

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN BENCH AT KOLKATA**  
**ORIGINAL APPLICATION NO. 90 OF 2021 (EZ)**

**IN THE MATTER OF:**

LILA KUMAR GURUNG

...APPLICANT

Vs.

THE UNION OF INDIA & OTHERS

...RESPONDENTS

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Kolkata  
Dated: 28<sup>th</sup> February, 2022

Through



Filed by :-  
Respondent No. 1

**Shri. Debashis Ghosh**  
Central Govt. Counsel,  
Phone No: - 9874555367  
Email Id: - [debashisghosh06@gmail.com](mailto:debashisghosh06@gmail.com)

28 FEB 2022

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**EASTERN BENCH AT KOLKATA**  
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**IN THE MATTER OF:**

LILA KUMAR GURUNG

...APPLICANT

Vs.

THE UNION OF INDIA & OTHERS

...RESPONDENTS

**AFFIDAVIT ON BEHALF OF RESPONDENT NO. 1 (MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE)**

I, **Dr. Soma Das** , D/o Shri Sukumar Chandra Das, aged about 49 years, presently working as “ **Inspector General of Forest (C)**” at the Integrated Regional office of the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF&CC) having its office at IB-198 , Sector- III, Saltlake City , Kolkata- 700106 do hereby, in my official capacity, solemnly affirm and state on oath as follows-

1. That I am acquainted with the facts and circumstances of the instant case and duly competent to swear the present affidavit on behalf of the MoEF&CC on the basis of the official records maintained therein.
2. It is humbly submitted that I have perused and understood the contents of the present petition. At the outset, I deny all averments, submissions; statements and allegations made therein except as may be specifically admitted herein after.

  
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3. It is humbly submitted that in case the Hon'ble Tribunal desires technical/specialized information, an expert from the Ministry can be produced subject to the direction of the Hon'ble Tribunal.

**Statement of Facts**

4. It is humbly submitted that the 'land' is a subject matter of State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, inter alia, being the repository of land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgments and directions of the Hon'ble Supreme Court.
5. That the prior approval of the Central Government under Section – 2 of the Forest (Conservation) Act, 1980 is required for carrying of any non-forestry activity on forest land.
6. It is humbly submitted that Stage –I for the following projects were accorded after detailed deliberation and only after recommendation of Review Expert Committee in each case.

- (i) Stage-I approval for Diversion of 86.6255 ha(18.604 ha in Darjeeling Forest Division + 12.3436 ha in Kurseong Forest Division + 8.8489 ha in Wildlife-I Division + 46.829 ha under Kalimpong Forest Division ) of forest land in favour of the North Frontier Railway, Jalpaiguri for construction of Sevok-Rongpo New Board Gauge Railway Line has been accorded by the Ministry of Environment, Forest and Climate Change on 28<sup>th</sup> November, 2017.



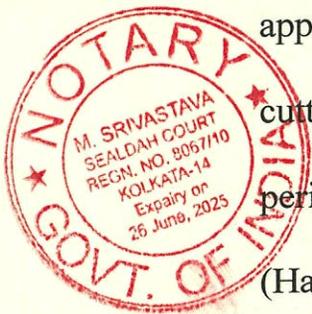
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- (ii) Stage-I approval for Diversion of 0.9294 ha of forest land in favour of North-East Frontier Railway for construction T-4 Adit portal and access road in connection with Sevok-Rongpo New Board Gauge Line under Kurseong Forest Division has been accorded by the Ministry of Environment, Forest and Climate Change on 31<sup>st</sup> July, 2020.
- (iii) Stage-I approval for Diversion of 12.3789 ha of forest land in favour of North-East Frontier Railway for construction of Adits in connection with Sevok-Rongpo New Board Gauge Line under Darjeeling, Darjeeling(Wildlife) and Kalimpong Forest Division has been accorded by the Ministry of Environment, Forest and Climate Change on 7<sup>th</sup> September, 2020.
- (iv) Stage-I approval for Diversion of 13.512 ha (2.7945 ha under Darjeeling Forest Division + 0.0589 ha under Kurseong Forest Division + 10.2086 ha under Kalimpong Forest Division) of forest land in favour of North East Frontier Railway for Construction of approach roads, site for muck disposal and staff in connection with Sevok-Rangpoo BG line under Darjeeling, Kurseong and Kalimpong Forest Division has been accorded by the Ministry of Environment, Forest and Climate Change on 13.07.21. Minutes of the REC and Stage –I accorded are annexed herewith for your kind perusal and marked by the letter “ **Annexure-R1/1**”.



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7. It is humbly submitted that FRA Certificate for the proposals mentioned at Para no. 6 are duly signed by the District Magistrate and submitted with the Project well in advance. FRA Certificate is annexed herewith as “**Annexure – R1/2**”.
8. It is humbly submitted that some area of the proposed project falls under Wildlife Sanctuary, therefore the project was submitted to National Board for Wildlife. The proposal was considered on 34<sup>th</sup> meeting of the Standing Committee of National Board for Wildlife held on 2<sup>nd</sup> June, 2015. The project was recommended by the Committee with specific conditions. The Minutes of the meeting is annexed herewith as “**Annexure-R1/3**”.
9. It is submitted that the answering respondent, till date, has received compliance report of Stage-I approval for 86.6255 ha forest land only from the State Government and the same is under examination. It is pertinent to mention here that, as Per Para – 11.2 of Comprehensive Guidelines (Handbook of Forest Conservation Act, 1980), after grant of Stage-I approval for linear projects State Government can pass an Order for tree cutting and commencement of work of such project in forest land for a period of one year. The copy of Para – 11.2 of Comprehensive Guidelines (Handbook of Forest Conservation Act, 1980) is annexed herewith as “**Annexure-R1/4**”.



