

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**PRINCIPAL BENCH, NEW DELHI****IN****APPEAL No. 188 OF 2018 (PB)****IN THE MATTER OF:****SUDIEP SHRIVASTAVA****.....APPELLANT(S)****VERSUS****UNION OF INDIA & ORS.****.....RESPONDENT(S)****INDEX**

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Naveen Kumar
Advocate for the Respondent No.(MoEF&CC)

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

IN
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IN THE MATTER OF:

SUDIEP SHRIVASTAVA

.....**APPELLANT(S)**

VERSUS

UNION OF INDIA & ORS.

.....**RESPONDENT(S)**

**REPLY AFFIDAVIT ON BEHALF OF MINISTRY OF ENVIRONMENT,
FOREST & CLIMATE CHANGE i.e. RESPONDENT NO. 1.**

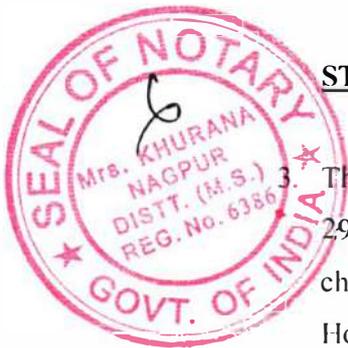
MOST RESPECTFULLY SHOWETH

I, Vijay Sahebrao Kanthale, S/o Shri Sahebrao Patibuva Kanthale, aged about 42 years, currently working as Assistant Inspector General of Forests (AIGF) in the Ministry of Environment, Forest & Climate Change (hereinafter referred to as MoEF&CC), Regional Office, , Nagpur, do hereby solemnly affirm and state on oath as follows:

1. That I am duly authorized to swear this affidavit as such conversant with the facts of the present case and competent to swear the present affidavit.
2. That I have read and understood the contents of the present Affidavit. The contents thereof are true and no part of it is false and no material has been concealed therefrom.

STATEMENT OF FACTS

3. That, the present Appeal was disposed of by this Hon'ble Tribunal vide order dated 29.04.2019 in the instant Appeal No. 188/2018. The order dated 29.04.2019 was challenged before the Hon'ble Supreme Court in Civil Appeal No. 8253/2019. The Hon'ble Supreme Court vide order dated 26.11.2024 disposed of the Civil Appeal



by restoring the Appeal no. 188/2018 to its original number for hearing and considering the submission of the appellant on the issue of an alternative route to the one commencing from Pendra Road to Gevra Road.

4. It is humbly submitted that the 'Land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That being the repository of land records, the 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. It is humbly submitted that, prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 [formerly known as Forest (Conservation) Act, 1980] is required for carrying out any non-forest activity on a forest land. That contravention of the above provision would amount to violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and attract the penal provisions given under Section 3A and 3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
6. That the Government of Chhattisgarh submitted a proposal under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to the Central Government vide letter dated 12.10.2017 for the diversion of 459.522 ha. of forest Land in favour of Chhattisgarh East West Rail Corridor Ltd. for construction of East West Rail Corridor from Marwahi Forest Division(77.178ha) and Katghora Forest Division (382.344 ha) in Bilaspur and Korba District in the State of Chhattisgarh. Pertinently, vide letter dated 23.09.2014, the Chhattisgarh East Railway Limited had submitted the Justification for locating Project in forest land & alternatives Examined, the relevant paras have been reproduced below:

" The rail link between Gevra Road and Pendra Road is being planned in view of very high increase in coal movement & anticipated increase due to the construction of thermal power plants in North-West & Central India.



A PET Survey has been carried out by SEC Railway between Gevra Road & Pendra Road & Then a detailed survey was done covering same & other alterate alignments chosen after initial choice of alignment. A study was made & considering all available PET/Feasibility reports relevant to the purpose of arriving at an optimum alignment for this section, keeping in mind optimal gradient, type of land (Forest, Govt. & Private) etc. based on terrain , height of embankment, minimum height, average depth of cutting, quality of rock, length of linear waterways, number of bridges, cross roads length of tunnels, number of crossing stations based on norms of SECR.

The choice of alignment is done after consultation with different stake holders like IRCON, SECL, State Government & Railways considering necessary requirements for this project.

Care has been taken to use minimum Forest land while selecting the final alignment. This being a linear project, cutting across some Forest patches is unavoidable.”

In view of above, the allegation of the Appellant that the alternate to this line is available which involves much less forest land and much less cost as almost half of that portion is already having a rail line is entirely baseless, vexatious and misleading. (A copy of the justification dated 23.09.2014 and the map is annexed hereto as “**Annexure R1/1**”).

7. That, the proposal was scrutinized by the Regional Office, Nagpur (hereinafter referred to as RO Nagpur) of this Ministry as per the relevant Act and Guidelines. The proposal, along with site inspection report of the RO Nagpur was placed before the Regional Empowered Committee (hereinafter referred to as 'REC') for its further examination. (A copy of the Site Inspection Report has been annexed hereto as “**Annexure R1/2**”)
8. That, the REC examined the said proposal by giving due regards to all ecological, and wildlife, issues. The REC deliberated on all the aspects of the proposal in a holistic manner in its various meetings held on **27.11.2017, 14.12.2017** and



20.02.2018. (A copy of the REC Minutes of the Meetings dated **27.11.2017**, **14.12.2017** and **20.02.2018** is annexed herewith as “**Annexure No. RI/3**”.)

9. It is humbly submitted that the REC, after detailed examination of the proposal recommended for grant of approval for the diversion of 459.522 ha. of forest land in favour of Chhattisgarh East West Rail Corridor Ltd. For construction of East West Rail Corridor.
10. That, based on the recommendations of the REC, the Regional Office, Nagpur vide its letter dated **26.02.2018** accorded **Stage-I/ In-Principle approval** for the Diversion of 459.522 ha. of Forest Land infavour of Chhattisgarh East West Rail Corridor Ltd. for Construction of East West Rail Corridor from Marwahi Forest Division(77.178ha) and Katghora Forest Division (382.344 ha), under Forest (Conservation) Act, 1980 in Bilaspur and Korba District in the State of Chhattisgarh subject to fulfillment of certain conditions prescribed therein. (A copy of **Stage-I approval dated 26.02.2018** annexed herewith as “**Annexure No. RI/4**”.)
11. That the Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh vide his letter No. Bhu- Prabandh/Vividh/115-412/982 dated 26.11.2017 submitted the compliance report on the conditions of the Stage-I Approval dated 26.02.2018.
12. The said compliance report was examined in the Regional Office, MoEF&CC, Nagpur and upon finding satisfactory compliance, the Regional Office, Nagpur vide letter dated **7.06.2018** accorded **Stage-II/ Final approval** to the project with certain conditions. (A copy of the Stage-II Approval is annexed herewith as “**Annexure No. RI/5**”.)
13. Furthermore, it is pertinent to mention that, the Hon`ble NGT, Principle Bench, New Delhi in its Order dated 29.04.2019 in Appeal No.188 of 2018 before the Hon`ble NGT, New Delhi (Page no. 17, 13th paragraph of this order) *inter-alia* observed and directed that, “In view of aforesaid submissions made, we are of the considered opinion that sufficient care has been taken to consider all the aspects required while issuing clearances under Forest (Conservation) Act, 1980. Therefore, we do not find any infirmity in the stage-I clearance issued on



26.02.2018, stage-II clearance on 07.06.2018 by MoEF & CC" (A copy of the Order dated 29.04.2019 is annexed herewith as "Annexure No. RI/6".)

14. In view of above, an E-mail along with letter dated 03.03.2025 was issued to the Chhattisgarh State Forest Department seeking current status/information with respect to the above cited case. The information is awaited from the Chhattisgarh State Forest Department. (A copy of the letter dated 03.03.2025 and email dated 03.03.2025 have been annexed hereto as "Annexure-RI/7".)

15. The Answering Respondent seeks leave to make additional submissions, if required, during the course of the proceedings.

