



NGT Kolkata <pgngtkolkata@gmail.com>

Fwd: Complaint against violation of Forest Conservation Act 1980 in RS Plot number 2431 in Dhargram mouza (J.L No. 203) under Barabazar Block, Purulia, West Bengal.

1 message

National Green Tribunal, Eastern Zone Bench, Kolkata <ngtjudicial-kolkata@gov.in> Mon, Feb 10, 2025 at 10:38 AM
To: pgngtkolkata <pgngtkolkata@gmail.com>

--
Regards/सादर

Judicial Section न्यायिक अनुभाग,
National Green Tribunal / राष्ट्रीय हरित अधिकरण,
Eastern Zone Bench / पूर्वी क्षेत्रीय न्यायपीठ,
New Town, Kolkata / न्यू टाउन, कोलकाता - 700161
Ph./संपर्क - 033-2324 0089
Email: ngtjudicial-kolkata@gov.in

===== Forwarded message =====

From: Deepto Ghosh <registrarngt-kolkata@gov.in>
To: "National Green Tribunal, Eastern Zone Bench, Kolkata"<ngtjudicial-kolkata@gov.in>
Date: Mon, 10 Feb 2025 09:32:25 +0530
Subject: Fwd: Complaint against violation of Forest Conservation Act 1980 in RS Plot number 2431 in Dhargram mouza (J.L No. 203) under Barabazar Block, Purulia, West Bengal.

===== Forwarded message =====

===== Forwarded message =====

From: Ronitkumar Pattnayak <ronitpattnayak@gmail.com>
To: <admlr-prl@nic.in>, <dfoks-wb@nic.in>, <dfoks@gmail.com>, <ccfsw-wb@nic.in>, <roez.bsr-mef@nic.in>, <pccfhoff-wb@nic.in>, <acsforestwb@gmail.com>, <registrarngt-kolkata@gov.in>, <secy-moef@nic.in>, <seclr@wb.gov.in>
Date: Sat, 08 Feb 2025 16:39:04 +0530
Subject: Complaint against violation of Forest Conservation Act 1980 in RS Plot number 2431 in Dhargram mouza (J.L No. 203) under Barabazar Block, Purulia, West Bengal.

===== Forwarded message =====

To,
The Director of Land Records and Surveys, And Joint Land Reforms Commissioner, West Bengal.
3rd Floor, 35, Gopalnagar Road, Alipur, Kolkata, West Bengal, 700027.
Post & Dist – Purulia
Pin - 723101

Respected Sir/Madam,

This is to submit that, One Sukriti Pebbles is known to be running mining work over the above-mentioned land measuring an area of 39 acres.

It may please be noted that, the above-mentioned land is a forest land vide notification no. 2060- FOR Dated: 28.03.1966. being CS Plot no 914.

That, RS Plot number 2431 over which the mining operation is running derives from C S Plot number 914 as informed by the BL & LRO, Barabazar, Purulia vide his letter no 290(1)/BLLRO/ BZR/PRL/22 Dated

06.07.2022.

In view of the above, it is a gross violation of Forest Conservation Act 1980 and persons/company running non forest activities are required to be brought to book.

I, therefore, request you to please take appropriate action against the miscreants and arrange to stop such non forest activities on forest land.

Enclosures:-

1. Director Land Surveys and Joint Land Reforms Commissioner, West Bengal Memo No. 7/5197-5214/C/2000 Dated 29.08.2000.
2. Copy of the Calcutta Gazette notification no 2060- FOR Dated: 28.03.1966.
3. Copy of Environment clearance to mining proposal of Sukriti Pebbles issued by the honourable Chief Environment Officer and Member Secretary, SEIAA, West Bengal being Memo No. 810/EN/T-II-1/072/2016 Dated 04.04.2018.
4. Photograph of Mining Site.

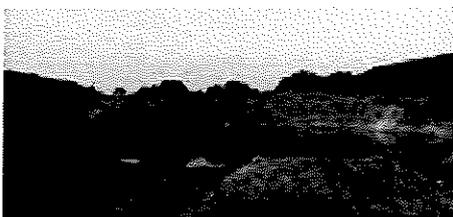
Yours faithfully,

Ronit Kumar Patnayak
Add:- Village & Post - Madhutati,
Raghunathpur, Purulia, West Bengal,
723133.
Mobile :- 7908335390.

Copy forwarded for information to:-

1. Secretary, Ministry of Environment, Forest and Climate Change, Government of India .Office at Indira Paryavaran Bhawan, Jorbagh Road, New Delhi, 110003.
2. Register, National Green Tribunal, Easter Zone Bench, Kolkata, West Bengal
3. Additional Chief Secretary, Government of West Bengal, Department of Forests. Aranya Bhawan, Block LA-10A, Sector III, Salt Lake City, Kolkata-700106.
4. Principal Chief Conservator of Forests and Head of Forest Force, West Bengal.
5. Additional Principal Chief Conservator of Forests, (C).Ministry of Environment Forests and Climate Change .Regional Office (EZ),A/3,Chandrasekharpur, Bhubaneswar,751023.
6. Additional District Magistrate and DL & LRO, Purulia, West Bengal.
7. Chief Conservator of Forests, South west Circle, West Bengal.
8. Divisional Forest Officer, Kangsabati South Division, Purulia. Post & District: Purulia. 723101.

