	Tunturi-Suisa	TunturiSuisa/XX	Tunturi-Suisa/PS-8	Baghmundi/ZP-16	822
46	44	206	240-Baghmundi	Biddri Part	Biddri Pry. School- Room 1	Biddri	Serengdih	Serengdih/I	Serengdih/PS-9	Baghmundi/ZP-16	973
47	45	207	240-Baghmundi	Biddri Part	Biddri Pry. School- Room 2	Biddri	Serengdih	Serengdih/II	Serengdih/PS-9	Baghmundi/ZP-16	911
48	46	208	240-Baghmundi	Barudi, Serengdi,	Serengdi Jb. School- Room 1	Serengdi	Serengdih	Serengdih/III	Serengdih/PS-9	Baghmundi/ZP-16	941
49	47	209	240-Baghmundi	Barudi, Serengdi, Bhursudi, Dulmi, Sarmali	Serengdi Jb. School- Room 2	Serengdi	Serengdih	Serengdih/IV	Serengdih/PS-9	Baghmundi/ZP-16	458
50	48	210	240-Baghmundi	Rella Kurra, Chatua, Gobindadi	Rella Kurra Pry. School- Room 2	Rella Kurra	Serengdih	Serengdih/V	Serengdih/PS-10	Baghmundi/ZP-16	1141
51	49	211	240-Baghmundi	Kushaldi	Kushaldi Pry. School- Room 1	Kushaldi	Serengdih	Serengdih/VI	Serengdih/PS-10	Baghmundi/ZP-16	834
52	50	212	240-Baghmundi	Kushaldi	Kushaldi J.B. School- Room 2	Kushaldi	Serengdih	Serengdih/VII	Serengdih/PS-10	Baghmundi/ZP-16	793
53	51	213	240-Baghmundi	Rathnar, Sirkadih	Dhekia Pry. School- Room 1	Dhekia	Serengdih	Serengdih/VIII	Serengdih/PS-10	Baghmundi/ZP-16	780
54	52	214	240-Baghmundi	Rathnar, Sirkadih	Dhekia Pry. School- Room 2	Dhekia	Serengdih	Serengdih/IX	Serengdih/PS-10	Baghmundi/ZP-16	653
55	53/1	215	240-Baghmundi	Bhursu	Bhursu Pry. School	Bhursu	Serengdih	Serengdih/X	Serengdih/PS-11	Baghmundi/ZP-16	729
56	53/2	217	240-Baghmundi	Dhekia	Bhursu Girls Pry. School- Room 2	Bhursu	Serengdih	Serengdih/X	Serengdih/PS-11	Baghmundi/ZP-16	287
57	54	216	240-Baghmundi	Bhursu, Kashitar	Bhursu Girls Pry. School- Room 1	Bhursu	Serengdih	Serengdih/XI	Serengdih/PS-11	Baghmundi/ZP-16	1226
58	55	218	240-Baghmundi	Porsha, Kanudi	Parsha Pry. School	Parsha	Serengdih	Serengdih/XII	Serengdih/PS-11	Baghmundi/ZP-16	1172
59	56	219	240-Baghmundi	Utamdi, Dalkidi, Jhabri	Jhabri Pry. School	Jhabri	Serengdih	Serengdih/XIII	Serengdih/PS-11	Baghmundi/ZP-16	745
60	57	220	240-Baghmundi	Sasakhas, Nidhiadi, Porandi	Sasa Netaji Adarsha High School- Room 1	Sasa	Serengdih	Serengdih/XIV	Serengdih/PS-9	Baghmundi/ZP-16	850

Sl no	Panchayat Part No	AC Part No	AC No. & Name	Sections (Para, Mahalla etc.)	Name of the Polling Station	Name of Gram where the polling station is situated	Name of Gram Panchayat	Name of the constituency			Total number of voters in the Polling Station
								Gram Panchayat	Panchayat Samiti	Zilla/Mahakuma Parishad	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)(a)	(9)(b)	(9)(c)	(10)
61	58	221	240-Baghmundi	Sasakhas, Nidhiadi, Porandi	Sasa Netaji Adarsha High School- Room 2	Sasa	Serengdih	Serengdih/XV	Serengdih/PS-9	Baghmundi/ZP-16	657
62	59	222	240-Baghmundi	Patahensal, Ramdi	Patahensal Prry. School	Patahensal	Birgram	Birgram/I	Birgram/PS-12	Baghmundi/ZP-17	1023
63	60	223	240-Baghmundi	Kantadih-1, Raghunathdih, Kantadih, Kantadih-2	Kantadih Prry. School	Kantadih	Birgram	Birgram/II	Birgram/PS-12	Baghmundi/ZP-17	453
64	61	224	240-Baghmundi	Karihensa, Dugdha, Kantadi	Dugdha Prry. School	Dugdha	Birgram	Birgram/III	Birgram/PS-12	Baghmundi/ZP-17	858
65	62	225	240-Baghmundi	Sirkadi, Sakhadi	Sirkadi Prry. School	Sirkadi	Birgram	Birgram/IV	Birgram/PS-12	Baghmundi/ZP-17	1146
66	63	226	240-Baghmundi	Hurumda	Hurumda Prry. School- Room 1	Hurumda	Birgram	Birgram/V	Birgram/PS-13	Baghmundi/ZP-17	864
67	64	227	240-Baghmundi	Hurumda, Laldi	Hurumda Prry. School- Room 2	Hurumda	Birgram	Birgram/VI	Birgram/PS-13	Baghmundi/ZP-17	1168
68	65	228	240-Baghmundi	Jilling, Gorat sakra	Jilling Prry. School	Jilling	Birgram	Birgram/VII	Birgram/PS-13	Baghmundi/ZP-17	1066
69	66	229	240-Baghmundi	Birgram, Mudidi Part, Birgram, Mudidi	Birgram Prry. School- Room 1	Birgram	Birgram	Birgram/VIII	Birgram/PS-14	Baghmundi/ZP-17	840
70	67	230	240-Baghmundi	Birgram, Mudidi Part	Birgram Prry. School- Room 2	Birgram	Birgram	Birgram/IX	Birgram/PS-14	Baghmundi/ZP-17	729
71	68	231	240-Baghmundi	Birgram	Birgram Adi. Prry. School	Birgram	Birgram	Birgram/X	Birgram/PS-14	Baghmundi/ZP-17	1282
72	69	232	240-Baghmundi	Gondhudi, Thumputanr	Gandhudi Girls Prry. School	Gandhudi	Birgram	Birgram/XI	Birgram/PS-14	Baghmundi/ZP-17	902
73	70	233	240-Baghmundi	Shrabandi, Shrabandi	Shrabandi Prry. School	Shrabandih	Birgram	Birgram/XII	Birgram/PS-14	Baghmundi/ZP-17	819
74	71	234	240-Baghmundi	Ghorabandha, Haridi, Khutanr, Rangramati, Ghorabandha	Haridi Prry. School	Haridi	Sindri	Sindri/I	Sindri/PS-15	Baghmundi/ZP-17	1320
75	72	235	240-Baghmundi	Ghorabandha	Ghorabandha Prry. School	Ghorabandha	Sindri	Sindri/II	Sindri/PS-15	Baghmundi/ZP-17	1230
76	73	236	240-Baghmundi	Sindri, Bajantanr	Sindri Girls Prry. School	Sindri	Sindri	Sindri/III	Sindri/PS-15	Baghmundi/ZP-17	949
77	74	237	240-Baghmundi	Sindri	Sindri Prry. School- Room 1	Sindri	Sindri	Sindri/IV	Sindri/PS-15	Baghmundi/ZP-17	1239
78	75	238	240-Baghmundi	Sindri	Sindri Prry. School- Room 2	Sindri	Sindri	Sindri/V	Sindri/PS-16	Baghmundi/ZP-17	952
79	76	239	240-Baghmundi	Karru	Karru Prry. School- Room 1	Karru	Sindri	Sindri/VI	Sindri/PS-16	Baghmundi/ZP-17	938
80	77	240	240-Baghmundi	Karru, Karru, Koredi	Karru Prry. School- Room 2	Karru	Sindri	Sindri/VII	Sindri/PS-16	Baghmundi/ZP-17	925
81	78	241	240-Baghmundi	Torang, Velatanr	Torang Prry. School	Torang	Sindri	Sindri/VIII	Sindri/PS-16	Baghmundi/ZP-17	1290
82	79	242	240-Baghmundi	Dava, Kundatanr, Khirabera, Dhundikhap, Bara Dava	Dava Torang Prry. School	Dava Torang	Sindri	Sindri/IX	Sindri/PS-17	Baghmundi/ZP-17	1196
83	80	243	240-Baghmundi	Baredi, Bhubukda, Poradi, Nischintapur	Baredi Prry. School- Room 1	Baredi	Sindri	Sindri/X	Sindri/PS-17	Baghmundi/ZP-17	1113
84	81	244	240-Baghmundi	Charida, Robidi, Anandanagar	Charida Prry. School- Room 1	Charida	Sindri	Sindri/XI	Sindri/PS-17	Baghmundi/ZP-17	997
85	82	245	240-Baghmundi	Charida	Charida Prry. School- Room 2	Charida	Sindri	Sindri/XII	Sindri/PS-17	Baghmundi/ZP-17	963
86	83	246	240-Baghmundi	Hikimdi, Masjid Para	Bagmundi High School C-1	Baghmundi	Baghmundi	Baghmundi/I	Baghmundi/PS-18	Baghmundi/ZP-17	862