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10. It is respectfully submitted that this answering Respondent without prejudice reserves its right to file a supplementary affidavit at a later stage, if so necessary.

11. It is respectfully submitted that in view of the above mentioned facts, the respondent no.1 humbly prays that the Hon'ble Court may be pleased to pass such order as deemed fit in the interest of the justice.

S-CP/1-291  
28-2-2022

*[Signature]*  
DEPONENT



Solemnly Affirmed & Declared Before me on Identification of L.D. Advocate

MOKUL SRIVASTAVA  
Notary, Govt. of India  
Regd. No.: 8087/10  
Expiry on 25/06/2025

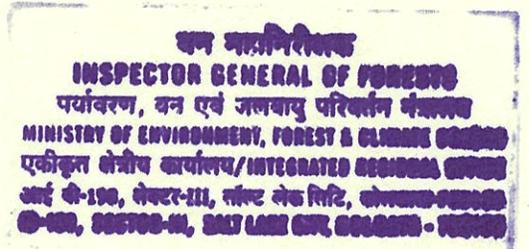
**VERIFICATION**

I, the above named Deponent, do hereby verify that the contents of the above affidavit are true and correct to my knowledge as per the records of the answering respondents. No part of it is false and nothing material has been concealed there from.

Verified at Kolkata on this 28<sup>th</sup> Day of February, 2022.

*[Signature]*  
DEPONENT

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570688/202



Government of India/ भारत सरकार  
Ministry of Environment, Forest & Climate Change/ पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय  
Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय  
A/3, Chandrasekharpur/ ए/३, चन्द्रसेखरपुर  
Bhubaneswar - 751 023/ भुवनेश्वर - ७५१ ०२३



Telephone: 0674-2301213, 2301248, 2302452, 2302453. Fax: 0674-2302432. E-mail: ree@moef.nic.in

No. 5-WBA072/2014-BHU

28<sup>th</sup> November, 2017

To

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

Sub:- Diversion of 86.6255 ha (18.604 ha in Darjeeling Forest Division + 12.3436 ha in Kurseong Forest Division + 8.8489 ha in Wildlife-I Division + 46.829 ha under Kalimpong Forest Division) of forest land in favour of the North Frontier Railway, Jalpaiguri for construction of Sevok-Rongpo New Board Gauge Railway Line.

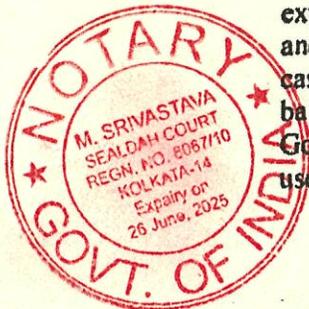
Sir,

I am directed to refer to State Govt. letter No.177-For/O/L/10T-02/14 dated 27.01.2014, No.638-For/O/L/10T/14 dated 25.03.2014 and No.2227-For/O/L/10T-02/14 dated 14.07.2017 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest(Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Forest Advisory Committee meeting held on 22/23.09.2014 and Regional Empowered Committee meeting held on 17.11.2017, the Ministry of Environment, Forest & Climate Change hereby conveys 'in-principle' approval for diversion of 86.6255 ha (18.604 ha in Darjeeling Forest Division + 12.3436 ha in Kurseong Forest Division + 8.8489 ha in Wildlife-I Division + 46.829 ha under Kalimpong Forest Division) of forest land in favour of the North Frontier Railway, Jalpaiguri for construction of Sevok-Rongpo New Board Gauge Railway Line, subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- (ii) The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency as per the Orders of 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 in this regard. While conveying the compliance of this condition, mention be made of the Eco-class and density of forest for which NPV has been charged.
- (iii) At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- (iv) If the Compensatory afforestation has to be raised on degraded forest land (DFL) twice in extent of forest land to be diverted is identified for C.A. as provided in para 3.2 (vi), 3.2(vii) and 3.2 (ix), then normally, 1000 samplings will be planted per ha of the diverted land. In case 1000 saplings cannot be accommodated per ha in the DFL identified for C.A., the balance seedlings will be planted in any RF/PF as per prescription of working plan. The State Govt. will intimate names of the RFs/PFs in which the balance seedlings will be planted. The user agency will deposit the cost of the plantation of the same.

Contd...2



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(32)  
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# 2 #