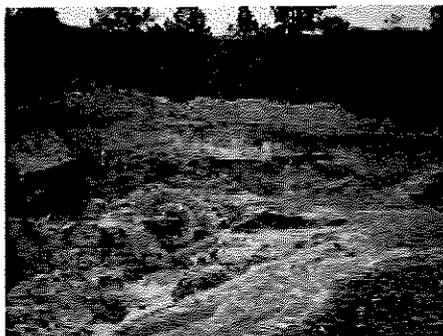
11 attachments



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 **CS DETAILS.pdf**
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STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

Pranisampad Bhavan, Block 'LB'-2, 5th Floor, Sector - III,

Salt Lake, Kolkata - 700 106

Telefax No. 033 2335 5246

Website : www.environmentwb.gov.in

No. 810 / EN/T-II-1/072/2016

Date : 04 / 04 /2018

To

M/s. Sukruti Pebbles

34-B, Sudhir Chatterjee Street (Girish Park)

Kolkata - 700 006

Subject : Environmental Clearance for the proposed black stone mine by M/s. Sukruti Pebbles at J.L. No. 203, Plot No. 2431(P), Vill. Dhargram, P.S. Barabazar, P.O. Sabheria, Dist. Purulia, West Bengal.

Sir,

This has a reference to your application submitted on 03/10/2016 and subsequent communications for Environmental Clearance for the proposed black stone mine at J.L. No. 203, Plot No. 2431(P), Vill. Dhargram, P.S. Barabazar, P.O. Sabheria, Dist. Purulia, West Bengal.

The proposal has been examined and processed in accordance with EIA Notification, 2006. It is noted that the proposed proposal is for black stone mine project having mining area of 39.00 Acres (15.78 Ha.) with proposed production - 6,00,000 TPA of black stone (Dhargram stone deposit) at Plot No.-2431(P), J.L. No.-203, Mouza-Dhargram, P.S.-Barabazar, District-Purulia, West Bengal.

It is noted that the salient features of the project, for which Environmental clearance has been considered are as follows :

Description	Details
Project location	Plot No.-2431(P), J.L. No.-203, Mouza-Dhargram, P.S.-Barabazar, District-Purulia, West Bengal
Total Area	39.00 Acres / 15.78 Ha.
Proposed Capacity	6,00,000 TPA
Mining Method	Open Cast mechanized (OTFM) method of mining is proposed.
Lifting Process of Minerals/Product	The mining operation in Dhargram Black stone deposit is proposed to be done by open cast stone mining, from where the stone boulder(of different sizes) will be excavated. In the initial stage, drilling and blasting shall be carried out by engaging authorized explosive agency under competent supervision. However, regular blasting is not envisaged. Large sized boulders will be excavated using hydraulic excavators. Then secondary rock breaking will be done - using hydraulic rock breaking - to produce boulders of required size (of around 8 inch) for the crushing plant.
Life of the mine	6.25 years at present level of exploration
Seismic Zone	The northern shear zone believed to be developed sympathetically with the formation of the main Sighbhum shear Zone-I. Low zone.

[Signature]

Proposed conditions for Environmental Clearance for the proposed black stone mine by M/s. Sukriti Pebbles at J.L. No. 203, Plot No. 2431(P), Vill. Dhargram, P.S. Barabazar, P.O. Sabberia, Dist. Purulia, West Bengal.

Description	Details
Topo Sheet No.	73 J/5 (part)
Project Cost	2.4 Crore Approx
Proposed working days	300 days/ year
Manpower Requirement	66 Skilled and Unskilled Staff
Bench height & width	The height of the individual benches shall be made & maintained at 6m and width 10 m for easy plying of HEMM.
Ultimate depth of the mine	6m BGL
Water table depth	10 - 12m BGL
Water Requirement	2.99 KLD (0.99KLD Domestic use, 1.00 KLD Afforestation, 1.00 KLD Dust suppression)
OB dump details	Small quantity of generation of waste which is 2% from total excavation and some OB. This waste is proposed to be used to maintain village and mine road. There is no proposal of dumping of waste.
Rain water Harvesting	At the end of plan period 10,192 Ha excavated area would be used as water reservoir for rain water harvesting.

State Level Environment Impact Assessment Authority (SEIAA), examined the proposal and also perused recommendations of the State Level Expert Appraisal Committee (SEAC). After due consideration of the project proposal, and after considering the recommendations of the State Level Expert Appraisal Committee (SEAC), the State Level Environment Impact Assessment Authority accords Environmental Clearance to the project as per provisions of the EIA notification no. S.O. 1533 (E) dt. 14th September, 2006 of Ministry of Environment & Forests, GOI, subject to strict compliance of terms and conditions as mentioned below.

A. SPECIFIC CONDITIONS:

- i. Drilling and blasting shall only be carried out by authorized explosive agency under competent supervision. Necessary permission from the Competent Authority should be obtained.
- ii. The mining operations shall be restricted to above ground water table and should not intersect ground water table.
- iii. Catch drains, garland drains shall be constructed around the excavated mine, mineral dumps, reject dumps to prevent run off of water and flow of silt and sediments directly into the water bodies. The water so collected should be used for watering the mine area, roads, greenbelt development etc.
- iv. Mine must carry out a comprehensive test to ascertain the contents of cations and anions in the water coming out of the mine area. If any objectionable ion is found the mine has to give comprehensive environmental management scheme so that they do not become hazardous. Only clear water can be discharged into the streams/nullahs /and river.
- v. Domestic wastewater shall be disposed off through septic tank - soak pit.
- vi. Ambient air quality monitoring through a third party shall be carried out at 3 locations, specifically in the downward direction as well as at points where maximum ground level concentration is anticipated. Such data on ambient air quality monitoring shall be regularly submitted to the WBPCB and SEIAA once in six month.