Sl no	Panchayat at Part No	AC Part No	AC No. & Name	Sections (Para, Mahalla etc.)	Name of the Polling Station	Name of Gram where the polling station is situated	Name of Gram Panchayat	Name of the constituency			Number of voters in the Polling Station
								Gram Panchayat	Panchayat Samiti	Zilla/Mahakuma Parishad	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)(a)	(9)(b)	(9)(c)	(10)
87	84	247	240-Baghmundi	Bazarkuli, Bazar, Domkuli, Domkuli, Rajbari	Bagmundi High School C-II	Baghmundi	Baghmundi	Baghmundi/II	Baghmundi/PS-18	Baghmundi/ZP-17	811
88	85	248	240-Baghmundi	Baghmundi, Hikimdi, Ghagra, Baghmundi, Ghagra	Bagmundi High School C-III	Baghmundi	Baghmundi	Baghmundi/III	Baghmundi/PS-18	Baghmundi/ZP-17	1269
89	86	249	240-Baghmundi	Chano, Saragdi, Baghmundi	Bagmundi High School, Sarakdih- Room 1	Baghmundi	Baghmundi	Baghmundi/IV	Baghmundi/PS-18	Baghmundi/ZP-17	1203
90	87	250	240-Baghmundi	Pratapapur, Gosaidi, Chhatatanr, Parthardi	Pathardih Pry. School- Room 1	Pathardih	Baghmundi	Baghmundi/V	Baghmundi/PS-18	Baghmundi/ZP-17	762
91	88	251	240-Baghmundi	Pathardi	Pathardih Pry. School- Room 2	Pathardih	Baghmundi	Baghmundi/VI	Baghmundi/PS-18	Baghmundi/ZP-17	935
92	89	252	240-Baghmundi	Bareria, Khatkadih, Lohoria	Khatkadi Pry. School- Room 1	Khatkadih	Baghmundi	Baghmundi/VII	Baghmundi/PS-19	Baghmundi/ZP-17	739
93	90	253	240-Baghmundi	Barena, Ghutujara, Songdih, Sangkuli, Chitahi, Beltanr, Chitahi, Beltanr	Bareria Pry. School- Room 1	Barena	Baghmundi	Baghmundi/VIII	Baghmundi/PS-19	Baghmundi/ZP-17	1311
94	91	254	240-Baghmundi	Bareria	Bareria Pry. School- Room 2	Bareria	Baghmundi	Baghmundi/IX	Baghmundi/PS-19	Baghmundi/ZP-17	570
95	92	255	240-Baghmundi	Tarpania, Sahebdi, Bandhghutu, Barazara, Dulgubera	Marangburu Adibasi Bidiyalay-Room 1	Bandhghutu	Baghmundi	Baghmundi/X	Baghmundi/PS-19	Baghmundi/ZP-17	458
96	93	256	240-Baghmundi	Gobindapur	Gobindapur Pry. School-Room 1	Gobindapur	Baghmundi	Baghmundi/XI	Baghmundi/PS-20	Baghmundi/ZP-17	773
97	93-ka	256	240-Baghmundi	Gobindapur	Gobindapur Pry. School-Room 1	Gobindapur	Baghmundi	Baghmundi/XI	Baghmundi/PS-20	Baghmundi/ZP-17	638
98	94	257	240-Baghmundi	Gobindapur	Gobindapur Pry. School-Room 2	Gobindapur	Baghmundi	Baghmundi/XII	Baghmundi/PS-20	Baghmundi/ZP-17	1017
99	95	258	240-Baghmundi	Madla	Madla Pry. Schol- Room 1	Madla	Baghmundi	Baghmundi/XIII	Baghmundi/PS-20	Baghmundi/ZP-17	932
100	96	259	240-Baghmundi	Madla	Madla Horizon Pry. School-Room 1	Madla	Baghmundi	Baghmundi/XIV	Baghmundi/PS-20	Baghmundi/ZP-17	855
101	97	260	240-Baghmundi	Madla	Madla Horizon Pry. School-Room 2	Madla	Baghmundi	Baghmundi/XV	Baghmundi/PS-20	Baghmundi/ZP-17	605
102	98	261	240-Baghmundi	Kudlung, Chiknabagan, Matiala, Bhupatipally	Kudlung Pry. School	Kudlung	Baghmundi	Baghmundi/XVI	Baghmundi/PS-19	Baghmundi/ZP-17	825
103	99	262	240-Baghmundi	Kudna, Sukridova	Kudna Pry. School	Kudna	Baghmundi	Baghmundi/XVII	Baghmundi/PS-19	Baghmundi/ZP-17	904
104	100	263	240-Baghmundi	Ekra, Tikartanr	Ekra Pry. School	Ekra	Baghmundi	Baghmundi/XVIII	Baghmundi/PS-19	Baghmundi/ZP-17	1370
105	101	264	240-Baghmundi	Basudi, Tantan	Basudi Pry. School	Basudi	Baghmundi	Baghmundi/XIX	Baghmundi/PS-20	Baghmundi/ZP-17	729
106	102	265	240-Baghmundi	Sonkupi, Rerengtanr	Sonkupi Primary School	Sankupi	Matha	Matha/I	Matha/PS-21	Baghmundi/ZP-17	1268
107	103	266	240-Baghmundi	Sonkupi, Charakpathar, Kitadi, Lowakui, Rangamati	Kitadih Primary School	Kitadih	Matha	Matha/II	Matha/PS-21	Baghmundi/ZP-17	1101
108	104	267	240-Baghmundi	Munibera, Madhupur, Matha, Mudidi	Matha Junior Basic School-Room 1	Matha	Matha	Matha/III	Matha/PS-21	Baghmundi/ZP-17	1101

Sl no	Panchayat Part No	AC Part No	AC No. & Name	Sections (Para, Mahalla etc.)	Name of the Polling Station	Name of Gram where the polling station is situated	Name of Gram Panchayat	Name of the constituency			Total number of voters in the Polling Station
								Gram Panchayat	Panchayat Samiti	Zilla/Mahakuma Parishad	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)(a)	(9)(b)	(9)(c)	(10)
109	105	268	240-Baghmundi	Dhanudi, Kulugora, Kenddih, Bhuchungdi	Dhanudih I High School- Room 1	Dhanudih	Matha	Matha/IV	Matha/PS-22	Baghmundi/ZP-17	1129
110	106	269	240-Baghmundi	Rabar, Haridih, Rabar Haridi	Dhanudih High School- Room 2	Dhanudih	Matha	Matha/V	Matha/PS-22	Baghmundi/ZP-17	1001
111	107	270	240-Baghmundi	Dhaska, Khududi, Digardi, Digardi (Part)	Khududih Primary School	Khududih	Matha	Matha/VI	Matha/PS-23	Baghmundi/ZP-17	1024
112	108	271	240-Baghmundi	Chirugora, Chaunia, Pardih	Pardih Primary School	Pardih	Matha	Matha/VII	Matha/PS-23	Baghmundi/ZP-17	1295
113	109	272	240-Baghmundi	Bansidi, Bandudi, Ebildi, Kanrda	Ebildih Primary School	Bandudi	Matha	Matha/VIII	Matha/PS-22	Baghmundi/ZP-17	948
114	110	273	240-Baghmundi	Ponra	Ponra Primary School	Panra	Matha	Matha/IX	Matha/PS-23	Baghmundi/ZP-17	847


 District Panchayat Election Officer
 Purulia
 D.P.E.O.
 &
 D.M, Purulia

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West Bengal Panchayati Raj Act, 1973.