- (v) The compensatory afforestation may also include several activities like soil & moisture conservation, regeneration cleaning, silvicultural activities in addition to plantation as prescribed in the working plan as applicable. Compensatory afforestation schemes under Assisted Natural Regeneration models as applicable to the identified non-forest land (NFL) as well as degraded forest land (DFL) may be considered as per the site requirement.
- (vi) State Govt. will formulate compensatory afforestation scheme including activities like soil & moisture conservation, regeneration cleaning, silvicultural activities and ensure maintenance of these plantation for a period of seven to ten years as per requirement.
- (vii) All the funds received from the user agency under the project shall be transferred through e-portal to the Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned.
- (viii) The user agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if required.
- (ix) The boundary of the forest land proposed to be diverted shall be demarcated on the ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, DGPS coordinates, distance from adjoining pillars etc. As per Ministry's letter No.13-20/2015-CAMPA dated 09.06.2016, the cost of expenditure like boundary walls, stone pillars, demarcation charges, charges for felling of trees and their transportation to depots shall be deposited with DFOs concerned and the work should be undertaken departmentally in order to ensure that the task of erection of boundary walls, stone pillars, demarcation charges etc. are undertaken faithfully and in the best interests of the forests before the diversion and handing over of the forest land takes place. The work on these items should be completed within 6 months from the grant of final approval to diversion of forest land. The State Govt./user agency shall submit DGPS map along with soft copy in shape file before Stage-II approval.
- (x) The State Forest Department/User Agency shall submit the surveyed sketch of 173.251 ha of degraded forest land proposed for CA, giving the forward and backward bearing of each demarcation pillar and distance between them. The State Forest Department/User Agency shall submit the DGPS map along with soft copy in shape file of each demarcated pillar giving the latitude and the longitude before Stage-II approval.
- (xi) The State Forest Department/User Agency shall comply with the conditions stipulated by the Standing Committee of NBWL vide letter No.6-48/2015-WL (34<sup>th</sup> Meeting) dated 30.06.2015.
- (xii) The designing of bridge, if any, over the natural streams/ rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
- (xiii) No additional or new path will be constructed inside the forest area for any activity related to the project work.
- (xiv) No labour camp shall be allowed in the forest area.
- (xv) The user agency shall provide LPG or alternate fuel, to labourers working at the site to avoid damage/tree felling and pressure on the nearby forest areas.
- (xvi) The user agency while executing works, shall not fell any tree or damage forest growth in the surrounding forest area in any manner.

Contd...3



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# 3 #

- (xvii) The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other user agency, department or person without prior approval of Ministry of Environment, Forest & Climate Change.
- (xviii) The layout plan of the proposed forest land shall not be changed without prior approval of Ministry of Environment, Forest & Climate Change.
- (xix) No damage to the flora and fauna of the adjoining area shall be caused.
- (xx) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department.
- (xxi) No quarry shall be established in the forest area without prior permission.
- (xxii) The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.
- (xxiii) Overburden shall not be dumped outside the width of the Railway line. The muck generated in the earth cutting will be disposed off at the designated dumping sites and in no case the muck/debris shall be allowed to roll down the hill slopes.
- (xxiv) The user agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.
- (xxv) The user agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
- (xxvi) The user agency will assist the State Govt. in preservation of flora and fauna of the area in accordance with the plan prepared by the Chief Wildlife Warden of the State. Attention will be particularly given to providing safe crossing and corridors for wildlife species protecting sensitive habitat like wetlands, grasslands and woodlands from degradation.
- (xxvii) All other conditions proposed by the State Govt. at the time of submission of the proposal to the Central Govt. shall be complied with by the user agency.
- (xxviii) Rehabilitation of project affected families, if any, shall be done as per the National Rehabilitation policy/State Rehabilitation policy whichever is better in consultation with the State Forest Department at the cost of user agency.
- (xxix) All other conditions under different rules, regulations and guidelines including environmental clearance shall be complied with before transfer of forest land.
- (xxx) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No.11-9/1998-FC (pt.) dated 03.08.2009 read with letter No.11-9/1998-FC (pt.) dated 05.02.2013 and 05.07.2013, in support thereof. As per recommendation of REC based on the direction of Ministry vide letter No.7-20/2017-ROHQ dated 07.11.2017, FRA certificate shall be provided by the user agency before issue of Stage-II forest clearance to this proposal.

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*[Signature]*  
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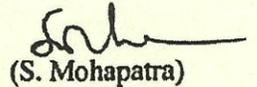
# 4 #

(xxxix) Any other conditions that the Ministry of Environment, Forest & Climate Change may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, which shall be complied by the user agency.

(xxxixii) The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of West Bengal, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of West Bengal till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change. However, the State Govt., if it so desires, may allow the user agency for commencement of work as per Ministry guideline issued vide letter No.11-306/2014-FC (pt.) dated 28.08.2015.

Yours faithfully,



(S. Mohapatra)

Conservator of Forests (Central)

Copy to:-

1. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi - 110 003.
2. The Principal Chief Conservator of Forests, Aranya Bhawan, LA-10A, Sector-III, 4<sup>th</sup> to 6<sup>th</sup> Floor, Salt Lake City, Kolkata - 700 098.
3. The Dy. Chief Engineer/COM, North Frontier Railway, New Jalpaiguri, West Bengal.
4. Guard File.

Conservator of Forests (Central)



  
28 FEB 2022

570688/2021/ROHQ

Government of India/ भारत सरकार  
 Ministry of Environment, Forest & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
 Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय  
 A/3, Chandrasekharpur, Bhubaneswar/ A/3, चंद्रसेखरपुर, भुवनेश्वर

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Telephone e: 0674 - 2301213, 2301248, 2302432 E-mail: roez.bsr-mef@nic.in  
 No. 5-WBB109/2020-BHU 30<sup>th</sup> July, 2020  
 31/7

To

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

Sub:- Diversion of 0.9294 ha of forest land in favour of North-East Frontier Railway for construction T-4 Adit portal and access road in connection with Sivok-Rongpo New Broad Gauge line under Kurseong Forest Division.

Sir,

I am to refer to State Govt. letter 754-For/O/L/10T-02/2020 dated 30.06.2020 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 0.9294 ha of forest land in favour of North-East Frontier Railway for construction T-4 Adit portal and access road in connection with Sivok-Rongpo New Broad Gauge line under Kurseong Forest Division, subject to the fulfillment of the following conditions.