16. That in light of the aforementioned facts and circumstances it is respectfully prayed that this Hon'ble court may pass any order as it deem fit.

[Signature]
DEPONENT

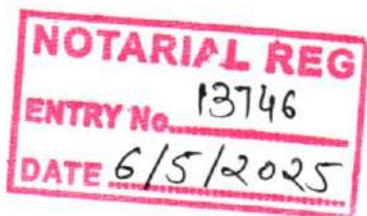


(विजय साहेबराव कंठाळे)
(Vijay Sahebrao Kanthale)
सहायक वन महानिरीक्षक (केन्द्रीय)
Assistant Inspector General of Forests (Central)
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय, नागपुर - 440001.
Regional Office, Nagpur - 440001.

VERIFICATION

I, the above named Deponent do hereby verify that the contents of the above affidavit are true and correct to my knowledge and are based on official records and nothing material is concealed therein.

Verified at Nagpur on this 6th Day of May, 2025.



[Signature]
DEPONENT



(विजय साहेबराव कंठाळे)
(Vijay Sahebrao Kanthale)
सहायक वन महानिरीक्षक (केन्द्रीय)
Assistant Inspector General of Forests (Central)
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय, नागपुर - 440001.
Regional Office, Nagpur - 440001.

SWORN BEFORE ME ON THIS 6th
DAY OF May 20 25 AT NAGPUR BY
SHRI / SMT / Ku Vijay Kanthale
R/o NAGPUR WHO HAS BEEN IDENTIFIED BY
SHRI / SMT. Arundhati Roy
ADVOCATE, NAGPUR

[Signature]
NOTARY
GOVT. OF INDIA
(M.S.) INDIA



Chhattisgarh East Railway Limited

(A Subsidiary of South Eastern Coalfields Limited)

Government of India Undertaking

2nd Floor, CSIDC Commercial complex, Mahadev Ghat Road, Raipura Chowk,

Raipur-492013 (C.G.) : Phone : 0771-2970338

CIN : CERL U45203CT2013GO1000729

cerlcewrl@gmail.com

No. CERL/CEWRL/14-15/

Date : 23/9/14

Justification of Locating Project in Forest Land & Alternatives Examine

Aiming at expansion of railway infrastructure for smooth moment of passengers & freight in Chhattisgarh, the state Govt. has joined hands with IRCON & South Eastern Coalfields Ltd. for construction of about 300 km of rail network. A MOU was signed between CG Govt., SECL & IRCON. The corridors are expected to facilitate movement of passengers & freight traffic resulting in strengthening of country's transport & infrastructure.

The rail link between Gevra Road and Pendra Road is being planned in view of very high increase in coal movement & anticipated increase due to the construction of thermal power plants in North- West & Central India.

The proposed Rail Corridors are expected to facilitate movement of passengers as well as freight traffic resulting development of area.

The alignment from Gevra Road to Pendra Road with a route length of approximately 122 km is aligned in South East & North West direction. It lies between latitude 220-22' N and 220-55'N, Longitude 820-40'E & 810-55'E.

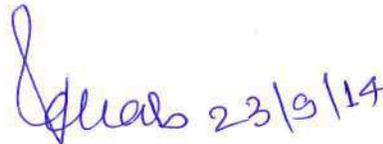
The proposed alignment passes through Korba & Bilaspur District of Chhattisgarh state. It crosses through the Chhota Nagpur plateau and open country. Pendra Road is the highest point 618 M above MSL.

A PET survey has been carried out by SEC Rly between Gevra Road & Pendra Road & then a detailed survey was done covering same & other alternate alignments chosen after initial choice of alignment. A study was made & considering all available PET/Feasibility reports relevant to the purpose of arriving at an optimum alignment for this section, keeping in mind optimal gradient, type of land (Forest, Govt. & Private) etc. based on terrain, height of embankment, maximum height, average depth of cutting, quality of rock, length of linear

waterways, number of bridges, cross roads length of tunnels, number of crossing stations based on norms of SECR.

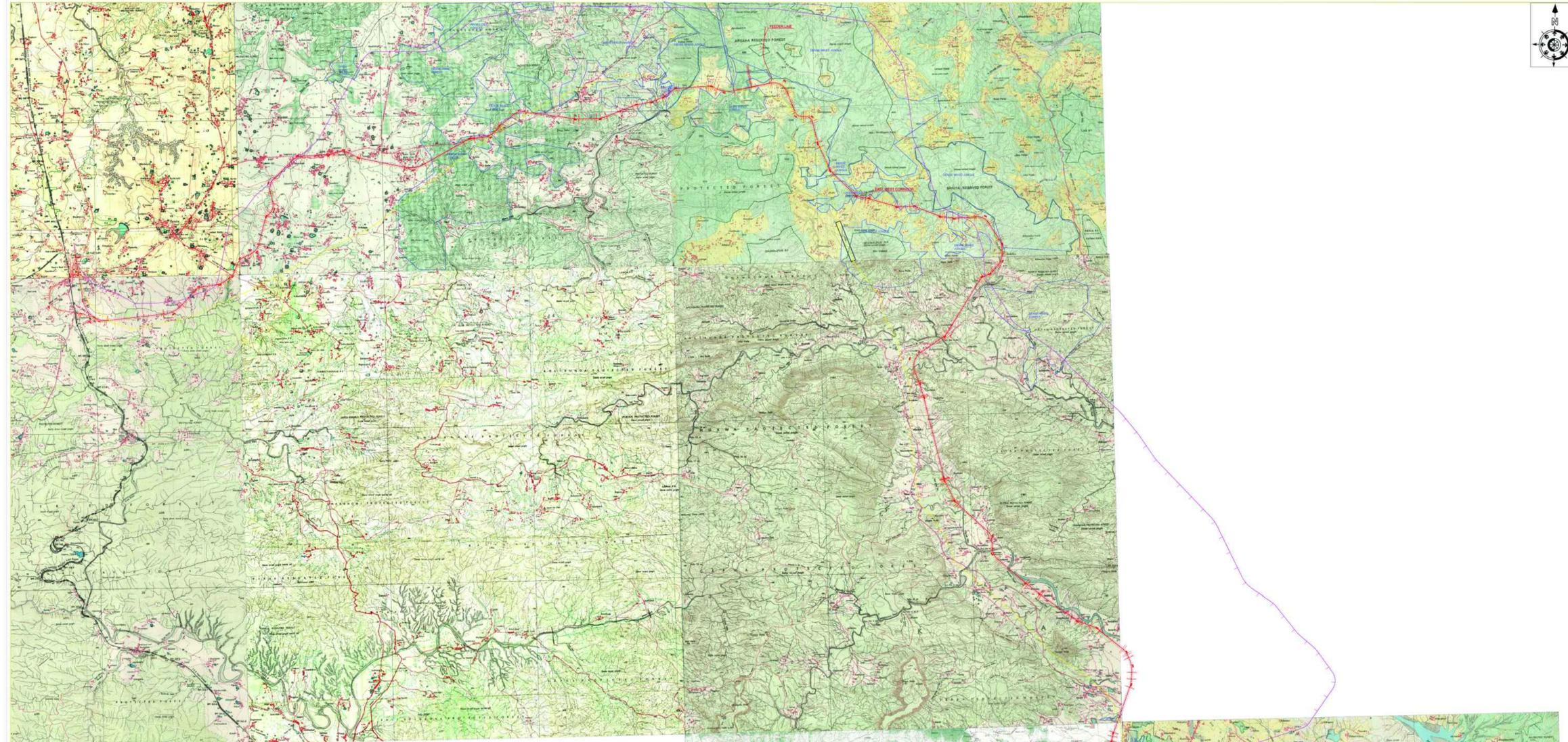
The choice of alignment is done after consultation with different stake holders like IRCON, SECL, State Govt. & Railways considering necessary requirements for this project.

Care has been taken to use minimum Forest Land while selecting the final alignment. This being a linear project, cutting across some Forest patches is unavoidable.