Part I

Chapter I

Preliminary

Section 1 Short title, extent and commencement

- (1) This Act may be called the West Bengal *Panchayat* Act, 1973.
- (2) It extends to the whole of West Bengal, except the areas to which the provisions of—
- (a) the Cantonments Act, 1924,
 - (b) the Howrah Municipal Corporation Act, 1980,
 - (c) the ³[Kolkata] Municipal Corporation Act, 1980,
 - (d) the Siliguri Municipal Corporation Act, 1990,
 - (e) the Asansol Municipal Corporation Act, 1990,
 - (f) the Chandannagar Municipal Corporation Act, 1990,
 - (g) the West Bengal Municipal Act, 1993,
 - (h) the Durgapur Municipal Corporation Act, 1994, or any parts or modifications thereof apply or may hereafter be applied.
- (3) This section shall come into force at once; the remaining sections shall come into force on such date or dates and in such area or areas as the State Government may, by notification, appoint and different dates may be appointed for different sections and for different areas.

Section 2. Definitions (Part I.-Chapter I-Preliminary.-Section 2.)

2. In this Act, unless there is anything repugnant in the subject or context—

- (1) "auditor" means an auditor appointed under section 186 and includes any officer authorised by him to perform all or any of the functions of an auditor under Chapter XVIII;
- (2) "Block" means an area referred to in section 93;
- (3) "Block Development Officer" means an officer appointed as such by the State Government ²[and includes the Joint Block Development Officer-in-charge of the Block];
- (4) "case" means a criminal proceeding in respect of an offence triable by a *Nyaya Panchayat*
- ³(4a) "Collector" means an officer appointed as such by the State Government;
- ⁴(4b) "Council" means the Darjeeling Gorkha Hill Council constituted under the Darjeeling Gorkha Hill Council Act, 1988
- (5) "District Magistrate" includes an Additional District Magistrate, a Deputy Commissioner, an Additional Deputy Commissioner and any other Magistrate appointed by the State Government to discharge all or any of the functions of a District Magistrate under this Act;
- ⁵(6) "Director of *Panchayats*" means the Director of *Panchayats* and Rural Development, Government of West Bengal, and includes a Joint Director of *Panchayats* and Rural Development, a Deputy Director of *Panchayats* and Rural Development and an Assistant Director of *Panchayats* and Rural Development;
- '(7) "District *Panchayat* Officer" means a District *Panchayat* and Rural Development Officer appointed as such by the State Government;
- (8) "District Planning Committee" means the District Planning Committee established by the State Government for a district;
- (9) "Extension Officer, *Panchayats*" means an officer appointed as such by the State Government;
- ²(9a) "general election" means an election of members held simultaneously for constitution of *Gram Panchayats*, *Panchayat Samitis*, *Mahakuma Parishad*, or *Zilla Parishads* or any two or more of *Gram Panchayats*, *Panchayat Samitis*, *Mahakuma Parishad*, or *Zilla Parishads* in such area as the State Government may by notification specify;
- ³(10) "*Gram*" means an area referred to in section 3;

- (10) “*Gram Panchayat*” means a *Gram Panchayat* constituted under section 4;
- ⁴(11a) “*Gram Sabha*” means a body consisting of persons registered in the electoral rolls pertaining to a *Gram* declared as such under sub-section (f) of section 3;
- ⁴(11b) “*Gram Sansad*” means a body consisting of persons registered at any time in the electoral rolls pertaining to a constituency of a *Gram Panchayat* delimited for the purpose of last preceding general election to the *Gram Panchayat*;
- ⁴(11c) “hill areas” has the same meaning as in the Darjeeling Gorkha Hill Council Act, 1988;
- (12) “*Karmadhyaksha*” means the *Karmadhyaksha* of a *Sthayee Samiti* of a *Panchayat Samiti* elected under section 125 or of a *Sthayee Samiti of a Zilla Parishad* elected under section 172, as the case may be;
- ¹(12a) “*Mahakuma Parishad*” means the *Mahakuma Parishad* for the sub-division of Siliguri in the district of Darjeeling constituted under section 185B;
- ²(13) “*mouza*” means an area defined, surveyed and recorded as such in the revenue record of a district and referred to in clause (g) of article 243 of the Constitution of India as the lowest unit of area for the purpose of public notification for specifying a village;’
- ³(13a) “Municipality” means an institution of self-government constituted under article 243Q of the Constitution of India;
- (14) “notification” means a notification published in the *Official Gazette*;
- (15) “Nyaya Panchayat” means a Nyaya Panchayat constituted under section 51;
- ⁴(/5a) “office bearer” means the *Pradhan*, *Upa-Pradhan*, *Sabhapati*, *Sahakari Sabhapati*, *Sabhadhipati* or *Sahakari Sabhadhipati* or any two or more of them together;
- ⁴(15b) “*Panchayat*” means an institution of ⁵[self-government constituted under article 243B of the Constitution of India], and includes *Gram Panchayat*, *Panchayat Samiti*, *Mahakuma Parishad* or *Zilla Parishad*;
- (16) “Panchayat Samiti” means a Panchayat Samiti constituted under section 94;
- ⁶(16a) “population” means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (17) “*Pradhan*” means a *Pradhan* of a *Gram Panchayat* elected under section 9;

- (18) “prescribed” means prescribed by rules made under this Act;
- (19) “prescribed authority” means an authority appointed by the State Government, by notification, for all or any of the purposes of this Act;
- (20) “public street” means any street, road, lane, *gully*, alley, passage, pathway, bridge, square or court, whether a thoroughfare or not, over which the public have a right of way, and includes side drains or gutters and the land up to the boundary of any abutting property, notwithstanding the projection over such land or any verandah or other superstructure;
- ¹(20A) “recognised political party” means a national party or a State party recognised as such by the Election Commission of India by notification for the time being in force;
- (21) “*Sabhapati*” means a *Sabhapati* of a *Panchayat Samiti*, elected under section 98;
- (22) “*Sabhadhipati*” means a *Sabhadhipati* of a *Zilla Parishad* ²[elected under section 143, and includes the *Sabhadhipati* of *Mahakuma Parishad*];
- (23) “*Sahakari Sabhapati*” means a *Sahakari Sabhapati* of a *Panchayat Samiti*, elected under section 98;
- (24) “*Sahakari Sabhadhipati*” means a *Sahakari Sabhadhipati* of a *Zilla Parishad*, ³[elected under section 143, and includes the *Sahakari Sabhadhipati* of the *Mahakuma Parishad*];
- (25) “Scheduled Castes” means such castes, races or tribes or parts of, or groups within, such castes, races or tribes as are deemed to be Scheduled Castes, in relation to the State of West Bengal under article 341 of the Constitution of India;
- (26) “Scheduled Tribes” means such tribes or tribal communities or parts of, or groups within, such tribes or tribal communities as are deemed to be Scheduled Tribes in relation to the State of West Bengal under article 342 of the Constitution of India;
- ⁴(26A) “State Election Commissioner” means the State Election Commissioner referred to in sub-section (1) of section 3 of the West Bengal State Election Commission Act, 1994;
- ¹(26B) “State Government” means the State Government in the Department of Panchayats and Rural Development;

- (27) "State Planning Board" means the West Bengal State Planning Board established by the State Government;
- ²(27A) "Sub-divisional Officer" means an officer appointed as such by the State Government, and includes an Additional Sub-divisional Officer having jurisdiction;
- (28) "suit" means a civil suit triable by a *Nyaya Panchayat*,
- (29) "*Upa-Pradhan*" means an *Upa-Pradhan* of a *Gram Panchayat*, elected under section 9;
- (30) "year" means the year beginning on the first day of April;
- (31) "*Zilla Parishad*" means a *Zilla Parishad* of a district constituted under section 140.