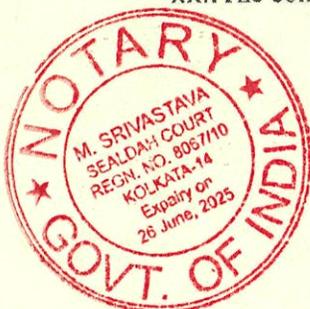
- i. Legal status of forest land proposed for diversion shall remain unchanged.
- ii. Compensatory afforestation shall be taken up by the Forest Department over 1.86 ha degraded forest land identified in Dhobijhora Block under Kurseong Range of Kurseong Forest Division at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- iii. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and at the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- iv. The State Govt. shall charge the Net Present Value (NPV) for 0.9294 ha forest area to



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- be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 and 09.05.2008 in IA No.566 in Writ Petition (Civil) No.202/1995 and as per the guidelines issued by Ministry vide letter No.5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No.5-2/2006-FC dated 03.10.2006 and No.5-3/2007-FC dated 05.02.2009 in this regard.
- v. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Govt. from the user agency. The user agency shall furnish an undertaking to this effect.
  - vi. All the funds received from the user agency under the project shall be transferred/deposited to State CAMPA fund only through (<https://parivesh.nic.in/>).
  - vii. The user agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the user agency with the State Forest Department.
  - viii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector. The user agency shall submit separate FRA certificate pertaining to 0.9294 ha of forest land proposed for diversion before Stage-II approval.
  - ix. Permission from National board of Wild Life (NBWL) under WL clearance may be obtained before any work is executed.
  - x. The user agency shall ensure to implement suitable measures to prevent soil erosion as the proposed area is vulnerable to soil erosion.
  - xi. The layout of plan of the proposal shall not be changed without prior approval of Central Government.
  - xii. No labour camp shall be established on the forest land.
  - xiii. Sufficient firewood, preferably the alternate fuel, shall be provided by the user agency to the labourer after purchasing the same from the State Forest Department or Forest Development Corporation or any other legal source of alternate fuel.
  - xiv. The boundary of the forest land being diverted shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
  - xv. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
  - xvi. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
  - xvii. The forest land shall not be used for any purpose other than that specified in the proposal.
  - xviii. The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without prior approval of Govt. of India.
  - xix. The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.
  - xx. Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
  - xxi. The compliance report shall be uploaded on e-portal ([https://parivesh.nic.in](https://parivesh.nic.in/)).



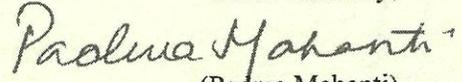
28 FEB 2022

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3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of West Bengal, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of West Bengal till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.

4. However, to facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency, NBWL clearance is in advanced stages the State Govt. may allow the commencement of work of the linear project in forest land for a period of one year as per Para 11.2 of Chapter-11 of Handbook of Guidelines issued under F.C. Act, 1980 vide Ministry's letter No.5-2/2017-FC dated 28.03.2019.

Yours faithfully,



(Padma Mahanti)

Dy. Inspector General of Forests (C)

Copy to:-

1. The Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of West Bengal, Aranya Bhawan, LA-10A, Sector-III, 4<sup>th</sup> to 6<sup>th</sup> Floor, Salt Lake City, Kolkata – 700 098.
2. The Dy. Chief Engineer (Construction), North-East Frontier Railway, New Jalpaiguri, West Bengal.

  
Dy. Inspector General of Forests (C)  
28 FEB 2022

570688/2021/ROHQ

570688/2021/ROHQ

File No.5-WBC110/2020-BHU

Government of India/ भारत सरकार  
 Ministry of Environment, Forest & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
 Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय  
 A/3, Chandrasekharpur, Bhubaneswar/ A/3, चंद्रसेखरपुर, भुवनेश्वर

Telephone e: 0674 - 2301213, 2301248, 2302432  
 No. 5-WBC110/2020-BHU

E-mail: roez.bsr-mef@nic.in  
 4th September, 2020

7K

To

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

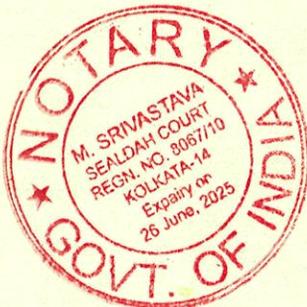
Sub:- Diversion of 12.3786 ha of forest land in favour of North-East Frontier Railway for construction of Adits in connection with Sivok-Rongpo New Broad Gauge line under Darjeeling, Darjeeling(Wildlife) and Kalimpong Forest Divisions.

Sir,

I am to refer to State Govt. letter 753-For/O/L/10T-01/2020 dated 30.06.2020 and APCCF (Nodal), West Bengal's letter No.29/L&LT/2M-1481/2019 dated 31.07.2020 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee meeting held on 28.08.2020, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage-I/in-principle*' approval for diversion of 12.3786 ha of forest land in favour of North-East Frontier Railway for construction of Adits in connection with Sivok-Rongpo New Broad Gauge line under Darjeeling, Darjeeling(Wildlife) and Kalimpong Forest Divisions, subject to the fulfillment of the following conditions.