Proposed conditions for Environmental Clearance for the proposed black stone mine by M/s. Sukriti Pebbles at J.L. No. 203, Plot No. 2431(P), Vill, Dhargram, P.S. Barabazar, P.O. Sabberia, Dist. Purulia, West Bengal.

- vii. Vehicular emissions shall be kept under control and regularly monitored. Measures shall be taken for maintenance of both incoming and outgoing vehicles used in mining operations and in transportation of mineral. The vehicles shall be covered with a tarpaulin and shall not be overloaded. All vehicles should comply with existing emission norms and with up to date certification.
- viii. The entire OB generated shall be used for construction of transportation road from the mine area to the main road.
- ix. Top soil should be stacked with proper slope at earmarked site(s) only with adequate measures and should be used for reclamation and rehabilitation of mined out areas.
- x. The fugitive emission in the work zone environment and ambient air shall be monitored 2 times every year (one in winter and another in summer). The emission shall conform to the standards prescribed most of the time. Following indicative guidelines shall be followed to reduce the fugitive emission:
 - a) Enclosure shall be provided at all loading and unloading operations.
 - b) Water shall be sprayed on all reject material/product material stock piles periodically to retain some moisture in top layer to reduce the fugitive emission.
 - c) All transfer points shall be fully enclosed.
 - d) Internal roads shall be paved properly and sprinkled with water regularly to reduce the fugitive emission during vehicular movements. Wherever any soil surface is available near the roads in the mine area, plants with sufficient canopy and width have to be planted.
 - e) Air borne dust shall be controlled with water sprinklers at all vulnerable locations.
- xi. The company shall strictly comply with the rules and regulations with regards to handling and disposal of Hazardous waste in accordance with the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, as may be amended from time to time. Authorization from the WBPCB must be obtained for collection / treatment /storage / disposal of hazardous wastes.
- xii. Burnt oil and oil /grease in maintenance should be first led to oil traps .Schemed trap oil/ used oil / waste oil shall be sold only to the registered recycler.
- xiii. Annual occupational health surveillance of the workers shall be done by the doctor who is expert in occupational health and hygiene and its records shall be maintained. A 24 hour first aid centre with facilities and trained person for fall and run over victims will have to be created. No mine workers should be allowed to work barefoot and without helmet. Pre-employment and periodical medical examination for all the workers shall be undertaken on regular basis as per mining Acts & Rules.
- xiv. At all worksites temporary rest shelters and toilets (separate for women with piped water) providing cover and relief have to be provided. Temporary shelters for outside workers like transporters and truckers have to be given for rest and sleep. No one/labourer should be allowed to eat meals and sleep in the open in the mine area.
- xv. Mine has to take steps to prevent road and construction accidents by organizing signboards, stoppages at the crossings, village thorough fare, street lights etc.
- xvi. For women workers there should be a child care facility with piped water to tend to the children, particularly the infants with mid-day meal and nurses.
- xvii. Information regarding occupational mine diseases caused due to air pollution and its preventive measures shall be displayed at site in vernacular language for the benefit of the workers.

Proposed conditions for Environmental Clearance for the proposed black stone mine by M/s. Sukriti Pebbles at J.L. No. 203, Plot No. 2431(P), Vill. Dhargram, P.S. Barabazar, P.O. Sabberia, Dist. Purulia, West Bengal.

- xviii. Ambient dust has to be brought down to the general industrial standards and work place dust has to be brought down to the industrial standards, in addition to the protective devices that the workers will use.
- xix. Noise should be controlled as per industrial standards. Continuous and high noise sources must use noise muffles to absorb noise as much as possible.
- xx. The mine area and surrounding should be properly illuminated during the night time so as to restrict the people and animal veering in the mine area.
- xxi. Anti-vibration devices shall be provided to the vibrating tools and equipment to be used by workers during mining and its usage shall be ensured. Safe limit of vibration impact shall be maintained.
- xxii. All the precautions are to be observed as per Reg. 106 of MMR, 1961 for safety and security. Face masks, helmets, safety shoes etc. shall be provided to all the workers working in the mining areas and its usage shall be ensured and supervised.
- xxiii. The overall noise level in and around the mine area shall be kept well within the standards by providing noise control measures including engineering control like acoustic insulation, hoods, silencers, enclosures etc. on all sources of noise generation. The ambient noise level shall conform to the standards prescribed under Environment (Protection) Act & Rules, 1986. Wherever required and possible, green vegetative barrier has to be created to insulate the external population from repetitive sound and noise.
- xxiv. Noise levels for workers shall be as per the Mine Act & Rules.
- xxv. The company shall strive to adopt zero waste mining concepts by reducing the quantum of reject through technological innovation or finding the use of fines through perspective buyers.
- xxvi. Top soil from the mining area shall be scrapped, preserved and utilized for the plantation work. The concurrent reclamation plan with the workings of the mine sites have to be initiated. Waste dumping within the mine area should be carried out as much as possible.
- xxvii. The unit shall develop green belt as shown in the conceptual mine closure plan with native species and strictly as per time schedule.
- xxviii. A thick plantation belt of width not less than 20 feet on the periphery, nearby villages and other appropriate places shall be carried out vigorously in consultation with the Forests Department to increase the green cover of the area as for sound protection. The mine must ensure survival and protection of the planted saplings till they become of 20ft height.
- xxix. The project proponent shall ensure that no natural water course / river shall be obstructed due to any mining operations neither any waste material will be dumped on the water course/river. Appropriate fencing of lease area and mined out areas shall be done to avoid falling and/or drowning of man/animal.
- xxx. At least 2.5% of the total cost of the project shall be earmarked towards the Enterprise Social Commitment (ESC) based on local needs and action plan with financial and physical break-up shall be prepared and submitted. Implementation of such program shall be ensured accordingly in a time bound manner.