Part II

Gram Panchayat

Chapter II

Constitution of Gram Panchayat

Section 3. Gram (Part II.-Gram Panchayat.-Chapter II.-Constitution Of Gram Panchayat)

- (1) The State Government may, by notification, declare for the purposes of this Act any *mauza* or part of a *mauza* or group of contiguous *mauzas* or parts thereof to be a *Gram*:

³Provided that any group of *mamas* or parts thereof, when they are not contiguous or have no common boundaries and are separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force, may also be declared to be a *Gram*.

- (2) The notification under sub-section (1) shall specify the name of the *Gram* by which it shall be known and shall specify the local limits of such *Gram*.

- 
- (3) The State Government may, after making such enquiry as it may think fit and after consulting the views of the *Gram Panchayat* or *Panchayats* concerned, by notification—
- (a) exclude from any *Gram* any area comprised therein; or
 - (b) include in any *Gram* any area contiguous to such *Gram* or separated by an area to which this Act does not extend or in which the remaining sections of this Act referred to in sub-section (3) of section 1 have not come into force; or
 - (c) divide the area of a *Gram* so as to constitute two or more *Grams*, or
 - (d) unite the area of two or more *Grams* so as to constitute a single *Gram*.

Section 4. Gram Panchayat and its constitutions

- (1) For every *Gram* the State Government shall constitute a *Gram Panchayat* bearing the name of the *Gram*.
- (2) Persons whose names are included in the electoral roll ²[prepared in accordance with such rules as may be made by the State Government in this behalf and in force on such date as the State Election Commissioner may declare for the purpose of an election] pertaining to the area comprised in the *Gram*, shall elect by secret ballot at such time and in such manner as may be prescribed, from among themselves such number of members ³[not being less than five] or ⁴[more than thirty] ⁵[as the prescribed authority may, having regard to the number of voters in hill areas and other areas and in accordance with such rules as may be made in this behalf by the State Government, determine] ⁶*****

¹Provided that seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in a *Gram Panchayat*, and the number of seats so reserved shall bear, as nearly as may be and in the manner and in accordance with such rules as may be made in this behalf by the State Government, the same proportion to the total number of seats in that *Gram Panchayat* to be filled up by election as the population of the Scheduled Castes in that *Gram* or of the Scheduled Tribes in that *Gram*, as the case may be, bears to the total population of that *Gram* and such seats shall be subject to allocation by rotation, in the manner prescribed, to such different constituencies having Scheduled Castes or Scheduled Tribes population which bears with the total population in that constituency not less than half of the proportion that the total Scheduled Castes population or the Scheduled Tribes population in that *Gram*, as the case may be, bears with the total population in that *Gram*:

¹Provided further that not less than one-third of the total number of seats reserved for the Scheduled Castes and the Scheduled Tribes shall be reserved for women belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be:

¹Provided also that not less than one-third of the total number of seats, including the seats reserved for the Scheduled Castes and the Scheduled Tribes, in a *Gram Panchayat* shall be reserved for women, and the constituencies for the seats so reserved for women shall be determined by rotation, in such manner as may be prescribed:

¹Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section ²* * * *, when the number of members to be elected to a *Gram Panchayat* is determined by the prescribed authority or when seats are reserved for the Scheduled Castes and the Scheduled Tribes in a *Gram Panchayat* in the manner as aforesaid, the number of members so determined or the number of seats so reserved shall not be varied for three successive general elections:

¹Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman for whom seats are reserved under this sub-section, shall, if eligible for election to a *Gram Panchayat*, be disqualified for election to any seat not so reserved:

¹Provided also that the State Election Commissioner may, at any time, for reasons to be recorded in writing ²[, by order, direct the prescribed authority to make fresh determination] of the number of members of a *Gram Panchayat* or fresh reservation on rotation of the number of seats in such *Gram Panchayat* and, on such order being issued by the State Election Commissioner, the determination of the number of members ³[or the number of seats (o be reserved or the sequence of rotation of reservation of seats or any combination of them as may be specified in such order] shall not be varied for ⁴[the next] three successive general elections:

¹Provided also that the provisions for reservation of seats for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India.

⁵(2A) The *Gram Panchayat* shall consist of the following members:—

- i. members elected under sub-section (2);
- ii. members of the *Panchayat Samiti*, not being *Sabhapati* or *Sahakari Sabhapati*, elected thereto from the constituency comprising any part of the *Gram*.

(3) For the convenience of the election the prescribed authority shall, in accordance with such rules as may be made in this behalf by the State Government,—

- 82
- (a) divide the area of a *Gram* into constituencies, ⁶*** on the basis of number of members of *Gram Panchayat* determined under sub-section (2);
- (b) allocate to each such constituency seats, ⁷[not exceeding two], on the basis of electorate of the *Gram*:

⁸Provided that such division into constituencies and such allocation of seats shall be made in such manner that the ratio between the population of the *Gram* and the number of seats in the *Gram Panchayat* shall, so far as practicable, be the same in any *Gram Panchayat*.

¹*****

- (4) Every *Gram Panchayat* constituted under this section shall ²***** be notified in the *Official Gazette* and shall come into office with effect from the date of its first meeting at which a quorum is present.
- (5) Every *Gram Panchayat* shall be a body corporate having perpetual succession and a common seal and shall, by its corporate name, sue and be sued.

Section 5. effect of alteration of the area of a gram:

- (1) When an area is excluded from a *Gram* under clause (a) of sub-section (3) of section 3, such area shall, as from the date of the notification referred to in that sub-section, cease to be subject to the jurisdiction of the *Gram Panchayat* of that *Gram* and, unless the State Government otherwise directs, to the rules, orders, directions and notifications in force therein.
- (2) When an area is included in a *Gram* under clause (b) of subsection (3) of section 3, the *Gram Panchayat* for that *Gram* shall, as from the date of the notification referred to in that sub-section, have jurisdiction over such area and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in that *Gram* shall apply to the area so included.
- (3) When the area of any *Gram* is divided under clause (c) of subsection (3) of section 3 so as to constitute two or more *Grams*, there shall be reconstitution of the *Gram Panchayat* for the newly constituted *Grams* in accordance with the provisions of this Act, and the *Gram Panchayat* of the *Gram* so divided shall, as from the date of coming into office of the newly constituted *Gram Panchayats*, cease to exist.³
- (4) When the areas of two or more *Grams* are united under clause (d) of sub-section (3) of section 3 so as to constitute a single *Gram*, there shall be reconstitution of the *Gram Panchayat* for the newly constituted *Gram* in accordance with the provisions of

this Act, and the *Gram Panchayats* of the *Grams* so united shall, as from the date of coming into office of the newly constituted *Gram Panchayat*, cease to exist.⁴

- (5) When under sub-section (3) of section 3 any area is excluded from, or included in, a *Cram*, or a *Gram* is divided so as to constitute two or more *Grams*, or two or more *Grams* are united to constitute a single *Gram*, the properties, funds and liabilities of the *Gram Panchayat* or *Panchayats* affected by such reorganization shall vest in such *Gram Panchayat* or *Panchayats*, and in accordance with such allocation, as may be determined by order in writing by the prescribed authority, and such determination shall be final.
- (6) An order made under sub-section (5) may contain such supplemental, incidental and consequential provisions as may be necessary to give effect to such reorganization.

¹*Explanation*—For the purpose of reconstitution of the *Gram Panchayat* after division referred to in sub-section (3) or after unification referred to in sub-section (4),—

- (a) it shall not be necessary to hold general election to the newly constituted *Gram Panchayat* or *Gram Panchayats* when the terms of office of the members of the former *Gram Panchayats* within the scope and meaning of sub-section (1) of section 7, do not expire; and
- (b) such members having unexpired terms of office shall be declared by the State Government or such authority as may be empowered, by order, by the State Government in this behalf, by notification in the *Official Gazette*, as members to the newly constituted *Gram Panchayat* that comprises the constituencies, wholly or in part, from which such members were elected to the former *Gram Panchayats* and any such member shall hold office in the newly constituted *Gram Panchayat* for the unexpired portion of the term of his office.