- i. Legal status of forest land proposed for diversion shall remain unchanged.
- ii. The user agency shall obtain NBWL clearance for 1.5278 ha of forest land in Mahananda Wildlife Sanctuary from competent authority. The State Govt. shall realize compensatory levies of the project after the user agency submits NBWL clearance obtained from competent authority.
- iii. The user agency shall restrict the felling of trees to minimum numbers in proposed forest land and the trees shall be felled under strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the user agency with the State Forest Department.
- iv. The user agency shall prepare and implement comprehensive soil conservation measures at the project cost in consultation with the State Forest Department and



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- submit a copy of approved comprehensive soil conservation plan to Regional Office, Bhubaneswar.
- v. Compensatory afforestation shall be taken up by the Forest Department over 25.10 ha degraded forest land indentified in Darjeeling Forest Division (8.50 ha), Darjeeling Wildlife Division (3.10 ha) and Kalimpong Division (13.50 ha) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
  - vi. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and at the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
  - vii. The State Govt. shall charge the Net Present Value (NPV) for 12.3786 ha forest area to be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 and 09.05.2008 in IA No.566 in Writ Petition (Civil) No.202/1995 and as per the guidelines issued by Ministry vide letter No.5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No.5-2/2006-FC dated 03.10.2006 and No.5-3/2007-FC dated 05.02.2009 in this regard.
  - viii. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Govt. from the user agency. The user agency shall furnish an undertaking to this effect.
  - ix. All the funds received from the user agency under the project shall be transferred/deposited to State CAMPA fund only through (<https://parivesh.nic.in/>).
  - x. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector. The user agency shall submit separate FRA certificate pertaining to 12.3786 ha of forest land proposed for diversion before Stage-II approval.
  - xi. The user agency shall obtain Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
  - xii. The layout of plan of the proposal shall not be changed without prior approval of Central Government.
  - xiii. No labour camp shall be established on the forest land.
  - xiv. Sufficient firewood, preferably the alternate fuel, shall be provided by the user agency to the labourer after purchasing the same from the State Forest Department or Forest Development Corporation or any other legal source of alternate fuel.
  - xv. The boundary of the forest land being diverted shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
  - xvi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
  - xvii. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
  - xviii. The forest land shall not be used for any purpose other than that specified in the proposal.
  - xix. The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without prior approval of Govt. of India.
  - xx. The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s)



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pertaining to this project, if any, for the time being in force, as applicable to the project.

xxi. Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

xxii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>).

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of West Bengal, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of West Bengal till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.

4. However, to facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency, the State Govt. may allow the commencement of work of the linear project in forest land for a period of one year as per Para 11.2 of Chapter-11 of Handbook of Guidelines issued under F.C. Act, 1980 vide Ministry's letter No.5-2/2017-FC dated 28.03.2019. **No working permission will be granted to the project for commencement of work on forest land till NBWL clearance is obtained from competent authority.**

Yours faithfully,

*Padma Mahanti*

(Padma Mahanti)

Dy. Inspector General of Forests (C)

Copy to:-

1. The Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of West Bengal, Aranya Bhawan, LA-10A, Sector-III, 4<sup>th</sup> to 6<sup>th</sup> Floor, Salt Lake City, Kolkata – 700 098.
2. The Dy. Chief Engineer (Construction), North-East Frontier Railway, Guwahati-781011.

Dy. Inspector General of Forests (C)



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13

Government of India/ भारत सरकार  
 Ministry of Environment, Forest & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
 Eastern Regional Office/ पूर्वी क्षेत्रीय कार्यालय  
 A/3, Chandrasekharpur, Bhubaneswar/ A/3, चंद्रसेखरपुर, भुवनेश्वर

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Telephone e: 0674 - 2301213, 2301248, 2302432 E-mail: roez.bsr-mef@nic.in  
 No. 5-WBC110/2020-BHU 4th September, 2020  
 7K

To

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

Sub:- Diversion of 12.3786 ha of forest land in favour of North-East Frontier Railway for construction of Adits in connection with Sivok-Rongpo New Broad Gauge line under Darjeeling, Darjeeling(Wildlife) and Kalimpong Forest Divisions.

Sir,

I am to refer to State Govt. letter 753-For/O/L/10T-01/2020 dated 30.06.2020 and APCCF (Nodal), West Bengal's letter No.29/L&LT/2M-1481/2019 dated 31.07.2020 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee meeting held on 28.08.2020, the Ministry of Environment, Forest & Climate Change hereby conveys 'Stage-I/in-principle' approval for diversion of 12.3786 ha of forest land in favour of North-East Frontier Railway for construction of Adits in connection with Sivok-Rongpo New Broad Gauge line under Darjeeling, Darjeeling(Wildlife) and Kalimpong Forest Divisions, subject to the fulfillment of the following conditions.

- i. Legal status of forest land proposed for diversion shall remain unchanged.
- ii. The user agency shall obtain NBWL clearance for 1.5278 ha of forest land in Mahananda Wildlife Sanctuary from competent authority. The State Govt. shall realize compensatory levies of the project after the user agency submits NBWL clearance obtained from competent authority.
- iii. The user agency shall restrict the felling of trees to minimum numbers in proposed forest land and the trees shall be felled under strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the user agency with the State Forest Department.
- iv. The user agency shall prepare and implement comprehensive soil conservation measures at the project cost in consultation with the State Forest Department and