B. GENERAL CONDITIONS:

- i. The environmental clearance accorded shall be valid till the expiry of the mining lease from the date of issuance subject to maximum of thirty years.

Sal

Proposed conditions for Environmental Clearance for the proposed black stone mine by M/s. Sukriti Pebbles at J.L. No. 203, Plot No. 2431(P), Vill. Dhargram, P.S. Barabazar, P.O. Sabberia, Dist. Purulia, West Bengal.

- ii. Prior Consent-to-Establish (NOC) for the proposed project must be obtained from WBPCB before commencement of construction or mining activity. All other statutory clearances should be obtained by project proponent from the competent authorities.
- iii. The project proponent shall comply with all the environmental protection measures and safeguards recommended. Further, the unit must undertake socio-economic development activities in the surrounding villages like community development programmes, educational programmes, drinking water supply and health care etc.
- iv. Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of the Environment (Protection) Act, 1986.
- v. Occupational health surveillance of the workers shall be done by the doctor who is expert in occupational health and hygiene and its records shall be maintained. Pre-employment and periodical medical examination for all the workers shall be undertaken on regular basis as per mining Acts & Rules.
- vi. All the conditions, liabilities and legal provisions contained in the EC shall be equally applicable to the successor management of the project in the event of the project proponent transferring the ownership, maintenance of management of the project to any other entity.
- vii. Provision should be made for the supply of kerosene or cooking gas to the labourers during construction phase. All the labourers to be engaged for construction works should be screened for health and adequately treated before issue of work permits. Environmental sanitation should be ensured for the workers.
- viii. The project proponent should make financial provision in the total budget of the project for implementation of the environmental safeguards. The project authorities will provide requisite funds both recurring and non-recurring to implement the conditions stipulated by the SEIAA, West Bengal along with the implementation schedule for all the conditions stipulated herein. The funds so provided should not be diverted for any other purpose.
- ix. No further expansion or modifications in the mining plan should be carried out without prior approval of the State Level Environment Impact Assessment Authority, West Bengal. In the case of any change(s) in the scope of the project, the project would require a fresh appraisal by the SEIAA, West Bengal.
- x. The West Bengal Pollution Control Board, who would be monitoring the implementation of environmental safeguards, should be given full cooperation, facilities and documents / data by the project proponents during their inspection. A six monthly compliance report and the monitored data along with statistical interpretation shall be submitted to the WBPCB regularly. A complete set of all the documents should also be forwarded to the State Level Environment Impact Assessment Authority, West Bengal and to the Regional office of MoEF&CC, Bhubaneswar.
- xi. The State Level Environment Impact Assessment Authority, West Bengal reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environmental (Protection) Act, 1986, to ensure effective implementation of the suggested safeguard measures in a time-bound and satisfactory manner.
- xii. The Project Proponent should inform the public that the project has been accorded environmental clearance by the SEIAA, West Bengal and copies of the clearance letter are available with the State Pollution Control Board/Committee and may also be seen at Website of the SEIAA, West Bengal (<http://environmentwb.gov.in>). This should be advertised within seven days from the date

Proposed conditions for Environmental Clearance for the proposed black stone mine by M/s. Sukriti Pebbles at J.L. No. 203, Plot No. 2431(P), Vill. Dhargram, P.S. Barabazar, P.O. Sabberia, Dist. Purulia, West Bengal.

- of issue of the clearance letter, at least in two local newspapers that are widely circulated in the region of which one shall be in the vernacular language of the locality concerned.
- xiii. The Project Authorities should inform the State Pollution Control Board as well as the SEIAA, West Bengal, the date of financial closure and final approval of the project by the concerned authorities and the date of commencing the land development work/project implementation.
- xiv. The above stipulations would be enforced along with those under the Water (Prevention and Control of Pollution) Act, 1974, the Air (Prevention and Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986, the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, the Public Liability Insurance Act, 1991, the Environment Impact Assessment Notification 2006 and their amendments.
- xv. The contact details of the proponent and the name of the consultant are given below –

Name of the Contact person with Designation	Shri G.S. Mahapatra, Partner
Address	M/s. Sukriti Pebbles 34-B, Sudhir Chatterjee Street (Girish Park) Kolkata – 700 006
Telephone Number, Fax Number	09800941200
E mail	sukritipebbles@gmail.com
Name of the Consultant	M/s. Superintendence Company of India Pvt. Ltd.

Yours faithfully,

-Sd/-

(Sandipan Mukherjee, IFS)
Chief Environment Officer &
Member Secretary, SEIAA

No. 810 /EN/T-II-1/072/2016/1(4)

Date : 04 / 04 /2018

Copy forwarded to :-

1. Secretary, SEAC & M.S. WBPCB
2. Officer-in-Charge, Regional Office (Eastern Zone), Ministry of Environment & Forests, Government of India, A-3, Chandrashekharpur, Bhubaneswar – 751 023, Orissa.
3. The Mining Officer in-charge of Purulia Zone, M.E.Branch, G.P. Branch Campus, Deshbandhu Road, Purulia – 723 101.
4. Guard file / Record file.