**6. Effect of inclusion of a Gram or part thereof in municipality, etc.
(Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-6)**

(1) If, at any time, the whole of the area of a *Gram* is included in a municipality ²[by a notification under any law for the time being in force or in an area under the authority of] a Town Committee or a Cantonment, the *Gram Panchayat* concerned shall cease to exist ¹[within six months from the date of the notification or with effect from such date as may be specified in the notification or with effect from the date on which elections to the newly constituted body are completed, whichever is earlier,] and the properties, funds and other assets vested in such *Gram Panchayat* and all the rights and liabilities of such *Gram Panchayat* shall vest in and devolve on the Commissioners of the Municipality * * * * or on the Town Committee or on the Cantonment Authority, as the case may be, ²[in accordance with the orders of the prescribed authority. The persons employed under

such *Gram Panchayat* shall, ³[with effect from the date on which the *Gram Panchayat* ceases to exist,) be deemed to be employed by the Municipality ⁴* * * * * or the Town Committee or the Cantonment Authority, as the case may be, on terms and conditions not being less advantageous than what they were entitled to immediately before such inclusion.]

- (2) If, at any time, a part of the area of a *Gram* is included in a Municipality by a notification under any law for the time being in force or in an area under the authority of a Town Committee or a Cantonment, the area of the *Gram* shall be deemed to have been reduced to the extent of the part so included in such Municipality or under the authority of such Town Committee or Cantonment on expiry of six months from the date of the notification or with effect from such date as may be specified in the notification or with effect from the date on which election to the newly constituted body from the area so included are completed, whichever is earlier and the properties, funds and liabilities of the *Gram Panchayat* in respect of the part so included shall vest in and devolve on the Municipality, Town Committee or Cantonment Authority, as the case may be, in accordance with such allocations as may be determined by the prescribed authority and such determination shall be final and, unless the State Government otherwise directs, all rules, orders, directions and notifications in force in the area under the authority of the Municipality, town Committee or Cantonment, as the case may be, shall apply to the part of the area of the *Gram* so included.⁵

⁶6A.

- (1) If the State Government is of opinion that the whole or any part of the area of a Municipality has changed its character and should constitute one or more *Gram Panchayats*, the State Government may, by notification, after previous publication of the draft of the notification in the *Official Gazette*,—
- (a) include such area in an existing *Gram Panchayat* to be specified in the notification, or
- (b) constitute one or more *Gram Panchayat* in such area:

Provided that the draft of the notification shall also be published in at least two local newspapers published from any place within the district in which the area of the Municipality is situated, inviting objections and suggestions within a period of two months from the date of such publication, and any objection or suggestion which may be received, shall be considered by such authority as may be appointed by the State Government in this behalf, within three months, from the date of such publication, after giving the persons concerned an opportunity of being heard.

- (2) Within six months from the date of publication of the notification under sub-section (1), elections shall be held to the *Gram Panchayat* from the area specified in the notification and, with effect from the date of completion of such elections, the area

shall be deemed to be included in the *Gram Panchayat* so specified or so constituted, as the case may be, and the Municipality in the area so notified shall cease to exist:

Provided that if such area or any part thereof constitutes under any law for the time being in force one or more constituencies of a *Panchayat Samiti* or *Zilla Parishad* or of the *Mahakuma Parishad*, elections to that *Panchayat Samiti* or *Zilla Parishad* or to the *Mahakuma Parishad*, as the case may be, from such constituency-or constituencies shall be held simultaneously with the elections to the *Gram Panchayat*:

Provided further that if such area cannot constitute one or more constituencies of a *Panchayat Samiti* or *Zilla Parishad* or of the *Mahakuma Parishad*, the area shall be included in a contiguous constituency and no election shall be held from that constituency to the *Panchayat Samiti* or the *Zilla Parishad* or the *Mahakuma Parishad*, as the case may be, during the unexpired term of the members of such body holding office at that time.

- (3) With effect from the date on which the area as aforesaid is included in a *Gram Panchayat*,—
- (a) the properties, funds and liabilities of the Municipality in respect of the area so included, shall vest in and develop on the *Gram Panchayat*, the *Panchayat Samiti*, the *Zilla Parishad* or the *Mahakuma Parishad* in accordance with such allocation as may be determined by the prescribed authority, and
- (b) the persons among those employed by the Municipality in respect of the area so included shall be deemed to be employed by the *Gram Panchayat*, the *Panchayat Samiti*, the *Zilla Parishad* or the *Mahakuma Parishad* in accordance with such allocation as may be determined by the prescribed authority.

Section : 7

Term of office of members of Gram Panchayat. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-7)

- (1) The members of a *Gram Panchayat* shall, subject to the provisions of sections 11 and 213 A, hold office for a period of five years from the date appointed for its first meeting and no longer.
- (2) There shall be held a general election for the constitution of a *Gram Panchayat* within a period not exceeding five years from the date of the previous general election held for that *Gram Panchayat*:

Provided that if the first meeting of the newly-formed *Gram Panchayat* cannot be held before the expiry of the period of five years under subsection (1), the State Government may, by order, appoint any authority, person or persons to exercise and perform, subject to such conditions as may be specified in the order, the powers and functions of the *Gram Panchayat* under this Act or any other law for the time being in force, for a period not exceeding three months or until the date on which such first meeting of the newly-formed *Gram Panchayat* is held, whichever is earlier.

²7A. [(General election to *Gram Panchayat*.)—Omitted by s. 6 of the West Bengal Panchayat (Amendment) Act, 1994 (West Ben. Act XVIII of 1994)].

Section : 8

Disqualifications of members of *Gram Panchayat*. (Part II.- *Gram Panchayat*-Chapter II – Constitution of *Gram Panchayat*-Section-8)

Subject to the provisions contained in sections 94 and 97, a person shall not be qualified to be a member of a *Gram Panchayat*, if—

- (a) he is a member of ³* * * any municipal authority constituted under any of the Acts referred to in sub-section (2) of section 1; or
- (b) he is in the service of the Central or the State Government or a *Gram Panchayat* or a *Panchayat Samiti* ⁵[or a *Zilla Parishad* or the *Mahakuma Parishad* or the Council;] and for the purposes of this clause, it is hereby declared that a person in the service of any undertaking of the Central or the State Government or any statutory body or Corporation or any public or Government company or any local authority or any co-operative society or any banking company or any university or any Government sponsored institution or any educational or other institution or undertaking or body receiving any aid from the Government by way of grant or otherwise or a person not under the rule-making-authority of the Central or the State Government or a person receiving any remuneration from any undertaking or body or organisation or association of persons as the employee or being in the service of such undertaking or body or organisation or association of persons out of funds provided or grants made or aids given by the Central or the State Government, shall not be deemed to be in the service of the Central or the State Government; or
- (c) he has, directly or indirectly by himself or by his partner or employer or an employee, any share or interest in any contract with, by or on behalf of, the *Gram Panchayat*, or the *Panchayat Samiti* of the Block comprising the *Gram* concerned, [or the *Zilla Parishad* of the district, or the *Mahakuma Parishad*, or the Council:]

Provided that no person shall be deemed to be disqualified for being elected a member of a *Gram Panchayat* by reason only of his having a share or interest in any public company as defined in the Companies Act, 1956, which

contracts with or is employed by the *Gram Panchayat or Panchayat Samiti* of the Block comprising the *Gram*² [or the *Zilla Parishad* or the *Mahakuma Parishad* or the Council;] Or

- (d) he has been dismissed from the service of the Central or a State Government or a local authority or a co-operative society, or a Government company or a corporation owned or controlled by the Central or a State Government for misconduct involving moral turpitude and five years have not elapsed from the date of such dismissal; or
- (e) he has been adjudged by a competent court to be of unsound mind; or
- (f) he is an undischarged insolvent; or
- (g) he being a discharged insolvent has not obtained from the court a certificate that his insolvency was caused by misfortune without any misconduct on his part; or
- ¹(h)
- (i) he has been convicted by a court—
- (A) of an offence involving moral turpitude punishable with imprisonment for a period of more than six months, or
- (B) of an offence under Chapter IXA of the Indian Penal Code, or
- (C) under section 3 or section 9 of the West Bengal Local Bodies (Electoral Offences and Miscellaneous Provisions) Act, 1952 and five years have not elapsed from the date of the expiration of the sentence; or
- (ii) he is disqualified for the purpose of election to the State Legislature under the provisions of Chapter III of Part II of the Representation of the People Act, 1951; or
- (i) he has not attained the age of twenty-one years on the date fixed for the scrutiny of nominations for any election; or
- (j) he has been convicted under section 9A at any time during the last ten years; or
- (k) he has been convicted under section 189 at any time during the last ten years; or
- (l) he has been surcharged or charged under section 192 at any time during the last ten years; or
- (m) he has been removed under section 213 at any time during the period of last five years.