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- submit a copy of approved comprehensive soil conservation plan to Regional Office, Bhubaneswar.
- v. Compensatory afforestation shall be taken up by the Forest Department over 25.10 ha degraded forest land identified in Darjeeling Forest Division (8.50 ha), Darjeeling Wildlife Division (3.10 ha) and Kalimpong Division (13.50 ha) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
  - vi. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and at the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
  - vii. The State Govt. shall charge the Net Present Value (NPV) for 12.3786 ha forest area to be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 30.10.2002, 01.08.2003, 28.03.2008, 24.04.2008 and 09.05.2008 in IA No.566 in Writ Petition (Civil) No.202/1995 and as per the guidelines issued by Ministry vide letter No.5-1/1998-FC (Pt.II) dated 18.09.2003, as well as letter No.5-2/2006-FC dated 03.10.2006 and No.5-3/2007-FC dated 05.02.2009 in this regard.
  - viii. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Govt. from the user agency. The user agency shall furnish an undertaking to this effect.
  - ix. All the funds received from the user agency under the project shall be transferred/deposited to State CAMPA fund only through (<https://parivesh.nic.in/>).
  - x. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector. The user agency shall submit separate FRA certificate pertaining to 12.3786 ha of forest land proposed for diversion before Stage-II approval.
  - xi. The user agency shall obtain Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
  - xii. The layout of plan of the proposal shall not be changed without prior approval of Central Government.
  - xiii. No labour camp shall be established on the forest land.
  - xiv. Sufficient firewood, preferably the alternate fuel, shall be provided by the user agency to the labourer after purchasing the same from the State Forest Department or Forest Development Corporation or any other legal source of alternate fuel.
  - xv. The boundary of the forest land being diverted shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
  - xvi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
  - xvii. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
  - xviii. The forest land shall not be used for any purpose other than that specified in the proposal.
  - xix. The forest land proposed to be diverted shall under no circumstances be transferred to any other user agency, department or person without prior approval of Govt. of India.
  - xx. The State Govt. and user agency shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines, NGT Order (s) & Hon'ble Court Order (s)



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pertaining to this project, if any, for the time being in force, as applicable to the project.

xxi. Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

xxii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>).

3. After receipt of the report on compliance to the conditions stipulated above, from the State Government of West Bengal, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of forest land to user agency should not be effected by the State Government of West Bengal till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forest & Climate Change.

4. However, to facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the in-principle approval are realized from the user agency, the State Govt. may allow the commencement of work of the linear project in forest land for a period of one year as per Para 11.2 of Chapter-11 of Handbook of Guidelines issued under F.C. Act, 1980 vide Ministry's letter No.5-2/2017-FC dated 28.03.2019. **No working permission will be granted to the project for commencement of work on forest land till NBWL clearance is obtained from competent authority.**

Yours faithfully,

*Padma Mahanti*

(Padma Mahanti)

Dy. Inspector General of Forests (C)

Copy to:-

1. The Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of West Bengal, Aranya Bhawan, LA-10A, Sector-III, 4<sup>th</sup> to 6<sup>th</sup> Floor, Salt Lake City, Kolkata – 700 098.
2. The Dy. Chief Engineer (Construction), North-East Frontier Railway, Guwahati-781011.

Dy. Inspector General of Forests (C)



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भारत सरकार/Government of India  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
Ministry of Environment, Forest & Climate Change  
एकीकृत क्षेत्रीय कार्यालय  
Integrated Regional Office  
कोलकाता/Kolkata-700106  
Phone-033-2335-5713/7938 Fax-2335-5904



No. WB-SRBG-09/2021/FC/118

13.07.2021

To,

Principal Secretary  
Department of Forest and Wild Life  
Government of West Bengal,  
Kolkata

**Sub: Diversion of 13.512 ha (2.7945 ha under Darjeeling Forest Division + 0.0589 ha under Kurseong Forest Div. + 10.2086 ha under Kalimpong Forest Div.) of forest land in favour of North East Frontier Railway for Construction of approach roads, site for muck disposal and staff in connection with Sevok-Ranpoo BG line-reg.**

Sir,

I am to refer to State Govt. letter 423-For/O/L10T-04/2021 dated 19.03.2021 and APCCF (Nodal), West Bengal's letter no. 1574/L & LT/2M-27/2021 dated 08.07.2021 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under section 2 of Forest (Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of decision of Regional Empowered Committee meeting, held on 24.06.2021, the Ministry of Environment, Forest & Climate Change hereby conveys '*Stage- I/In-Principe*' approval for diversion of 13.512 ha of forest land in favour of North-East Frontier Railway for construction of approach roads, site for muck disposal and staff quarter in connection with Sevok-Rangpo new BG line under Darjeeling, Kurseong and Kalimpong Forest Division, subject to the fulfilment of the following conditions:

**A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.**

1. The cost of compensatory afforestation(CA) on the CA land at the prevailing wage rates as per compensatory afforestation scheme (including the cost of survey, demarcation and erection of permanent pillars etc. as required for securing the land against encroachment) shall be deposited in advance with the State Forest



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Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

2. The State Government shall charge the Net Present Value (NPV) for the 13.512 ha forest area to be diverted under this proposal from the User Agency as per the order of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003 as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
3. All the funds received from the user agency under the project shall be transferred / deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
4. 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.
5. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

**B: Conditions which need to be strictly complied on field after handing over of forest land to the User Agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:**

1. Legal status of the forest land shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department over 27.7 ha degraded forest land at Sandakphu-2, Mal-3 compartment and Setikhola in Darjeeling District Forest Division at the cost of the User Agency. As far as possible, a mixture of local native species shall be planted and monoculture of any species, especially non-native species should be avoided.
3. Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall also be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.



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4. User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
  5. Wherever possible and technically feasible, the User Agency shall in consultation with State Forest Department undertake appropriate afforestation/ vegetation enrichment measures all around the site related to the area diverted under this approval, at the project cost.
  6. User Agency shall demarcate the forest land to be diverted with boundary Pillar of atleast four feet high with forward and backward bearing before taking up the project activity in the diverted land at project cost.
  7. The muck, debris and materials generated out of the construction, shall not be spilled down on slopes and be disposed off in the predetermined area only and the muck stabilized area after afforestation shall be transferred back to the State Forest Department.
  8. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
  9. The layout plan of the proposal shall not be changed without prior approval of Central Government.
  10. (a) No labour camp shall be established on the forest land.  
(b) The User Agency shall provide alternate fuels preferably LPG to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
  11. The period of diversion under this approval shall be co-terminus with the period of the project life.
  12. (a) The forest land shall not be used for any purpose other than that specified in the project proposal.  
(b) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department, or person without prior approval of Central Government.
  13. Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forest & wildlife.
3. After receipt of the compliance report regarding fulfillment of the conditions as stipulated above, from the State Government, formal approval will be issued in this regard under Section 2 of Forest (Conservation) Act, 1980. Transfer of forest land to user agency should not be given effect to by the State Government till formal order approving diversion of forest land is issued by the Central Government.