 23/9/14

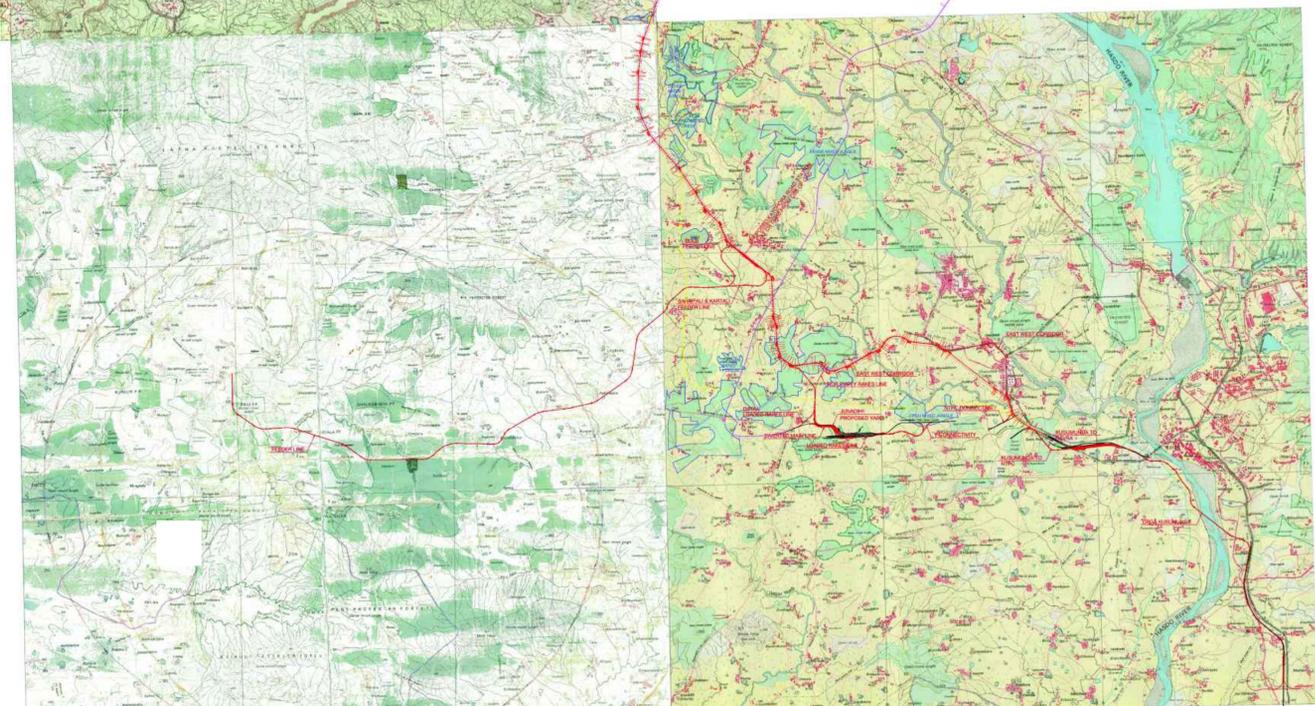
**Chief Operating Officer,
CSIDC Complex, Mahdev Ghat Road, Raipura,
Raipur (C.G.)**

EAST-WEST RAIL CORRIDOR GEVRA ROAD TO PENDRA ROAD
COMPARISON OF FOREST AREA B/W FINAL ALIGNMENT VS ALTERNATIVE ALIGNMENTS



East West Rail Corridor Alternative Alignment				
S.NO.	Description	Alternative-1 (Selected)	Alternative-2	Alternative-3
1	Forest Area	459.5238 Hect.	487.176 Hect.	474.470 Hect.
2	Line length in Forest	63961.7499 Rmt.	66642 Rmt.	65844 Rmt.
3	Total Line length	135.3 Km.	128.75 Km.	131.69 Km.
4	Forest Density	Scattered, thin & Less Dense Forest	Dense & Very Dense Forest	Dense & Very Dense Forest
5	Terrain	15% through hilly & 85% through Plain	24% through hilly & 76% through Plain	12% through hilly & 88% through Plain

Chief Operating officer
Chhattisgarh East West Railwa Ltd.
CSIDC Commercial Complex
2nd Floor Raipur
Raipur (C.G.)



SITE INSPECTION REPORT OF THE REGIONAL OFFICE IN RESPECT OF PROPOSAL INVOLVING DIVERSION OF 459.522 HA OF FOREST LAND IN FAVOUR OF CHHATTISGARH EAST WEST RAIL CORRIDOR LTD., FOR CONSTRUCTION OF EAST WEST RAIL CORRIDOR FROM MARWAHI FOREST DIVISION (77.178 HA) AND KATGHORA FOREST DIVISION (382.344 HA), UNDER FOREST (CONSERVATION) ACT, 1980 IN BILASPUR AND KORBA DISTRICT IN THE STATE OF CHHATTISGARH.

Name of the Inspecting Officer – Charan Jeet Singh, Scientist 'C', Regional Officer (WCZ), Nagpur

Site inspection of the above mentioned proposal was carried out on 10.11.2017 to 11.11.2017 along with the officials of State Forest Department and representatives of the User Agency. The inspection report is given as under:

1. Legal status of the forest land proposed for diversion.

Legal status of forest land proposed for diversion is Protected Forest land and Revenue Forest land. The Division wise detail of area proposed for diversion is given under:

S. No.	Forest Division	District	Protected Forests (Ha)	Revenue Forest (Ha)	Total Forest land (Ha)
1.	Marwahi	Bilaspur	45.208	31.970	77.178
2.	Katghora	Korba	27.698	354.646	382.344
	Total		72.906	386.616	459.522

Item-wise break-up details of the forest land proposed for diversion.

The total area of 459.522 ha has been primarily proposed for construction of railway line. However, to accommodate passenger's traffic provisions of railway satiations and halts has also been proposed. A total of 9 stations have been proposed along the length of 135 Km railway line with a view to provide connectivity to the remote villages located in the periphery of the railway line. All along the buffer zone of the railway line a total of 224 villages and Hamlets are located which have been reported to be provided with connectivity to major urban centers like Bilaspur and Korba.

2. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof.

Yes. Representative of the User Agency has informed that proposal involves construction of buildings only at stations. Out of total 9 stations, 2 are falling in the forest land, however, efforts have been made to shift such structure to non-forest land wherever possible.

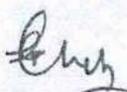
3. Total cost of the project at present rates.

Total project cost is Rs. 2500 crores.

4. Wildlife

Whether forest area proposed for diversion is important from wildlife point of view or not.

It has been informed that area proposed for diversion involves protected and Revenue Forests land where wildlife like leopard, elephants, sloth bear, spotted deer and hyena have been reported. Further, as per details of flora and fauna submitted along with the proposal, it is observed that area is inhabited by several Schedule-I and Critically Endangered species. Comments of the PCCF (Wildlife) on the impact of the project on the schedule-I species and requirement of a plan, if any, for special protection and conservation measures of the species and other important wildlife in the area have not been made available by the State Government.



No PAs have been reported to be located within a distance of 10 Km from the boundary of the area proposed for diversion. In Marwahi Division of Bilaspur District, the railway line is located at distance of approximately 8.94 KM from the Achanakmmar-Bandhavgarh Tiger Corridor. It was also observed a flyover line has been proposed near to Pendra which is located at a distance of approximately of 2.0 Km from the Bilaspur-Pendra main line. The User Agency informed that said flyover railway line has been proposed parallel to the proposed railway line of Rail Vikas Nigam, which is currently under construction (Sarvakra and Pendra Railway Line).

5. Vegetation:-

The forest of the area are primarily mixed forests with other miscellaneous species like Shorea robusta, Adina cordifolia, Terminalia chebula, Syzigium cumini, Gmelina arborea, Madhuca indica, Acacia Arabica, Terminalia bellerica, Semecarpus Anacardium, Pterocarpus marsupium, Chirronji Butea monosperma, Terminalia tomentosa, Lagerstroemia parviflora, Diasporus melanoxylon, etc.