Section : 9

Pradhan and Upa-Pradhan. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-9)

- (1) Every *Gram Panchayat* shall, at its first meeting at which a quorum is present, elect, in the prescribed manner, one of its members to be the *Pradhan* and another member to be the *Upa-Pradhan* of the *Gram Panchayat*:

³Provided that the members referred to in clause (ii) of sub-section (2A) of section 4 ⁴[shall neither participate in, nor be eligible for such election]:

'Provided further that subject to such rules as may be made in this behalf by the State Government, a member shall not be eligible for such election unless he declares in writing that on being elected, he shall be a whole time functionary of his office and that during the period for which he holds or is due to hold such office, he shall not hold any office of profit unless he has obtained leave of absence from his place of employment or shall not carry on or-be associated with any business, profession or calling in such manner that shall or is likely to interfere with due exercise of his powers, performance of his functions or due discharge of his duties:

²[Provided also] that subject to such rules as may be made by the State Government in this behalf, the offices of the *Pradhan* and the *Upa-Pradhan* shall be reserved for the Scheduled Castes and the Scheduled Tribes in such manner that the number of offices so reserved at the time of any general election shall bear, as nearly as may be, the same proportion to the total number of such offices within a district as the population of the Scheduled Castes or the Scheduled Tribes, as the case may be, in all the Blocks within such district taken together bears with the total population in the same area, and such offices shall be subject to allocation by rotation in the manner prescribed:

²Provided also that the offices of the *Pradhan* and the *Upa-Pradhan* in any *Gram Panchayat* having the Scheduled Castes or the Scheduled Tribes population, as the case may be, constituting not more than five per cent of the total population in the *Gram*, shall not be considered for allocation by rotation:

²Provided also that in the event of the number of *Grams* having the Scheduled Castes or the Scheduled Tribes population constituting more than five per cent of the total population, falling short of the number of the offices of the *Pradhan* and the *Upa-Pradhan* required for reservation in a district, the State Election Commissioner may, by order, include, for the purpose of reservation, other such offices of the *Pradhan* and the *Upa-Pradhan* beginning from the *Gram* having higher proportion of the Scheduled Castes or the Scheduled Tribes, as the case may be, until the total number of seats required for reservation is obtained:

³Provided also that in a district, determination of the offices of the *Pradhan* reserved for the Scheduled Castes, the Scheduled Tribes and women shall precede such determination of the offices of the *Upa-Pradhan*:

Provided also that if, for any term of election (hereinafter referred to in this proviso as the said term of election), the office of the *Pradhan* in a *Gram Panchayat* is reserved for any category of persons in accordance with the rules in force, the office of the *Upa-Pradhan* in that *Gram Panchayat* shall not be reserved for the said term of election for any category, and if, in accordance with the rules applicable to the office of the *Upa-Pradhan*, such office is required to be reserved for the said term of election, such reservation for the same category shall be made in another office of the *Upa-Pradhan* within the district in the manner prescribed, keeping the total number of offices so reserved for the said term of election equal to the number of such offices required to be reserved in accordance with the rules in force:

Provided also that when in any term of election, an office of the *Upa-Pradhan* is not reserved on the ground that the corresponding office of the *Pradhan* is reserved in the manner prescribed, such office of the *Upa-Pradhan* not reserved on the ground as aforesaid, shall be eligible for consideration for reservation during the next term of election in the manner prescribed:

²Provided also that not less than one-third of the total number of offices of the *Pradhan* and the *Upa-Pradhan* in a district including the offices reserved for the Scheduled Castes and the Scheduled Tribes shall be reserved for the women, and the offices so reserved shall be determined by rotation in such manner as may be prescribed:

Provided also that notwithstanding anything contained in the foregoing provisions of this sub-section or elsewhere in this Act, the principle of rotation for the purpose of reservation of offices under this sub-section shall commence from the first general elections to be held after the coming into force of section 8 of the West Bengal *Panchayat* (Amendment) Act, 1994, and the roster for reservation by rotation shall continue for every three successive terms for the complete rotation unless the State Election Commissioner, for reasons to be recorded in writing and by notification, directs fresh commencement of the rotation at any stage excluding one or more terms from the operation of the rotation:

Provided also that no member of the Scheduled Castes or the Scheduled Tribes and no woman, for whom the offices are reserved under this sub-section, shall, if eligible for the office of the *Pradhan* or the *Upa-Pradhan*, be disqualified for election to any office not so reserved;

Provided also that the provisions for reservation of the offices of the *Pradhan* and the *Upa-Pradhan* for the Scheduled Castes and the Scheduled Tribes shall cease to have effect on the expiry of the period specified in article 334 of the Constitution of India.

- (2) The meeting to be held under sub-section (1) shall be convened by the prescribed authority in the prescribed manner.
- (3) The *Pradhan* and the *Upa-Pradhan* shall, subject to the provisions of section 12 and to their continuing as members, hold office for a period of ²[five years].

3* * * * *

(4) When—

- (a) the office of the *Pradhan* falls vacant by reason of death, resignation, removal or otherwise, or
- (b) the *Pradhan* is, by reason of leave, illness or other cause, temporarily unable to act,

the *Upa-Pradhan* shall exercise the powers, perform the functions and discharge the duties of the *Pradhan* until a new *Pradhan* is elected and assumes office or until the *Pradhan* resumes his duties, as the case may be.

(5) When—

- (a) the office of the *Upa-Pradhan* falls vacant by reason of death, resignation, removal or otherwise, or
- (b) the *Upa-Pradhan* is, by reason of leave, illness or other cause, temporarily unable to act, the *Pradhan* shall exercise the powers, perform the functions and discharge the duties of the *Upa-Pradhan* until a new *Upa-Pradhan* is elected and assumes office or until the *Upa-Pradhan* resumes his duties, as the case may be.

- (6) When the offices of the *Pradhan* and the *Upa-Pradhan* are both vacant, or the *Pradhan* and the *Upa-Pradhan* are temporarily unable to act, the prescribed authority may appoint ' [for a period of thirty days at a time] a *Pradhan* and an *Upa-Pradhan* from among the members of the *Gram Panchayat* to act as such until a *Pradhan* or an *Upa-Pradhan* is elected and assumes office ²[or until the *Pradhan* or the *Upa-Pradhan* resumes duties, as the case may be].

(7) The *Pradhan* and the *Upa-Pradhan* of a *Gram Panchayat* shall be entitled to leave of absence for such period or periods as may be prescribed.

³(8) On election of the *Pradhan* following a general election or the office of the *Pradhan* otherwise falling vacant, the *Pradhan* holding office for the time being or the *Upa-Pradhan* or any authority or any other member exercising the powers, performing the functions and discharging the duties of the *Pradhan* shall make over all case, assets, documents, registers and seals which he may have in his possession, custody or control as soon thereafter as possible on such date, place and hour as may be fixed by the Block Development Officer to the newly elected *Pradhan*, or, in the case of a vacancy occurring otherwise, to the *Upa-Pradhan* or to the authority or person, as the case may be referred to in the proviso to sub-section (2) of section 1 or sub-section (6) of this section or clause (b) of sub-section (1) of section 215 ⁴[or section 216] in the presence of the Block Development Officer or any other officer authorised in writing by him in this behalf.

⁵(9) On the alteration of the area of a *Gram* under sub-section (3) of section 3 or sub-section (2) of section 6 or inclusion of a *Gram* in a municipality or a notified area or a Municipal Corporation or a Town Committee or a Cantonment under sub-section (1) of section 6, and the effect of such alteration or inclusion, as the case may be, coming into force, the *Pradhan* or the *Upa-Pradhan* or any other authority or any other person exercising the powers, performing the functions and discharging the duties of the *Pradhan* immediately before such alteration or inclusion of the area of the *Gram* concerned shall make over the properties, funds and other assets vested in such *Gram Panchayat* and all the rights and liabilities of such *Gram Panchayat* in compliance with the order of the prescribed authority under sub-section (5) of section 5 and sub-sections (7) and (2) of section 6.