B. Banjan  
13/07/2021

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4. However, to facilitate speedy execution of projects involving linear diversion, the in-principle approval may be deemed as the working permission for tree felling and commencement of work, if the required funds for CA, NPV and all other compensatory levies specified in the In-principle approval are realized from the user agency, the State Govt. may allow the commencement of work of the linear project in forest land for a period of one year as per Para 11.2 of Chapter-11 of Handbook of Guidelines issued under F.C. Act, 1980 vide Ministry's letter No.5-2/2017-FC dated 28.03.2019.

Yours faithfully,

*B Ranjan*  
13/07/2021  
(Bivash Ranjan)

Deputy Director General of Forest (C)

Copy to:

1. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, India, Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi- 110003.
2. The Principle Chief Conservator of Forest & HoFF, Department of Forests, Government of West Bengal, Aranya Bhawan, Salt Lake City, Kolkata, 700098.
3. The Nodal Officer (FC), Department of Forests, Government of West Bengal, Aranya Bhawan, Salt Lake City, Kolkata, 700098.
4. The Dy. Chief Engineer (Construction), North East Frontier Railway, New Jalpaiguri-721011.
5. Guard File.

*B Ranjan*  
13/07/2021  
(Bivash Ranjan)

Deputy Director General of Forest (C)



*[Signature]*  
28 FEB 2022

570688/2021/ROHQ

Annexure-I

**FORM - I**  
(for Linear projects)  
Government of West Bengal  
Office of the District Collector, Darjeeling  
\*\*\*\*\*

No 001/NOC/FRA/DARJ/2019-20.

Dated: 20<sup>th</sup> Jan 2020.

To WHOMSOEVER IT MAY CONCERN

In compliance of the Ministry of Environment and Forests (MoEF), Government of India's letter No H-9/98-FC (pt) dated 3<sup>rd</sup> August 2009 wherein the MoEF issued guidelines on submission of evidences 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 proposed to be diverted for non-forest purposes read with MoEF's letter dated 5<sup>th</sup> February, 2013 wherein MoEF issued certain relaxation in respect of linear projects, it is certified that (i) **8.8489 hectares in Mahananda wildlife** (ii) **12.3436 hectares in Kurseong Forest Division,**(iii) **18.604 hectares in Darjeeling Forest Division i.e. Total 39.7965 Ha** of forest land proposed to be diverted in favour of **Northeast Frontier Railway, New Jalpaiguri** for Construction of New Broad Gauge Railway Line from Sivok in West Bengal to Rangpo in Sikkim in Darjeeling district falls within jurisdiction of Lower Kandung, Upper Kandung and Karmath Forest Villages in Kurseong and Deoral village in Darjeeling tehsils

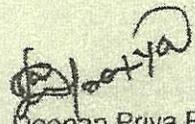
It is further certified that:

- (a) the complete process for identification and settlement of rights under the FRA has been carried out for the entire 39.7965 hectares of forest area proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee (s), Gram Sabha(s), Sub-Division Level Committee(s) and the District Level Committee are enclosed as Annexure A to B Annexure.
- (b) 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 Sabha have given their consent to it.
- (c) the proposal does not involve recognized rights of Primitive Triba Groups and Pre-agricultural communities.

Encl As above



28 FEB 2022

  
Ms. Deepa Priya P, IAS  
District Magistrate and Collector  
District -Darjeeling (WB)

570688/2021/ROHQ

F.No.6-48/2015 WL (34<sup>th</sup> Meeting)  
Government of India  
Ministry of Environment, Forests & Climate Change  
Wildlife Division  
\*\*\*\*

Indira Paryavaran Bhawan  
Jor Bag Road, Aliganj  
New Delhi-110003  
Dated: 30.06.2015.

To,  
The Principal Secretary (Forests)  
Department of Forests  
Government of West Bengal  
Writers Building  
Calcutta-700001.

Sub: Minutes of the 34<sup>th</sup> Meeting of Standing Committee of NBWL.

Sir,  
During the 34<sup>th</sup> Meeting of Standing Committee of NBWL held on 2<sup>nd</sup> June 2015 under the Chairmanship of Hon'ble Minister of State (Independent Charge) for Environment, Forests and Climate Change, the following proposal pertaining to your State was considered. The relevant portion of the decision taken in respect of the proposal is reproduced below:

- "1. *Proposal for diversion of 86.6255 ha (18.604 ha. under Darjeeling Forest Division+12.3436 ha. under Kurseong Forest Division + 8.8489 ha under Wildlife-I Division+46.829 ha under Kalimpong Forest Division) of forest land in favour of the North-Frontier Railway, Jalpaiguri for construction of Sevak Rongpo New Broad Gauge Railway line, West Bengal.*

*The Member Secretary briefed the Committee on the proposal. He added that member Dr. R Sukumar had conducted the site inspection. Dr.R.Sukumar explained the sensitivity of wildlife corridor and elephant corridor of Mahananda Wildlife Sanctuary. Representative of West Bengal mentioned that notification for Conservation Reserve would be issued shortly.*