- i. Vegetation density in the area proposed for diversion has been reported to be ranging between 0.1 to 0.5 involving felling of 20,627 trees, comprising of 10,853 trees falling in the below 60 cm girth class and 9,774 trees falls in the above 60 cm girth class. Katghora Forest Division has 17,289 while in Marwahi FD 3,338 trees have been enumerated as project affected trees.
- ii. **Effect of removal of trees on the general ecosystem in the area.**

The area proposed for diversion has and mixed forests with miscellaneous species including sal with average upto 0.6 specially in Pasan Protected Forests of Katghora Forest Division. It is observed during the inspection that thought the User Agency has made efforts to keep the requirement at minimum but yet the railway line passes through the forest areas of varied density involving felling of trees 20,627 and felling of large number of trees will definitely have adverse impact on the ecosystem. However, the representative of the User Agency during the inspection informed that a RoW ranging between 30 m to 160 m has been proposed keeping in view earth cuttings, earth filling, construction of stations and maintain the required gradient and while carrying out the construction work not all trees will be felled trees falling in the outer strips of RoW proposed to be used in construction of embankment, drainage, etc will be saved and not felled. However, exact number of trees proposed to be kept instant by the User Agency not made available by the User Agency. The User Agency has accordingly, been advised to assess the exact number of trees proposed to be kept during the construction of line.

6. Background note on the proposal.

Proposal is a part of Rail Infrastructure Development Programme of the Government of Chhattisgarh to facilitate passengers and freight traffic in Northern part of Chhattisgarh. The Integrated Infrastructure Development Committee (CIIDC) has identified three corridors for the Development of rail infrastructure as under:

- i. Corridor -I: East Corridor – Kharsia-Gharghoda-Korichhapar-Dharamjaigarh up to Korba with a spur from Gharghoda to Donga Mauha to connect mines of Gare-Pelma block, approximately 180 Km in length.
- ii. Corridor-II: North Corridor- Surajur-Parsa-Katghora-Korba, approximately 150 Km in length
- iii. Corridor-III: East West Corridor; Gevra Raod to Pendra Road via Dipka, Katghora, Sindurgarh, Pasan, approximately 122 Km in length.

MoU was entered on 3.11.2012 between Government of Chhattisgarh, South East Coalfields Limited and IRCON (A Government company incorporated by the Ministry of Railway under the company's Registration Act, 1976 originally as Indian Railway Construction Company) for formation

of a Joint Venture Companies (JVCs) upon the advice/instructions of MoR to develop rail infrastructure for facilitating passengers and freight traffic. The names of the JVCs are proposed as Chhattisgarh East Rail Limited for Corridor -I and Chhattisgarh East-West Rail Limited for Corridor-III.

Proposal for Corridor-I involves forest area of 102.61 ha of forest land which has already been accorded approval under the Forest (Conservation) Act, 1980 viz. 76.09 ha has been accorded final approval by the Forest Conservation Division of the MoEF&CC on 22.05.2015 while another part involving forest land of 26.52 ha has been accorded approval by the Regional Office on 7.09.2017.

Phase-II East Corridor Dharamjaigarh to Korba involves 495 ha comprising of forest land of 186.0 ha. Proposal for the same is in its nascent stage. The representative of the User Agency has informed that preliminary surveys for the same are being undertaken currently.

Corridor-II too involves forest land and implementation of the same depends upon the Government of Chhattisgarh. Government of Chhattisgarh is keen to undertake the project but still there is no information available in this regard.

Corridor-III involves 459.522 ha of forest land besides 481.949 ha of non-forest land, thereby total land required for the construction of the project is 941.472 ha.

Justification

With regards to the justification for taking up the project and also locating the project in the forest land, it was informed that existing main railway line from Bilaspur to Pendra is fully saturated with the rail and freight traffic. Though the railway is taking tripling of the said track to accommodate for the increased traffic, however, given the likely increase in the coal production from the mines located in the region, the main line would not be able to cater to the railway traffic. On being asked about the justification for proposing new railway in the backdrop of fact that by upgrading the existing line the likely increased freight and passenger traffic may be accommodated in future, the representative of the User Agency have informed that Gevra Road to NTPC Sipat line connects Deepka Mine to the NTPC Sipat Thermal PP, which in any case may not cater to the load of freight and passenger traffic proposed to be diverted on proposed new railway line. The representatives of the User Agency have been asked to provide a detailed report on the situational review of the existing capacity of the railway and likely requirement of strengthening of infrastructure.

With regards to the justification for locating the project in the forest area, it has been mentioned that a preliminary survey was undertaken by the South East Central Railway between Gevra and Pendra road and thereafter a detailed survey was undertaken covering the same and other alternate alignments. A study was conducted, considering all other available alternate alignments vis-à-vis feasibility to select the most feasible alignment. Topographical features like terrain, height of embankment, maximum height, average depth of cutting, quality of rock, length of linear waterways, number of bridges, cross roads, length of tunnels, number of crossing station based on norms of SECR. It is also mentioned that care has been taken to use minimum forest land and being a linear project use of forest land is avoidable. The User Agency has also mentioned that final alignment has been selected in consultation with the various stakeholders like IRCON, SECL, State Government and Railways while no details pertaining to the consultations made with the State Forest Department before It was further informed by the User Agency that they have made all possible efforts to keep the requirement of forest land at barest minimum, however, the random distribution of revenue forest land in Districts of Korba and Bilaspur, and linear nature of the proposed diversion, requirement of forest land was inescapable.

S. No.	Forest area (ha)	Length (Km)	Number of trees
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Alternative - I	459.5238	63.961	Scattered thin and open, moderately dense forests
Alternative -II	487.176	66.642	Dense and very dense forests
Alternative -III	474.470	65.844	-do-

7. Compensatory afforestation:-

Compensatory afforestation has been proposed over degraded forest land, i.e. double in extent to the forest land, being diverted in Marwahi, Mahasumumd and Baloda Bazar Districts in the State of Chhattisgarh. Compensatory afforestation has been proposed over Protected Forests land, reserved Forest Land and Revenue Forest land. Detail of various attributes pertaining to the CA land is given as under:

i. Whether land for compensatory afforestation is suitable from plantation and management point of view or not.

A suitability certificate for raising compensatory afforestation over the identified area has been submitted by the all DCFs. However, verification of the sites could not be during the inspection as the sites proposed for CA were located in far flung area in Bilaspur and Mahasumund and Baloda Bazar districts.

ii. Whether land for compensatory afforestation is free from encroachments/ other encumbrances.

All three DCFs in their site suitability certificates have mentioned that CA area is suitable for raising afforestation. However, details regarding encroachment in respect of sites which could not be inspected as the sites proposed for CA were located in far flung area in Bilaspur and Mahasumund and Baloda Bazar districts. However, representatives from the User Agency have informed that CA sites are free from encroachment. The User Agency has been advised to provide a certificate in this regard issued by the DCF concerned. Further, examination of the Google Satellite Imagery of the CA sites revealed that certain sites in Baloda Bazar and Marwahi Districts are either dense forests or some plantation work is already undertaken. Such sites may not be fit for afforestation and needs to be re-visited by the State Government.

iii. Whether land for compensatory afforestation is important from Religious/ Archaeological point of view.

No information has been provided in the proposal. Further, no detail in this regard has been provided in the proposal by the respective DCFs in whose jurisdiction the land proposed for CA falls.

iv. Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not.