Chief Environment Officer &
Member Secretary, SEIAA

FOREST DEPARTMENT
Forest

NOTIFICATION

No. 2060-Fore—25th March 1966.—Whereas the Governor thinks that in the case of the forest lands situate within the district of Purulia and described in the schedule below the inquiry and record referred to in sub-section (3) of section 29 of the Indian Forest Act, 1927 (XVI of 1927), will occupy such length of time as in the meantime to endanger the rights of Government.

Now, therefore, in exercise of the power conferred by the proviso to sub-section (3) of section 29 of the Indian Forest Act, 1927 (XVI of 1927), the Governor is pleased, pending such inquiry and record, to declare with effect from the date of the publication of this notification in the *Calcutta Gazette*, such forest lands to be protected forest.

The Schedule
District Purulia

Mauza.	J. L. No.	C. S. Plot No.	Area in Acres		Total.
			A.	D.	
1	2	3	4	5	6
Rev. Thana Barabhum					
Panchkuda	3	0	15	40	15.40
Tarangdih	17	819 809	7	05 33.78	43.71
Tetuladih	34	231 810 283 233 282 327 240 328	8 12 5 10 13 37 40 22	10 70 60 30 50 50 80 50	150.80
Manpur	44	1108	10	80	10.80
Hurumdah	80	110 22	27 43	45 40	70.85
Puryara	82	14 100 1119 1851 1150	18 0 8 40 39	70 48 85 88 40	104.98
Cogradih	84	67 137 138	3 1 17	20 10 30	21.80
Bhabanipur	84	160	63	80	63.80
Sakurbata	83	22 1683 1740 2800	16 1 1 10	80 20 70 80	39.20
Rasipukur	77	21 61	10 19	80 13	29.05
Bharat	83	38 42 229 385	6 54 24 3	48 08 09 70	83.30
Batradih	226	883	15	10	15.10

*certified to be a true copy
page no 1329 to 1336
16/10/15*

A. M. Singh, Deputy
Assistant Secretary to Government of West
Bengal, Forest Department, Calcutta.
Kolkata - 27

1340

THE CALCUTTA GAZETTE, JULY 14, 1966

[PART

	1	2	3	4	5
Purjoga		228	1 26	68-10 8-10	73 5
Zilug		271	2225 2330 2227 2183 2196 1323 1062 2001 2101 1803 2072 2071 2070 2070 2077 2068 538 1229 1282 1132 1113 2148 222 498 2347	40-00 4-00 12-84 27-45 4-60 18-03 18-86 13-90 10-70 4-10 0-00 64-50 60-77 130-80 111-08 4-00 20-37 13-04 1-00 12-40 27-54 27-88 5-60	603 6
Dhargawan		279	802 914 903 904	4-03 60-20 1-88 40-18	108 8
Gonakanta		296	174 304 300	107-10 4-80 40-23	152-17
Karada		207	186 133 231 153	8-20 0-35 -03 -04	8 4
Bajada		318	8	6-56	6 5
Banachapur		88	739 883 750	13-70 23-30 28-00	63 6
Karajata		87	903 1221 1234 1222 1261 829 827 1223 1034 336 344 343 887 778	44-28 24-03 18-88 30-00 7-14 1-82 13-60 18-84 1-70 8-14 9-32 20-00 31-03 0-10	236 6
Jarbi		99	439	22-70	22 9

Modified Extensive : System as above; pond preparation with filling; liming and fertilisation; some water exchange with pumpsets; perfect seeds indigenous or imported; stocking density around 50,000/ha.

Semi-intensive : New pond systems; ponds 0.25 to 1.0 ha in size; elevated ground with supply and drainage canals; pond preparation methods carefully pollocked; regular and periodic water exchange as required; pond aerators (pond's wheel) at 8 per ha; generally imported feed with FCR better than 1:1.5 or high energy indigenous feeds; application of drugs and chemicals when need arises; regular monitoring and management stocking density 15-25/m².

Intensive : Ponds 0.25 - 0.50 ha on size; management practices as above; 4 aerators in each pond; salinity manipulation as possible; central drainage system to remove accumulated sludge; imported feed;"

●

GOVERNMENT OF WEST BENGAL
Office of the Director of Land Records and Surveys and
Joint Land Reforms Commissioner, West Bengal
35, Gopainagar Road, Alipur, Calcutta - 700 027.

Memo. No.7/5197-5214/C/2000.

Dated, Alipur, the 29th August, 2000.

To
The District Land and Land Reforms Officer,

Subject : Administrative co-ordination with the Forest & Environment Department.

The Forest Department has been vested with the concern of scientific management of the forest resources, maintenance of the eco-systems within the forests and the increase of area under forest cover. As essentially, it involves the use of land and resources arising out of land the following areas of interaction and collaboration by the L.R. Department officials with the Forest Department officials are bound to arise.

1. The Operation of the Forest (Conservation) Act, 1980:

The Indian Forest Act, 1927 is the primary legislation under which the State Government by official notification constitutes a reserved forest area u/s 3 of the IF Act, 1927 and a protected forest area u/s 29 of the IF Act, 1927 over land which is Government property or over land which the Government has proprietary rights. Both types of nomenclature impose a ban on change of classification to non-forest use, felling of trees, collection of forest produce, quarrying for minor minerals, etc. However, the restrictions in case of a reserved forest area, are extremely stringent and even public access can be denied totally.