¹(10) Notwithstanding anything to the contrary contained in this Act, the State Government may, by an order in writing, remove a *Pradhan* or an *Upa-Pradhan* from his office if, in its opinion he holds any office of profit or carries on or is associated with any business, profession or calling in such manner that shall, or is likely to, interfere with due exercise of his powers, performance of his functions or discharge of his duties:

Provided that the State Government shall, before making any such order, give the person concerned an opportunity of making a representation against the proposed order.

²9A. If a *Pradhan* or an *Upa-Pradhan* or an authority or a person referred to in sub-section (8) ³[and sub-section (9)] of section 9 fails to comply with the provisions of that sub-section, he shall be punishable with imprisonment for a term which may extend to three years or liable to pay fine not exceeding two thousand rupees or both and the offence shall be cognizable:

Provided that without prejudice to the foregoing penal provisions such default shall also be construed as a misconduct for which he may be debarred from standing as a candidate in any election in any capacity under this Act for such term as may be determined by the prescribed authority after giving the person concerned an opportunity of being heard and any order debaring him shall be in writing stating the reasons therefore and shall also be published in the *Official Gazette*

Section : 10

Registration of Pradhan Upa-Pradhan or a member. (Part II.- Gram Panchyat-Chapter II – Constitution of Gram panchyat-Section-10)

(1) A *Pradhan* or an *Upa-Pradhan* or a member of a *Gram Panchayat* may resign his office by notifying in writing his intention to do so to the prescribed authority and on such resignation being accepted the *Pradhan*, the *Upa-Pradhan* or the member shall be deemed to have vacated his office.

(2) When a resignation is accepted under sub-section (1), the prescribed authority shall communicate it to the members of the *Gram Panchayat* within thirty days of such acceptance.

Section : 11

Removal of member of Gram Panchayat. (Part II.- Gram Panchyat-Chapter II – Constitution of Gram panchyat-Section-11)

- (1) The prescribed authority may, after giving an opportunity to a member of a *Gram Panchayat* to show cause against the action proposed to be taken against him, by order remove him from office—
- (a) if after his election he is convicted by a criminal court of an offence involving moral turpitude and punishable with imprisonment for a period of more than six months; or
 - (b) if he was disqualified to be a member of the *Gram Panchayat* at the time of his election; or
 - (c) if he incurs any of the disqualifications mentioned in clauses (b) to (g) of section 8 after his election as a member of the *Gram Panchayat*; or
 - (d) if he is absent from- three consecutive meetings of the *Gram Panchayat* without the leave of the *Gram Panchayat*; or

- (e) if he does not pay any arrear in respect of any tax, toll, fee or rate payable under this Act, or the Bengal Village Self-Government Act, 1919, or the West Bengal Panchayat Act, 1957, or the West Bengal Zilla Parishads Act, 1963.
- (2) Any member of a *Gram Panchayat* who is removed from his office by the prescribed authority under sub-section (1) may, within thirty days from the date of the order, appeal to such authority as the State Government may appoint in this behalf, and, thereupon, the authority so appointed may stay the operation of the order till the disposal of the appeal and may, after giving notice of the appeal to the prescribed authority, and after giving the appellant an opportunity of being heard, modify, set aside or confirm the order.
- (3) The order passed by such authority on such appeal shall be final.

Section : 12

Removal of Pradhan and Upa-Pradhan. (Part II.- Gram Panchyat-Chapter II – Constitution of Gram panchyat-Section-12)

[Subject to the other provisions of this section, a *Pradhan* or an *Upa-Pradhan*] of a *Gram Panchayat* may, at any time, be removed from office ²[by a resolution carried by the majority of the existing members referred to in clause (i) of sub-section (2A) of section 4] at a meeting specially convened for the purpose. Notice of such meeting shall be given to the prescribed authority:

Provided that at any such meeting while any resolution for the removal of the *Pradhan* from his office is under consideration, the *Pradhan*, or while any resolution for the removal of the *Upa-Pradhan* from his office is under consideration, the *Upa-Pradhan*, shall not, though he is present, preside, and the provisions of sub-section (2) of section 16 shall apply in relation to every such meeting as they apply in relation to a meeting from which the *Pradhan* or, as the case may be, the *Upa-Pradhan* is absent.

¹Provided further that no meeting for the removal of the *Pradhan* or the *Upa-Pradhan* under this section shall be convened within a period of one year from the date of election of the *Pradhan* or the *Upa-Pradhan*:

¹Provided also that if, at a meeting convened under this section, either no meeting is held or no resolution removing an office bearer is adopted, no other meeting shall be convened for the removal of the same office bearer within six months from the date appointed for such meeting.

Section : 13



Filling of casual vacancy in the office of Pradhan or Upa-Pradhan. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram panchayat-Section-13)

In the event of removal of a *Pradhan* or an *Upa-Pradhan* under section 12 or when a vacancy occurs in the office of a *Pradhan* or an *Upa-Pradhan* by resignation, death or otherwise, the *Gram Panchayat* shall elect another *Pradhan* or *Upa-Pradhan* in the prescribed manner.

Section : 14

Filling of casual vacancy in place of member of Gram Panchayat. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-14)

If the office of a member of a *Gram Panchayat* becomes vacant by reason of his death, resignation, removal or otherwise, the vacancy shall be filled in the prescribed manner by election of another person under this Act.

Section : 15

Term of office of Pradhan,Upa-Pradhan or member filling casual vacancy. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-15)

Every *Pradhan* or *Upa-Pradhan* elected under section 13 and every member elected under section 14 to fill a casual vacancy shall hold office for the unexpired portion of the term of office of the person in whose place he becomes a member.

Section : 16

Meetings of Gram Panchayat. (Part II.- Gram Panchayat-Chapter II – Constitution of Gram Panchayat-Section-16)

- (1) Every *Gram Panchayat* shall hold a meeting at least once in a month ²[in the office of the *Gram Panchayat*. Such meeting shall be held on such date and at such hour as the *Gram Panchayat* may fix at the immediately preceding meeting]:

Provided that the first meeting of a newly constituted *Gram Panchayat* shall be held ³[on such date and at such hour and] at such place within the local limits of the *Gram* concerned as the prescribed authority may fix:



Provided further that the *Pradhan* when required in writing by ¹[one-third] or the members of the *Gram Panchayat* subject to a minimum of ²[three members] to call meeting ³[shall do so fixing the date and hour of the meeting ⁴(to be held) within fifteen days after giving intimation to the prescribed authority and seven days' notice to the members of the *Gram Panchayat*,] failing which the members aforesaid may call a meeting ⁵[to be held] ⁶[within thirty-five days] after giving intimation to the prescribed authority and seven clear days' notice to the *Pradhan* and other members of the *Gram Panchayat*. Such meeting shall be held ⁷[in the office of the *Gram Panchayat* on such date and at such hour] as the members calling the meeting may decide. ⁸[The prescribed authority may appoint an observer for such meeting who shall submit to the prescribed authority a report in writing duly signed by him within a week of the meeting on the proceedings of the meeting. The prescribed authority shall, on receipt of the report, take such action thereon as it may deemed fit]:

⁹Provided also that for the purpose of convening a meeting under section 12, at least one-third of the members referred to in clause (i) of sub-section (2A) of section 4, subject to a minimum of three members, shall require the *Pradhan* to convene the meeting:

¹⁰Provided also that if the *Gram Panchayat* does not fix at any meeting the date and the hour of the next meeting or if any meeting of the *Gram Panchayat* is not held on the date and the hour fixed at the immediately preceding meeting, the *Pradhan* shall call a meeting of the *Gram Panchayat* on such date and at such hour as he thinks fit.

- (2) The *Pradhan* or in his absence the *Upa-Pradhan* shall preside at the meeting of the *Gram Panchayat*; and in the absence of both ¹[or on the refusal of any or both to preside at a meeting,] the members present shall elect one of them to be the President of the meeting.
- (3) ²[One-third] of the total number of members subject to a minimum of ³[three] members shall form a quorum for a meeting of a *Gram Panchayat*;

Provided that no quorum shall be necessary for a adjourned meeting.

- (4) All questions coming before a *Gram Panchayat* shall be decided by a majority of votes:

Provided that in case of equality of votes the person presiding shall have a second or casting vote:

⁴Provided further that in case of a requisitioned meeting for the removal of a *Pradhan* or an *Upa-Pradhan* under section 12, the person presiding shall have no second or casting vote.

⁶16A.