Compensatory afforestation has been proposed over degraded forest land, i.e. double in extent to the forest land, being diverted in Marwahi, Mahasumumd and Baloda Bazar Districts in the State of Chhattisgarh. A total of 919.046 ha of degraded forest land has been identified for raising CA in all three divisions comprised of 16 patches. Legal status of land identified for raising CA is Reserved Forests, Protected Forests and Revenue Forests (42.86 ha in Marwahi FD) as per details given below:

S. No.	District	Name of the Division	Forest range	Legal Status	Area (ha)
1.	Mahasamund	Mahasamund	Pithaura	Reserved Forests	19.560
2.			Pithaura	Reserved Forests	15.319
3.			Pithaura	Protected Forests	33.713

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4.			Pithaura	Reserved Forests	39.461
	Sub Total				108.053
5.	Balodabazar	Balodabazar	Bhillaigarh	Reserved Forests	40.000
6.			Bhillaigarh	Reserved Forests	50.000
7.			Bhillaigarh	Reserved Forests	50.463
8.			Bhillaigarh	Reserved Forests	50.000
9.			Bhillaigarh	Reserved Forests	152.000
	Sub-Total				342.463
10.	Bilaspur	Marwahi	Marwahi	Protected Forests	39.250
11.			Marwahi	Reserved Forests	18.670
12.			Marwahi	Protected Forests	130.650
13.			Marwahi	Revenue Forests	31.350
14.			Marwahi	Protected Forests	135.400
15.			Marwahi	Protected Forests	101.700
16.			Marwahi	Revenue Forests	11.510
	Sub-Total				468.530
	Grand Total				919.046

v. **Map with details**

Differential GPS maps of the area proposed for diversion as well as area identified for raising compensatory afforestation have not been submitted. The User Agency has been advised to submit the same.

vi. **Total financial outlay**

Detail CA scheme, along with the financial out lay of Rs. 55.16 crores has been submitted.

8. **Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials.**

No violations of the Forest (Conservation) Act, 1980 have been reported by the various authorities in the State Forest Department and State Government. However, there is a technical violation of the Guidelines dated 7.01.2013 issued by the MoEF&CC as the User Agency has undertaken some construction work on the non-forest land in Pendra area in the Marwahi Forest Division without submitting an undertaking and alternate alignment bypassing the forest land. No construction work was observed on the forest land. During inspection, it was observed that certain bridges have been constructed by the User Agency in the non-forest land in the Marwahi Forest Division. However, no further construction work was observed during the visit. The representatives of the User Agency have informed that construction work on the non-forest land has been stopped and no construction is being taken place.

9. **Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not. Details be furnished specifically if rehabilitation plan would affect any other forest area by translocating outstees in and around the said forest.**

Yes. The proposal involves resettlement of 1644 families. The PP has informed that resettlement of project affected families shall be undertaken in accordance with the R&R Plan prepared in consonance with the R&R policy of the State Government of Chhattisgarh.

10. **Reclamation Plan: NA**

11. **Details on catchment and command area under the project. NA**

i. Catchment area treatment plan to prevent siltation of reservoir. NA

12. Cost benefit ratio.

Total Benefits – Rs. 115.351/- in crores

Total Cost – Rs. Rs. 338072.73/- in crores

B:C ratio – 1:2940

Cost benefit analysis, submitted along with the proposal, revealed the CB ratio exorbitantly high due to defective tools/methods used for the estimation of parameters specified in the Guidelines dated 1.08.2017. CB analysis needs to be re-worked by applying appropriate techno-economic tools to suitably assess the parameters for assessment of losses and benefits of the project. Accordingly, the User Agency has been advised to submit the revised Cost-Benefit Analysis.

13. Recommendations of the Principal Conservator of Forests/State Government.

The Principal Chief Conservator of Forest, Government of Chhattisgarh has recommended the proposal without any specific condition.

14. Recommendations of Regional Chief Conservator of Forests along with detail reasons.

-

15. Addl. Principal Chief Conservator of Forests (Central) shall give detailed comments on whether there are any alternatives routes/alignments for locating the project on the non-forest land.

-

16. Utility of the project. Numbers of Scheduled Castes/Scheduled Tribes to be benefited by the project.

It was informed that proposed project will cater to the need of increased freight and passenger traffic by connecting the coal blocks and remote area of the Bilaspur and Korba Districts. A total of 9 stations have been proposed along the length of 135 Km railway line with a view to provide connectivity to the remote villages located in the periphery of the railway line. All along the buffer zone of the railway line a total of 224 villages and Hamlets are located which have been reported to be provided with connectivity to major urban centers like Bilaspur and Korba. The representative of the User Agency has also informed that proposed railway line shall provide measure ease to the existing line from Bilaspur – Pendra. In addition to this the project is also associated with the general of direct and indirect employment of 46,00,500/- mandays during the construction phase besides providing opportunities for the industrial development in the Region.

17. Whether land being diverted has any socio-cultural /religious value. Whether any sacred grove or very old grown trees/forests exists in the areas proposed for diversion.

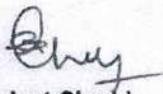
As per information submitted in Part-II, the area is not important from the socio cultural/religious view point.

18. Situation w.r.t. any P.A.

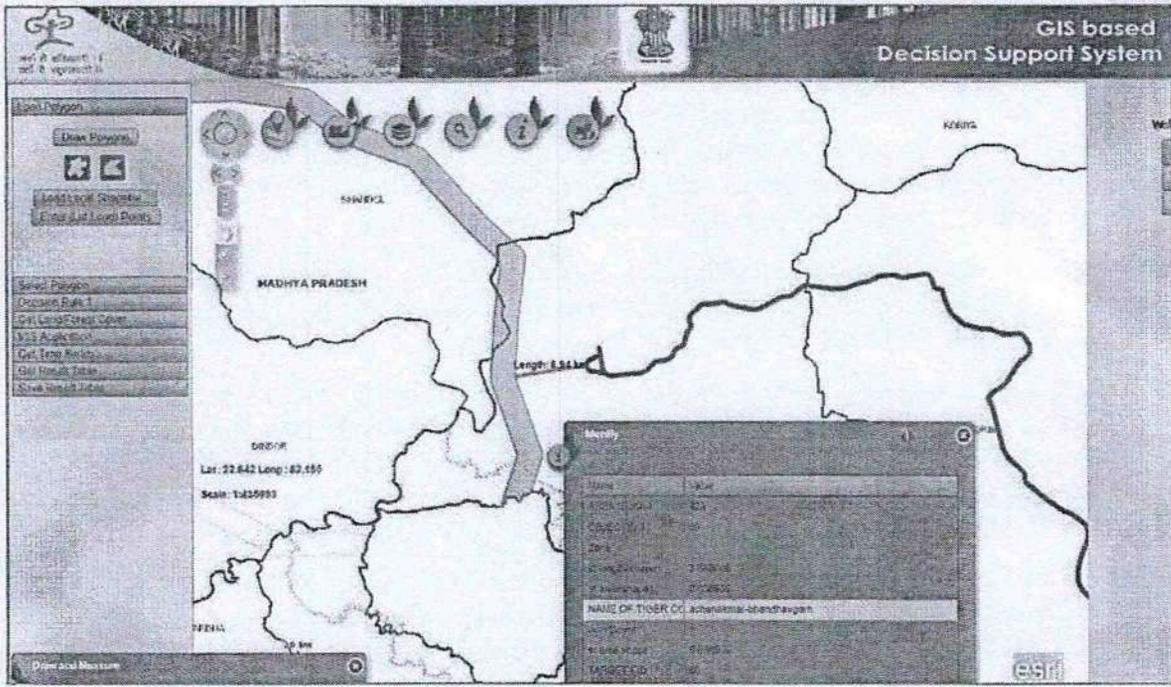
No PAs have been reported to be located within a distance of 10 Km from the boundary of the area proposed for diversion. In Marwahi Forest Division of Bilaspur District, the railway line is located at distance of approximately 8.94 KM from the Achanakmmar-Bandhavgarh Tiger Corridor. It was also observed a flyover line has been proposed near to Pendra which is located at a distance of approximately of 2.0 Km from the Bilaspur-Pendra main line. The User Agency informed that said flyover railway line has been proposed parallel to the proposed railway line of Rail Vikas Nigam, which is currently under construction (Sarvakra and Pendra Railway Line).