The Forest (Conservation) Act, 1980 amended in 1988 by which the amended sections 3A and 3B came into effect from 15.03.1989, has made matters extremely stringent and has prescribed punishment for conversion of forest area to non-forest use in cases of involvement of Government officials either directly or through their subordinates or through their negligence. This Act came into effect from 25.10.1980 and u/s 2 of the F.C. Act has made any order made without the prior approval of the Central Government for the de-reservation of forest area, conversion of forest land to non-forest use, lease / transfer of any forest land to a private person or agency not owned, managed or controlled by Government and clearing of trees for re-forestation an offence. It has also banned any commercial cultivation of crops and use of forest land for any purpose other than re-forestation in the process. More than that, any case of violation or abetment by a Government official is punishable u/s 3A with simple imprisonment for 15 days and the burden of proof u/s 3 is on him/her to prove that it was done outside

his knowledge or that he tried diligently to prevent the commission of such offence or that it was not due to his negligence.

The Supreme Court on 12.12.96 in WP (Civil) No.202 of 1995 in T.N.Godavarman Thirumulkpad vs. Union of India had made certain directions, such as :

(a) Forest land would be any land recorded as such in Government records irrespective of ownership (i.e. can be private also) due to which the provisions of the FC Act would be applicable.

(b) No felling of trees in any forest land can be done except according to the working plan of the Forest Deptt.

(c) Running of Saw mills, etc. in forest areas was banned;

(d) Any conversion of forest land to non-forest use would be as per guidelines framed under FC Act, 1980.

2.0 Implications of the enforcement of FC Act, 1980.

2.1 Recording of forest land :

This unfortunately is a completely neglected aspect of the land records work. A copy of all the notifications of reserved / protected forests should be collected by the DL&LRO from the D.F.O(s) immediately and should be intimated to the concerned BL&LROs. After intimation, BL&LROs shall not issue any patta or shall allow mutation or conversion of the land whosever the owner of the land may be. Any violation shall be deemed to be a violation of the FC Act.

The lands classified as forest in our records needs to be clarified. Classification of 'jungle', 'bon', 'salbon', 'jhaubon' can be treated as forest area but 'jhati jungle' if it is not a notified forest area cannot be treated as forest area. Hence lands so classified, as mentioned above cannot also be alienated or converted into non-forest use at all as per Supreme Court ruling.

In case of directions of Courts, involving any form of divesting, it should also be verified as to whether the lands involved, are notified as forests. If they are notified so, then record - of - rights correction cannot be permitted under the Supreme Court ruling and it should be so mentioned in the written order disposing off the petition.

2.2 Conversion of forest land to non-forest use :

It is quite possible that for development purposes, it would become quite necessary to seek the transfer of some forest land for certain unavoidable purpose. The Manual on F.C. Act, 1980 of the Forest Department is fairly comprehensive. The salient features are :

(a) Regularisation or post-facto approval of any violation made by the State Government agencies would not be permitted by the Central Government ;

(b) Every proposal for diversion of forest land should contain the cost-benefit analysis, the basic parameters of the project, the map of the area to be de-forested, the classes and size of trees to be felled, etc. The proposal should also include the details of the non-forest area being offered for compensatory afforestation and the funds to be placed for compensatory afforestation.

The proposal should be routed through the State Forest Department to the Regional Chief Conservator of Forests at Bhubaneswar if the area involved is less than 1 (one) hectare and any area greater than that, would have to be cleared by the Ministry of Environment and Forests, Government of India.

2.3 Quarrying of minor minerals :

Mining is treated as a non-forest activity. Grant of mining lease and renewal of a mining lease by the State Government under the Mines & Minerals (R&D) Act, 1957 cannot be done without the prior approval of the Central Government. Boulders, other stones, etc. in the river-beds located within forest areas cannot also be removed without

the prior approval of the Central Government. Hence, it goes without saying that no quarry permit for any minor mineral can be issued on a notified forest area.

2.4 Regularisation of Encroachments on Forest land:

This problem is quite acute in the Hill areas of Darjeeling district, Jalpaiguri district and in the Sundarbans area. The policy for regularisation spelled out is that only those cases where the State Government had taken decisions for the regularization of encroachments of forest land prior to 25.10.1980 can be taken up for the process. Hence even if encroachments had taken place prior to 25.10.1980 but are not covered by any decision of the State Government cannot be taken up for survey towards regularization. A more lenient view had been taken towards the conversion of forest villages into revenue villages where human settlements had been made for forestry operations. A proposal ought to be sent to the Environment Ministry and after approval, some form of conferment of heritable and inalienable rights can be made. Lands handed over to tribal or rural poor prior to 25.10.1980 by way of pattas or leases shall continue to maintain their status-quo and would not be evicted.

3.0 Felling of Trees.

3.1 The Hon'ble Green Bench of the High Court, Calcutta in its order dated 15.7.98 in regarding cutting of Trees at Mankundu had passed certain directions to be followed. It would be best that the DLLROs of all districts uniformly take it up with their District Collectors to issue an uniform order in compliance to the High Court order as was done in Midnapore. (A copy is enclosed at Annexure A). Harassment of applicants should be avoided as far as possible. Where trees are felled after obtaining prior permission, the D.F.O. or his authorised officer can issue a Transit Pass (TP) for the transport of the timber under the W.B. Forest Produce Transit Rules, 1956. The guidelines of the PCCF as Chairman of the Trees Cutting Committee are also helpful in this respect.