(1) Every constituency of a *Gram Panchayat* under clause (a) of sub-section (3) of section 4 shall have a ⁷[*Gram Sansad*] consisting of persons whose names are included in the electoral roll of the West Bengal Legislative Assembly for the time being in force pertaining to the area comprised in such constituency of the *Gram Panchayat*.

(2) Every *Gram Panchayat* shall hold within the local limits of the *Gram* an annual and a half-yearly meeting for each ⁷[*Gram Sansad*] at such place, on such date and at such hour as may be fixed by the *Gram Panchayat*:

Provided that the annual meeting of the ⁷[*Gram Sansad*] shall be held ordinarily in the month of May and the half-yearly meeting of the ⁷[*Gram Sansad*] shall be held ordinarily in the month of November every year:

¹[Provided further that a *Gram Panchayat* may, in addition to the annual and the half-yearly meeting, hold extraordinary meeting of a *Gram Sansad* at any time if the situation so warrants or if the State Government, by order, so directs and for the purpose of holding such extraordinary meeting, provisions of this section shall apply.

(3) The *Gram Panchayat* shall, at least seven days before the date of holding the meetings referred to in sub-section (2), give public notice of such meetings by beat of drums as widely as possible, announcing the agenda, place, date and hour of the meeting. A notice of such meeting shall also be hung up in the office of the *Gram Panchayat*.

(4) Every meeting of the *Gram Sabha* shall be presided over by the *Pradhan* and, in his absence, by the *Upa-Pradhan* and in the absence of both, the member or one of the members, as the case may be, elected from the constituency comprising the *Gram Sabha* or, in the absence of such member or members, any other member of the *Gram Panchayat* shall preside over the meeting:

Provided that when two members are elected from the constituency, the member senior in age shall have priority in presiding over the meeting:

Provided further that every member elected from the constituency shall attend each meeting of the *Gram Sansad*.

³(4A) One-tenth of the total number of members shall form a quorum for a meeting of a *Gram Sansad*'.

⁴Provided that if there is no quorum available in such meeting, the meeting shall be adjourned to be held at the same place and hour on the seventh day after the date of such meeting in the manner as may be prescribed.

- (5) The attendance of the members of the *Gram Sabha* in the annual and the half-yearly meeting and the proceedings of such meetings shall be recorded by such officer or employee of the *Gram Panchayat*, or, in the absence of the officers and employees of the *Gram Panchayat*, by such member of the *Gram Panchayat* as may be authorised by the presiding member in this behalf. Such proceedings shall be read out before the meeting is concluded and the presiding member shall then sign it.
- (6) ¹A *Gram Sansad* shall guide and advise the *Gram Panchayat* in regard to the schemes for economic development and social justice undertaken or proposed to be undertaken in its area and may, without prejudice to the generality of such guidance and advice,—
- (a) identify, or lay down principles for identification of, the schemes which are required to be taken on priority basis for economic development of the village,
 - (b) identify, or lay down principles for identification of, the beneficiaries for various poverty alleviation programmes,
 - (c) ²constitute a *Gram Unnayan Samiti* with such number of functional committees as may be required, in such manner as may be prescribed, having jurisdiction over the area of the *Gram Sansad* for ensuring active participation of the people in implementation, maintenance and equitable distribution of benefits with respect to such subjects, as may be prescribed:

Provided that the *Gram Unnayan Samiti* shall be accountable for its functions and decisions, to the *Gram Sansad* and the *Gram Sansad* shall exercise its power and authority in this behalf in such manner, as may be prescribed;
 - (d) mobilise mass participation for community welfare programmes and programmes for adult education, family welfare and child welfare,
 - (e) promote solidarity and harmony among all sections of the people irrespective of religion, faith, caste, creed or race,
 - (f) record its objection to any action of the *Pradhan* or any other member of the *Gram Panchayat* for failure to implement any development scheme properly or without active participation of the people of that area.

³16B.

- (1) Every *Gram* shall have a *Gram Sabha* consisting of persons registered in the electoral roll pertaining to the area of the *Gram*.

- (2) Every *Gram Panchayat* shall hold within the local limits of the *Gram* an annual meeting, ordinarily in the month of December every year, of the *Gram Sabha* after completion of the half-yearly meeting of the *Gram Sansads*.
- (3) One-twentieth of the total number of members shall form a quorum for a meeting of a *Gram Sabha*:

Provided that no quorum shall be necessary for an adjourned meeting which shall be held at the same time and place after seven days.

- (4) The *Gram Panchayat* shall, at least seven days before the date of holding the meeting referred to in sub-section (2), give public notice of such meetings by beat of drums as widely as possible, announcing the agenda, place, date and hour of the meeting. A notice of such meeting shall also be hung up in the office of the *Gram Panchayat*. Similar publicity shall also be given in the case of an adjourned meeting.
- (5) A meeting of the *Gram Sabha* shall be presided over by the *Pradhan* of the concerned *Gram Panchayat* or, in his absence, by the *Upa-Pradhan*.
- (6) All questions coming before a *Gram Sabha* shall be discussed and points raised there shall be referred to the *Gram Panchayat* for its consideration.
- (7) The *Gram Sabha* shall deliberate upon, recommend for, and adopt resolution on, any matter referred to in sub-section (6) of section 16A and section 17A:

¹Provided that constitution of a Beneficiary Committee by a *Gram Sansad* under clause (c) of sub-section (6) of section 16A, shall not be questioned in any meeting of the *Gram Sabha*.

- (8) The *Gram Panchayat* shall, on considering and collating the resolutions of the *Gram Sansads*, place before the *Gram Sabha* the resolutions of the *Gram Sansads* and the views of the *Gram Panchayat* together with its report on the actions taken and proposed to be taken on them for deliberation and recommendation by the *Gram Sabha*.
- (9) The proceedings of the meetings of the *Gram Sabha* shall be recorded by such officer or employee of the *Gram Panchayat* or, in the absence of officers and employees of the *Gram Panchayat*, by such member of the *Gram Panchayat* as may be authorised by the presiding member in this behalf. Such proceedings shall be read out before the meeting is concluded and the presiding member shall then sign the proceedings.

FORM-I

Government of West Bengal
Office of the District Magistrate, Purulia
Backward Classes Welfare, Purulia.
Beside SP Office

Memo No.-2024/BCWP

Dated - 27.12.2017

TO WHOM SO EVER IT MAY CONCERN

In compliance of the Ministry of Environment and Forest (MoEF), Government of India's letter no. 11-9/98-FC 9pt.) dated. 3rd August 2009 wherein the MoEF issued guidelines on proposed to be diverted for non-forest purposes read with MoEF's letter dated. 5th February 2013 wherein MoEF issued certain relaxation in respect of liner projects submission of evidence for having initiated and completed the process of settlement of rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA', for short) on the forest land, it is certified that 5.356 Hectares of forest land proposed to be diverted in favour of West Bengal State Electricity Distribution Company Limited for 1000 M.W. Pumped Storage Project in Purulia district within jurisdiction of Baghmundi Mouza (J.L. No. 105, Plot No: 6,22,381 & 1507) In Baghmundi Block under Purulia Forest Division.

It is further certified that:

- The Complete process for identification and settlement of rights under the FRA has been carried out for the entire 5.356 Hectares of forest land proposed for diversion. A copy of letter no. BDO/BAGHMUNDI vide no. 4283/BDO/BAG. Dated. 18/12/2017 & copy of letter no. 747/BAGH/G.P. dated. 18/12/2017 in this regard.
- The diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Gram Sabhas have given their consent.
- It is also stated that no person has been given patta under Schedule Tribes & Other Forest Dwellers (Forest Right Act,) and no person is in position of the forest land which is required for 1000 M.W. Turga Pumped Storage Project, Baghmundi, Purulia.

Encl:- As stated above.


District Magistrate,
Purulia

26/12/2017

BEFORE THE HON'BLE NATIONAL
GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA

O. A. No. 120/2024/EZ

In The Matter of:

Sushil Murmu

... Applicant

Versus

Union of India & Ors

... Respondents

AFFIDAVIT-IN-OPPOSITION ON
BEHALF OF THE RESPONDENT
NUMBER 06, DISTRICT
MAGISTRATE & COLLECTOR,
PURULIA.

SIBOJYOTI CHAKRABARTI

Advocate

For The State of West Bengal

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