19. Any other information relating to the project.

- i. As per details of flora and fauna submitted along with the proposal, it is observed that area is inhabited by several Schedule-I and Critically Endangered species. Comments of the PCCF (Wildlife) on the impact of the project on the schedule-I species and requirement of a plan, if any, for special protection and conservation measures of the species and other important wildlife in the area needs to be furnished by the State Government. The representative of the User Agency have informed that a wildlife Management Plan to mitigate the impact of project on the wildlife has been prepared and submitted to the CCF (Wildlife) Bilaspur.
- ii. As the proposed railway line is located at a distance of 8.97 Km from the tiger corridor of Achanakmar-Bandhavgarh National Park, comments are required to be obtained from the National Tiger Conservation Authority.
- iii. A stretch of approximately 8 km from Saraipalli to Katghora, constituting the part of same corridor, also involves forest land. The representative of the User Agency have informed so far no proposal has been submitted, however, forest land is involved in the said railway line. It was further informed that prior approval of the Central Government under the Forest (Conservation) Act, 1980 shall be obtained before undertaking construction in the aforementioned stretch.
- iv. An OA No. 678 of 2016 has been filed before the Principal Bench of Hon'ble NGT in the matter of Sh. Sudiep Shrivastava and vs. Union of India and others. The matter was listed before the Hon'ble Bench on 25.10.2017 wherein the Hon'ble Bench has directed to list the matter on 21.11.2017 for disposal.


(Charan Jeet Singh)
Scientist 'C'

Annexure-1



MINUTES OF THE 30th MEETING OF THE REGIONAL EMPOWERED COMMITTEE, HELD ON 27TH NOVEMBER, 2017 UNDER THE CHAIRMANSHIP OF ADDL. PRINCIPAL CHIEF CONSERVATOR OF FORESTS (CENTRAL), AT REGIONAL OFFICE (WEST CENTRAL ZONE), MOEF&CC, NAGPUR

The following members were present:

1. Shri Kanwarjit Singh, APCCF (Central), (Chairperson).
2. Prof. Suresh Chopane (Member)
3. Sh. Rajendra Nannaware (Member)
4. Sh. Rajendra Dhongde (Member)

Special Invitees:

1. Shri G. Saiprakash, Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra.

The following proposals were placed before the REC for discussions.

AGENDA ITEM NO. 1

Sub: Diversion of 7.051 ha of forest land in favour of Executive Engineer, Tembhu Lift Irrigation Project, Division No. 1 Sangli for construction of Tembhu Lift Irrigation Project in Sangli and Satara Districts in the State of Maharashtra – regarding.

1. The Committee considered the above mentioned proposal and various facts related to the proposal as presented in the factsheet prepared by the Regional Office and in the proposal submitted by the State Government. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra and representatives of the User Agency were also present in the meeting. After examination of the proposal and interaction with the Nodal Officer (FCA), Maharashtra, the Committee noted as under:
 - i. The Committee, after examination of the facts as reported in the proposal noted that instant proposal has already been accorded Stage-I approval on 30.03.2005, however, for want of submission of compliance report within the stipulated period of 5 years, the Regional Office, vide its letter dated 22.11.2010 revoked the Stage-I approval in accordance with the relevant provisions as provided in the Guidelines issued under the Forest (Conservation) Act, 1980. Subsequently, the State Government, vide its letter dated 17.03.2011 submitted a report on the compliance of conditions stipulated in the Stage-I approval dated 30.03.2005. However, Regional Office, Bhopal, after examination of the said compliance report, vide its letter dated 6.02.2012 requested the State Government to submit fresh proposal along with fresh inspection and justification. The State Government vide its letters dated 25.04.2013 submitted the fresh proposal and

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vide its letters dated 23.10.2017 submitted the additional information as sought by the Regional Office, vide its letter dated 31.03.2014.

- ii. The Committee, after examination of the additional information observed as under:
 - (a) The Committee found the justification submitted by the State Government with regards to the non-applicability of the CAT Plan as not tenable in view of the fact that since the project has a command area of 80472 ha and there is not relaxation provided in the Guidelines issued under the Forest (Conservation) Act, 1980 for such projects, provisions of CAT Plan should be included in the proposal. The Committee further noted that there exists a considerable area of water shed between Koyna dam and Tembhu Barrage which also forms the catchment of extant project. The Committee opined that CAT Plan should be submitted by the State Government.
 - (b) The Committee also noted that shortcomings, regarding CAT Plan and incomplete compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 have been conveyed to the State Government by the Regional Office on 21.11.2017 and reply from the State Government is awaited. The Committee opined that compliance of CAT Plan needs to be ensured by the State Government while the compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 may be submitted along with the compliance of Stage-I approval in accordance with the provision of Forest (Conservation) Amendment Rues, 2017.
 - (c) The Committee also noted that User Agency has already started construction on the non-forest land without obtaining prior approval of the Central Government and taking cognizance of the this fact penal provisions were stipulated in the Stage-I approval dated 30.03.2005.
 - (d) The Committee also recorded its displeasures that senior officials from the Irrigation department were not present in the meeting to present their case before the Committee.
2. After detailed discussion and examination of the proposal, the Committee decided to approve the project for diversion of forest land subject to fulfilment of general, standard and following additional conditions:
 - i. A Catchment area treatment plan shall be prepared, and implemented by/or under the supervision of State Forest Department at the project cost.

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- ii. The Penal Compensatory afforestation, over the degraded forest land, double in extent to the forest land being diverted, shall be raised by the State Forest Department at the project cost

AGENDA ITEM NO. 2

Sub: Diversion of 22.7745 ha Forest land in favour of MSETCL, Chandrapur for construction and laying of 132 KV D/C Transmission Line from Sindewahi to Bramhapuri Sub-station under Forest (Conservation) Act, 1980 in Chandrapur District in the State of Maharashtra – regarding.

1. The Committee considered the above mentioned proposal and various facts related to the proposal as presented in the factsheet prepared by the Regional Office and in the proposal submitted by the State Government. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra and representatives of the User Agency were also present in the meeting. After examination of the proposal and interaction with the Nodal Officer (FCA), Maharashtra, the Committee noted as under:
 - i. The Committee noted that the REC in its meeting held on 11.09.2017 and the Committee, after examination of the proposal observed that the Regional Office, after examination of the proposal, sought additional information from the State Government on 6.10.2017 and accordingly, the Committee desired that proposal may again be placed before the Committee, after receipt of the information from the State Government as requested by the Regional Office, vide its letter dated 6.10.2017. The Committee, further noted that the Addl. PCCF and Nodal Officer (FCA), Government of Maharashtra vide his letter dated 21.11.2017 submitted the reply to the observation of the Regional Office, as contained in its letter dated 6.10.2017. The Committee, examined the additional information submitted by the Nodal Officer and found the same as satisfactory.
 - ii. With regards to the violations of the Forest (Conservation) Act, 1980, the Committee noted that an area of 0.8638 ha has been worked out by the User Agency without obtaining prior approval of the Central Government. The Committee opined that Penal provision of raising compensatory afforestation over degraded forest land, double in extent to the forest area worked without prior approval of the Central Government should be levied on User Agency and a report on the credible action taken against the offenders should be obtained from the State Government.
 - iii. The Committee, after examination of the alternative observed that alternative proposed by the User Agency appears to be best suited alternatives.
 - iv. The Committee further noted that the User Agency has undertaken construction of transmission line in the non-forest land which is a technical violation of the Forest (Conservation) Act, 1980. However, it is a violation of the guidelines issued by the MoEF&CC in this regards. The Committee in view of the violation committed by the User Agency opined that penal compensatory afforestation over

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degraded forest land, double in extent to the forest land being diverted should be stipulated.