3.2 Panchayats had also made extensive plantations of social forestry on vested lands and as strip plantations along roads, canals, water bodies, etc. By G.O. No.474-L. Ref. dated 19.06.1987 (at Page 2 of Vol. III of the Compendium of LR Instructions) lands had been handed over to Panchayat bodies for management but subsequently, by G.O.No.7073(16)-GE dated 4.8.1988 (Page 28 of Vol. IV of Compendium of LR Instructions) these lands were resumed. During this period and probably after it also extensive plantations were made by Panchayat bodies under the NREP, JRY and other developmental schemes. As the management of these lands had been given only, they can be permitted to fell the trees only after the trees attain maturity and that too according to the working plan prepared by the Forest Department and with the prior approval of the Forest Department and recover the entire proceeds out of it as the total financial investment had been made by them provided the Forest Department so permits. In case of plantations strip or otherwise made with the collaboration of Forest Department separate norms for recovery of plantation costs and setting up of fund for future plantations would be enforced by Forest Department.

3.3 Felling of Orchard Trees :

Felling of orchards was rampant all along the Bagri areas of West Bengal in Murshidabad, Malda, Nadia and North 24-Parganas. Mango orchards have been cut down and in turn the land has been sold by the owners for homestead purposes at a profit. The Calcutta High Court has intervened in this process too at the last moment to retain the balance. Previously unscrupulous orchard owners had obtained orders from Calcutta High Court on ground of replacement of old trees but after waiting for a long period, have converted the land for commercial purpose on the sly. Mr. Justice A. Kabir in Bishwanath Kumar & others Vs. State of West Bengal reported in 1996 CHN(II)407 on 17.9.96 has passed necessary orders which if enforced can stop this process.

According to the order a raiyat owning an orchard who wants to fell some trees shall have to give a notice fifteen days in advance to the Collector giving all the details of the trees to be felled along with an undertaking to replace the old / unproductive trees with new saplings within 2 weeks of the felling operation. He / she cannot fell more than one unproductive out of ten unproductive trees in two years and that too fresh felling

would only be allowed after the replacement trees are successfully growing. This ratio would be 1:5 if the orchard has less than 10 trees. The Collector has to dispose the application within 15 days from the receipt of the application. The Collector is also responsible to ensure that the raiyat ensures that the replacement saplings do not wither away due to the negligence and if it so happens then punitive action u/s 4B, 4C and 4D of the WBLR Act, 1955 can be taken up against the raiyat. If all the formalities are followed, the DFO shall issue the Transit Pass (TP). This order was also referred to by the High Court in disposing off WP No.18064 (WP)/97 Smt. Fulo Mala Debi Vs. State of West Bengal and others wherein the Court had directed the Chief Secretary of West Bengal to intimate the District Magistrates of Malda and Murshidabad.

3.4 Felling of trees in the Hill regions of Darjeeling District.

The felling of trees within the Darjeeling Sadar, Kalimpong and Kurseong sub-divisions is extremely restricted U/s. 4A of the W.B.L.R. Act 1955. The sub-section (1) stipulates that not more than one tree at a time can be felled after prior permission and the District Collector can give directions regarding the form of cultivation to be followed by the raiyat. The Rule 474 and Appendix VII of the Land Reforms Manual delineates the procedure for the processing of permission to be granted by the S.D.O. after the R.I. conducts the enquiry and the case is processed by the B.L. & L.R.O. and S.D.L & L.R.O. The number of trees to be replanted should also be not less than ten in number for a tree felled.

3.5 Felling of Shade Trees inside Tea Gardens

The felling of shade trees normally should follow the guidelines stipulated under the Green Bench order dated 15.7.1998. The Tea Planter's Association had filed a writ petition seeking a shorter process for the disposal of their applications of no.13223 (W) of 1998 and the Division Bench of the Calcutta High Court on 4.1.2000 had made a minor change with respect to the disposal in that the application should be disposed off within 4 weeks from the date of filing and an opportunity of hearing should be given to the applicant. The applicant should obtain a clearance from the District Magistrate or his nominee also before the receipt of any felling order from the D.F.O. As per the PCCF guidelines the felled trees should also be offered for sale to the West Bengal Forest Development Corporation Limited to avoid misuse of T.Ps. by private purchasers of timber.

3.6 Tree cards

A process for the simplification of the disposal of trees raised commercially on maturity by raiyats was initiated through the issue of tree cards by Forest Department's G.O. No.8786-FN dated 26.11.1991. The BL & LRO had been coopted in process for certifying the land ownership details but unfortunately there are a number of reservations of our officials to the process as there could be a time lag for the updation of land records without which the BLLRO cannot take the responsibility of certifying the ownership of the land and the trees. Moreover, the concurrence of the Land & Land Reforms Department was not taken in this issue due to which no administrative instruction can also be given committing the subordinate offices to the process. At the moment we need not be involved in the process.

4.0 Implications due to the Declaration of the Coastal Regulation Zone (CRZ) in the coastal areas of the State.

Coastal Regulatory Zone (CRZ), is a band of area all along the sea coast and consists, of two part, (a) the area between the Low Tide Line (LTL) to the High Tide Line (HTL) (b) the area 500 metres beyond the HTL towards land. A notification w.e.f. 20.02.1991 had been made u/s 3(1) and 3(2) of the Environment (Protection) Act 1986 declaring this area to be the CRZ. This restricts the economic development or exploitation of the land lying in this zone to preserve the pristine quality of beaches and sea coasts and to protect the marine environment. Around 220 Km. of sea coast stretching from Midnapore District to the Sundarbans area of North and South 24-Parganas Districts constitutes the Coastal Zone. As a part of the coastal management

plan strict regulations have been imposed on the development of land upto a distance of 500 m from the High Tide Line (HTL).