*After discussions, the committee decided to recommend the proposal subject to the following conditions:*

- i. *No labour camps shall be located within the Mahananda WLS*
- ii. *In view of the disturbances in Mahananda WLS during construction phase, mitigation measures shall be designed and adopted in close collaboration of Chief Wildlife Warden and ecologists.*
- iii. *In order to prevent the entry of wild animals at entry and exit of the tunnel so that the animal should not get trapped inside the tunnel, an RCC retaining wall/ 4 meter high Gabion wall/ Mechanical barrier using discarded railway lines shall be provided along the cutting for 31m length between existing railway boundary and entry to Tunnel No.1 on the hill side at Sevak.*
- iv. *The construction of tunnels in the sanctuary area up to 30 m of over burden should only be carried out during the day time. There should be no blasting inside tunnels up to 20 m overburden, and this work should only be done by Road header/ excavator/ conventional method. The excavated debris from the tunnels should be disposed off outside the Mahananda WLS as detailed in the plan submitted by the project proponents.*

Contd.../2



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- v. Railways should ensure that trains are run at restricted speeds in the Mahananda WLS and other precautions like provision of suitable lights on the locomotives to increase visibility on both sides of the railway track and continuous whistling in the forest area to avoid accidents to wildlife.
- vi. Modern technologies such as Wireless Animal Tracking systems, Satellite-based Navigation Systems shall be adopted where the elephants are likely to cross the railway tracks, other optical/thermal/radar Surveillance/Animal Sensor Systems in avoiding accidents.
- vii. All the project activities shall be taken up in consultation with Chief Wildlife Warden
- viii. EIA study and regular environmental monitoring shall be taken up by user agency.

Immediate steps shall also be taken by West Bengal government to secure 1408.89 hectares in the Teesta Chaur that constitutes a very important Elephant Corridor, for upkeep, as a Conservation Reserve."

Railways should be allowed to start work rightaway and appeal to NBWL if any modifications in conditions are needed.

The above recommendation(s) are subject to the existing directives of Hon'ble Supreme Court and provisions of Forests (Conservation) Act, 1980.

Yours faithfully

*R. Raja Sekhar*  
(Rajasekhar Ratti)

Scientist 'C'/Deputy Director (WL)

## Copy to:

1. The Chief Wildlife Warden, Government of West Bengal, Bikash Bhavan, North Block, 3<sup>rd</sup> Floor, Salt Lake City, Kolkata-700 091.
2. The Addl.Pr.Chief Conservator of Forests, Ministry of Environment & Forests, Regional Office(EZ), A/3 Chandra Shekar, Bhubaneswar-462016.
3. The Director (projects), Ircon International Limited, C-4, District Centre, Saket, New Delhi-110017.
4. The Joint Secretary, I.A. Division, MoEF & CC.
5. The Inspector General of Forests, FC Division, MoEF & CC.

*R. Raja Sekhar*  
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Scientist 'C'/Deputy Director (WL)



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28 FEB 2022

600136/2022/FC

## Chapter – 11

**Infrastructural Projects incl. roads, railway lines, border roads,  
critical utility infrastructure development, residential / building  
construction**

11.1 Infrastructure projects requiring diversion of forest land under the FCA, 1980 fall under following categories, (in addition to the General Approval granted by the Central government for the specified public utility services and critical/strategic defence infrastructure for the specified periods):

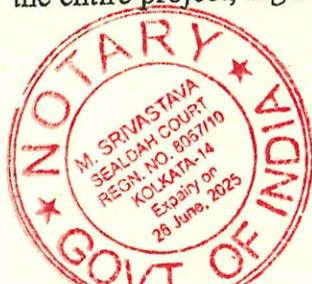
- (i) Road Widening and construction, including widening in existing RoW.
- (ii) Construction of railway lines including conversion of meter gauge railway line to broad gauge including widening within RoW of existing meter gauge.
- (iii) Repair and maintenance of roads constructed on forest lands prior to 25<sup>th</sup> October 1980
- (iv) Approach/exit roads to petrol pumps etc.
- (v) Residential projects in forest lands
- (vi) Construction of residential buildings in private forests
- (vii) Non-site-specific projects like: Industries, residential colonies, institutes, disposal of fly ash and rehabilitation of displaced persons
- (viii) Ecotourism in Forest Areas
- (ix) School in hilly areas
- (x) Passenger Ropeways

**11.2** Any proposal for linear projects such as roads, railway line, transmission lines, etc. need to be processed in their entirety for comprehensive assessment of requirement of forest land and consequences if approval for any forest land is not granted. No work on forest land shall be taken up unless diversion of forest land is ordered by the concerned State /UT Government after obtaining approval of the Central Government under the Forest (Conservation) Act, 1980.

Provided that consequent to grant of Stage I approval in respect of linear projects such as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines etc. by the Central Government under FCA, the State Government or a Senior Officer not below the Rank of a Divisional Forest Officer, having jurisdiction over the forest land proposed to be diverted, duly authorized in this behalf by the State Government can pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year.

Such orders shall be passed only after full realization of funds for compensatory afforestation, Net Present Value (NPV), wildlife conservation plan, plantation of dwarf species of medicinal plants, and all such other compensatory levies, specified in the Stage I (in-principle) approval from the UA, and where ever applicable, transfer and mutation of non-forest/ revenue forest land in favour of State Forest Department.

11.3 To facilitate phased preparation and processing, the proposals for such projects may be prepared Forest Division/ State-wise subject to submission of a map indicating alignment of the entire project, highlighting the portions passing through forest land, along with a write up



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