2. After detailed discussion, the Committee approved the proposal for diversion of forest land subject to fulfilment of general, standard and following additional condition:
 - i. Penal compensatory afforestation, over degraded forest land, double in extent to the area worked by the User Agency without obtaining prior approval of the Central Government under the Forest (Conservation) Act, 1980, shall be raised by the State Forest Department at the project cost. The scheme for Penal afforestation, along with all requisite documents viz. site suitability certificate, differential GPS maps along with soft copies of their KML/Shape files shall be submitted along with the compliance of Stage-I approval.
 - ii. A credible report on the action taken against the offenders/erring officials of the State Forest Department/User Agency shall be submitted by the State Government along with the compliance of Stage-I approval.

AGENDA ITEM NO. 3

Sub: Diversion of 459.522 ha of Forest Land in favour of Chhattisgarh East West Rail Corridor Ltd., for Construction of East West Rail Corridor from Marwahi Forest Division (77.178 ha) and Katghora Forest Division (382.344 ha), under Forest (Conservation) Act, 1980 in Bilaspur and Korba District in the State of Chhattisgarh.

1. The Committee considered the above mentioned proposal and various facts related to the proposal as presented in the factsheet prepared by the Regional Office and in the proposal submitted by the State Government. The representatives of the User Agency were also present in the meeting. After examination of the proposal, site inspection report of the Regional Office and interaction with the representative of the User Agency, the Committee noted as under:
 - i. The proposal envisages construction and laying of 122 km Railway Line from Gevra Road to Pendra Road under the scheme of developing Corridor-III (East West Rail Corridor) of the State Government of Chhattisgarh
 - ii. Legal status of forest land proposed for diversion is Protected Forest land and Revenue Forest land. Vegetation density in the area proposed for diversion has been reported to be ranging between 0.1 to 0.5 involving felling of 20,627 trees, comprising of 10,853 trees falling in the below 60 cm girth class and 9,774 trees falls in the above 60 cm girth class. Compensatory afforestation has been proposed over 919.046 ha of degraded forest land i.e. double in extent to the forest land being diverted in Mahasumund, Baloda Bazar and Marwahi forest Divisions. Site suitability certificate have been submitted. CA schemes with financial outlay of Rs. 55,16,31,627.70/- have been submitted along with the proposal.

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- iii. The Committee further noted that in Marwahi Division of Bilaspur District, the railway line is located at distance of approximately 8.94 KM from the Achanakmmar-Bandhavgarh Tiger Corridor. The User agency apprised the Committee that a flyover line has been proposed near to Pendra which is located at a distance of approximately of 2.0 Km from the Bilaspur-Pendra main line. The User Agency further informed that said flyover railway line has been proposed parallel to the proposed railway line of Rail Vikas Nigam, which is currently under construction (Sarvakra and Pendra Railway Line). The Committee opined that comment of the NTCA in the matter needs to be obtained for the further examination of the Committee.
- iv. With regards to the justification for proposing new railway in the backdrop of fact there exist railway infrastructure which can be further strengthened to accommodate the increased demand for freight carriage and passenger traffic. The representative of the User Agency have informed the Committee existing that Gevra Road to NTPC Sipat line connects Deepka Mine to the NTPC Sipat Thermal PP, and is running in perpendicular direction to the proposed railway line and in any case it may not cater to the load of freight and passenger traffic proposed to be diverted on proposed new railway line. The Committee was further apprised by the User Agency that given the saturation of traffic congestion at Bilaspur junction, the railway has freezed the capacity of junction in terms of traffic and no additional construction or strengthening of railway line can be undertaken through Bilaspur Junction. However, for want of any supporting quantitative details, the Committee found the submission made by the User Agency as not maintainable and the Committee opined that a detailed report on the situational review of the existing capacity of the railway and likely requirement of strengthening of infrastructure.
- v. The Committee further noted that proposal involves displacement of 1644 families, comprising of 660 SC families and 558 ST families. However, copy of R&R Plan has not been submitted along with the proposal. The representative of the User Agency has informed the Committee that land acquisition process has already been completed and R&R has been carried out in accordance with the State R&R policy.
- vi. No violation of the Forest (Conservation) Act, 1980 have been reported in Part-II of Form-A. With regards to the issue of undertaking construction in forest land without prior approval of the Central Government, the Committee was apprised that taking cognizance of the fact, it was investigated by the DCFs concerned in consultation with the officers of the Revenue Department and it was concluded that no construction was undertaken over the forest land/revenue forest land. Construction was undertaken only over the non-forest. Relevant documents of joint inspection reports were also stated to have been submitted to the Regional Office today i.e. 27.11.2017. The Committee desired that the same may be

Komwarjit Singh

examined by the Regional Office and presented before the Committee in its next meeting.

- vii. The Committee was further informed that the information sought by the Regional Office vide its letter dated 3.11.2017 has been submitted to the Regional Office today i.e. on 27.11.2017. The Committee opined that said information may be examined by the Regional Office.
 - viii. The Committee, after examination of the alignment and other alternatives explored by the User Agency, observed that there appears to be scope to shift the alignment at certain location to avoid the forest land for example alignment at Nagai to Kasimati may be shifted along the alternative proposed (depicted as white alignment), Shifting of alignment in Pasan Range to avoid protected forests and water bodies; Revenue Forest land at Deepka 1/1 of 1.740 ha - may be shifted western side; Nanbanka 234/1 patches of 1.369 ha and 0.205 ha-may be shifted on eastern side; Singhiya 105/2 of 4.410 ha and 1.256 ha-may be shifted to western side to avoid forest land. Other similar location may be re-examined by the State Government to keep the use of forest land at barest minimum.
 - ix. The Committee further observed that proportion of forest land involved in the project is very high i.e. almost 50% of the total land required for the project. The representative of the User Agency informed the Committee that in the district of Korba and Bilaspur, distribution of Revenue Forest land is very high, use of forest land is inescapable even in the alternative alignment examined. The Committee was further informed that in case the alignment is to be proposed along the existing main railway line, it will pass through the Achanakmar Tiger reserve and Amarkantak hill range, over a length of almost 20 km and hence involvement of forest land cannot be avoided by them, however, best efforts have been put up to keep the requirement of forest land at minimum.
2. After detailed examination, the Committee desired that proposal may again be placed before the Committee after receipt of the following information:
- i. Information submitted by the Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh as sought by the Regional Office vide its letter dated 3.11.2017 may be examined by the Regional Office and placed before the Committee in its next meeting.
 - ii. Comments of the NTCA may be obtained as the proposed line is located at a distance of approximately 9.0 KM from the Achanakmar-Bandhavgarh Tiger Reserve.
 - iii. A detailed report on the situational review of the existing capacity of the railway and likely requirement of strengthening of infrastructure
 - iv. A consolidated statement of area requirement for the construction of Corridor-III including the proposed main line and side lines.

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- v. Possibility may be explored by the State Government/User Agency to shift the alignment at certain location to avoid the forest land for example alignment at Nagai to Kasimati may be shifted along the alternative proposed (depicted as white alignment), Shifting of alignment in Pasan Range to avoid protected forests and water bodies; Revenue Forest land at Deepka 1/1 of 1.740 ha - may be shifted western side; Nanbanka 234/1 patches of 1.369 ha and 0.205 ha-may be shifted on eastern side; Singhiya 105/2 of 4.410 ha and 1.256 ha-may be shifted to western side to avoid forest land. Other similar location may be re-examined by the State Government to keep the use of forest land at barest minimum.