Within the CRZ the following activities are totally banned and hence appropriately mutations and conversion of any land lying within 500 m from the HTL should be prohibited.

- 1) Setting up of new industries and expansion of new industries.
- 2) Manufacture or handling or storage of hazardous substances.
- 3) Setting up of fish / prawn processing units. In fact the Supreme Court in S. Jaganathan -Vs- Union of India (1997) 2SCC87 had interlia directed that no shrimp culture ponds should be constructed within the CRZ and all existing shrimp culture infrastructure within CRZ should be removed or demolished by force.
- 4) Waste effluent disposal.
- 5) Land filling / land reclamation / dumping of waste / dressing of altering of sand dunes, etc.
- 6) Mining of any form.
- 7) Construction activity subject to the classification of CRZ as CRZ-I/CRZ-II/CRZ-III/CRZ-IV. A mouza-wise classification of the CRZ for the 200 km. of the coastline shall be available shortly. The general principles in short are as follows :
 - a) CRZ-I: Highly sensitive area and no development up to 500m from HTL. All unhabited islands in the Bay of Bengal and islands such as Frezarganj and Gangasagar also. In Digha and Shankarpur area, the area upto the sand dunes.
 - b) CRZ-II : In urban and municipal areas adjoining coastline, development can take place beyond the road towards land ward side only. For example near the Haldia Port Complex area, part of Digha and Shankarpur area.
 - c) CRZ-III: Relatively undisturbed areas. Construction can take place only beyond 200 m from the HTL, Hotels and Beach Resort can only be built in CRZ - III areas and that too with certain stipulations.

Interestingly the CRZ in Haldia Development Authority area is 100 m from HTL and the CRZ does not go beyond north of the Diamond Harbour Municipality in the R.Hooghly which excludes the Falta, and metropolitan areas of Calcutta.

5.0 Filling up of Tanks and Ponds

This action has led to extreme unrest in urban / municipal areas whenever it has been done by un-scrupulous promoters involved in real estate business. Tanks, ponds or other water bodies are extremely necessary for the purpose of drainage in urban areas and the cleansing of environment. Hence, the filling up of tanks should be prevented as far as possible and people purchasing land previously classified as tanks / pond/ water body should also be warned of the dangers involved.

The section 17A of the WB Inland Fisheries Act, 1984 is a more powerful section than the section 4C of the WBLR Act, 1955. The salient features are :

- a) A natural or artificial depression or a water area equal to or exceeding 5 cottahs or 0.035 hectare which is capable of being used as fishery or holds water for at least six months in a year cannot be used for any other use other than pisciculture U/S 17A(1) or can not be converted to solid land or fragment the water body for a purpose other than a fishery.
- b) U/S 17A(2) the competent authority can take over the management and control of the water area if any contravention takes place for a period not exceeding 25 years u/s 17A(6). The management and control can be given to another person for proper utilization u/s 17A(4) for periods upto 10 years at a time.

- c) The competent authority can enforce the restoration of the water area to its original state and recover costs u/s 17A (10).
- d) Punishment has been made very severe. An offence is cognizable and non-bailable and is punishable with an imprisonment of upto 2 years or fine of upto Rupees two lakhs or with both.
- e) The Fisheries Department has notified the following officers to act as competent authority under section 2 of the W.B.Inland Fisheries Act, 1984.

NAME	JURISDICTION
Municipal Commissioner, Calcutta Municipal Corporation	All wards of Calcutta Municipal Corporation.
Commissioner, Howrah Municipal Corporation.	All wards of Howrah Municipal Corporation.
Chief Executive Officer, Chandannagore	All wards of Chandannagore Municipal Corporation.
Chief Executive Officer, Asansol Municipal Corporation and ADM Asansol.	All wards of Asansol Municipal Corporation.
Chief Executive Officer, Siliguri Municipal Corporation.	All wards of Siliguri Municipal Corporation.
Executive Officer of any Municipality.	All wards of the Municipality.
Chairman of Notified Area Authority (NAA)	All wards of the N.A.A.
Block Development Officer.	Jurisdiction of the Block Development Officer.

The provisions of section 4C of the WBLR Act, 1955 can be utilized for all cases involving the filling up of ponds, tanks. What is of utmost importance is that on the receipt of any information, the persons filling the tank should be given a notice and the local Police should be requisitioned and used to physically stop the process or to seize any vehicle transporting earth, etc. Only such actions can deter the process. If no action is taken it would seriously demoralize the public and would erode public faith in the Land Reforms Administration.

Enclosed: Annexure 'A'.

S. Suresh Kumar.
Director of Land Records and Surveys
& Joint Land Reforms Commissioner,
West Bengal.

Memo No.7/6265-340/C/2000

Dated, Alipur, the 29th August,
8th November, 2000.

Copy to :

1. Sub-divisional Land & Land Reforms Officer,
2. All Officers of the Directorate.
3. Principal Secretary, Land & Land Reforms Department and Land Reforms Commissioner, West Bengal.
4. Joint Secretary, Land & Land Reforms Department
5. Secretary, Environment, Paribesh Bhawan, Salt Lake.
6. Member - Secretary, Pollution Control Bond, Paribesh Bhawan, Salt Lake.

S. Suresh Kumar
Director of Land Records and Surveys
& Joint Land Reforms Commissioner,
West Bengal.