AGENDA ITEM NO. 4

Sub: Diversion of 83.831 ha of Reserved, Protected and Revenue Forests land in favour National Mineral Development Corporation Limited, Jagdalpur for laying of slurry pipeline from Kirandul to Chokawada (Nagarnar) in Bastar and Dantewada Districts in the State of Chhattisgarh

1. The Committee considered the above mentioned proposal and various facts related to the proposal as presented in the factsheet prepared by the Regional Office and in the proposal submitted by the State Government. The representatives of the User Agency were also present in the meeting. After examination of the proposal, and interaction with representative of the User Agency, the Committee noted as under:
 - i. The proposal envisages laying of a Slurry pipe line for alternate transportation of iron ore from Kirandul to Chokadawa (Nagarnar). The NMDC has its iron ore beneficiation plant of 4.0 MTPA capacity located at Bacheli which will produce 4.0 MTPA concentrate iron ore in slurry form. The slurry, proposed to be produced by the Iron Ore Beneficiation Plant will be transported to the proposed steel plant of the NMDC at Nagarnar, Jagdalpur.
 - ii. Legal status of forest land proposed for diversion is Reserved, Protected and Revenue Forest land. Proposal involves 296.735 ha of non-forest land also thereby total area involved in the project is 380.566 ha. Vegetation density in the area proposed for diversion has been reported to be ranging between 0.5 to 0.7 involving felling of 4,040 trees, inclusive of all girth classes.
 - iii. Compensatory afforestation has been proposed over 167.978 ha of degraded forest land i.e. double in extent to the forest land being diverted in Dantewada Forest Division. Legal status of the land proposed for CA is Protected forest and Reserved forest land. CA schemes with financial outlay of Rs. 1008.28 Lakh have been submitted along with the proposal. Examination of the sites using Google Satellite imagery revealed that area appears to be fit for afforestation.
 - iv. The Committee further noted that proposal of the User Agency falls within a distance of 8.2 Km from the boundary of Kangerghati National Park. The Committee was informed that proposal of the User Agency was considered and recommended by the Standing Committee of the NBWL in its meeting held on

Konwarjit Singh

- 3.01.2017 and the Wildlife Division, vide their letter dated 13.02.2017 conveyed that NBWL has recommended the proposal subject to conditions as recommended by the SBWL. The Committee further noted that SBWL has recommended the proposal without any specific condition.
- v. With regards to the justification for locating the project in the forest land, it has been mentioned that proposed line passes through the hilly and plain terrain and before selecting the present alignment, all alternatives were explored to keep the requirement of forest land at minimum. It is also mentioned that proposed alignment is most convenient technically and involves minimum forest land tress.
 - vi. No violations of the Forest (Conservation) Act, 1980 have been reported and the authorities in the State Government have recommended the proposal for diversion of forest land.
 - vii. The Committee was informed by the representative of the User Agency that an RoW 30 meters has been proposed for laying of the pipe line which inter-alia include 7.0 meter width for soil dumping. The Committee opined that User Agency should restrict their RoW to minimum and additional RoW of 7.0 meters should be deleted as the User Agency may undertake temporary stacking of soil within the RoW of 21.0 meters. The Committee opined that User Agency should work out the possibility of exploring different options of dumping the soil and accordingly, the Committee may be apprised in its next meeting.
 - viii. The Committee also observed that the Regional Office, vide its letter dated 6.11.2017 has sought information from the State Government which is still awaited. The representative of the User Agency informed the Committee that reply as per the observation of the Regional Office has been submitted to the Regional Office today i.e. 27.11.2017. The Committee desired that information submitted by the Nodal Officer (FCA) may be examined by the Regional Office and the same may be placed before the Committee in its next meeting.
3. After detailed examination, the Committee desired that proposal may again be placed before the Committee after receipt of the following:
- i. Information submitted by the Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh as sought by the Regional Office vide its letter dated 3.11.2017 may be examined by the Regional Office and placed before the Committee in its next meeting.
 - ii. User Agency should restrict their RoW to minimum and additional RoW of 7.0 meters should be deleted as the User Agency may undertake temporary stacking of soil within the RoW of 21.0 meters. The Committee desired that User Agency should work out the possibility and accordingly, the Committee may be apprised in its next meeting.

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AGENDA ITEM NO. 5

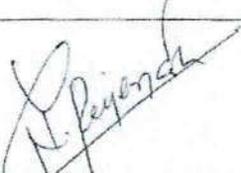
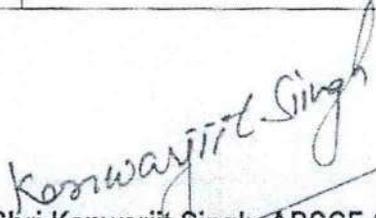
Sub: Diversion of 8.57 ha of Forest Land for non forest purpose in favour of Assistant Commissioner Welfare Department for Construction of Education Hub in Syahimudi Gram, under Forest Conservation Act, 1980 in Korba District in the State of Chhattisgarh.

1. The Committee considered the above mentioned proposal and various facts related to the proposal as presented in the factsheet prepared by the Regional Office and in the proposal submitted by the State Government. After examination of the proposal, the Committee noted as under:
 - i. The Committee noted that the proposal envisages construction of an Education Hub in Syahimudi village to cater to educational needs of the Scheduled Tribe people of the area. The Committee considered the justification of the State Government mentioning that despite majority of Schedule Tribe population in the area, no special school for the education, skill development professional trainings are available in the District for the students of Scheduled Tribe and accordingly with a view to provide such facilities at par with facilities available in the urban area, an education hub has been proposed for imparting modern education, professional training, skill development, and for the education needs of physically handicapped students the present proposal has been proposed by the State Government.
 - ii. The legal status of the area proposed for diversion is Protected Forests. No non-forest and is involved in the project. Proposal involves felling of 25 trees comprising of 8 trees of above 60 cm girth and 17 trees below 60 cm girth. Density of the area proposed for diversion has been reported to be less than 0.2. Differential GPS map of the area proposed for diversion as well as area identified for CA have not been submitted. No protected areas within 10 km of distance from the boundary of the area proposed for diversion have been reported by the State Government. No Violations of the Forest (Conservation) Act, 1980 have been reported by the State Government.
 - iii. With regards to the alternatives examined by the State Government, the Committee noted that all alternatives have been examined only in the forest land. No details pertaining to the efforts made by the User Agency for locating the project in Revenue Forest land and non-forest land have been submitted by the State Government.
 - iv. The Committee further noted that instant project is non-site specific and as per the provisions contained under the Guidelines issued under the Forest (Conservation) Act, 1980, non-site specific proposals are generally not entertained by the Central Government. The Committee also noted that the State Government should explore the possibility to establish such facilities on the non-forest land. However, no details pertaining to such efforts made by the User

Konwarjit Singh

Agency and inescapability of the forest land has been submitted by the State Government in the proposal.

2. After detailed discussion and also in light of relevant provision of para 2.1 (3) and Para 4.5 (ii) of the Guidelines issued under the Forest (Conservation) Act, 1980, the Committee decided that proposals does not deserve consideration under the Forest (Conservation) Act, 1980 and accordingly, decided to reject the proposal.

 (Prof. Suresh Chopane) (Member)	 (Sh. Rajendra L. Nannaware) (Member)	 (Sh. Rajendra Dhongde) (Member)
 (Shri Kanwarjit Singh, APCCF (Central)) (Chairperson)		

MINUTES OF THE 31st MEETING OF THE REGIONAL EMPOWERED COMMITTEE,
HELD ON 14th DECEMBER, 2017 UNDER THE CHAIRMANSHIP OF ADDL.
PRINCIPAL CHIEF CONSERVATOR OF FORESTS (CENTRAL), AT REGIONAL
OFFICE (WEST CENTRAL ZONE), MOEF&CC, NAGPUR

The following members were present:

1. Shri Kanwarjit Singh, APCCF (Central), (Chairperson).
2. Prof. Suresh Chopane (Member)
3. Sh. Rajendra Dhongde (Member)

Special Invitees:

1. Shri S. S. Bajaj, Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh.

The following proposals were placed before the REC for discussions.

AGENDA ITEM NO. 1

Sub: Diversion of 83.831 ha of Reserved, Protected and Revenue Forests land in favour National Mineral Development Corporation Limited, Jagdalpur for laying of slurry pipeline from Kirandul to Chokawada (Nagarnar) in Bastar and Dantewada Districts in the State of Chhattisgarh.

1. The Committee considered the above mentioned proposal and various facts related to proposal as presented in the factsheet prepared by the Regional Office and in the proposal submitted by the State Government. The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh and representatives of the User Agency were also present in the meeting. After examination of the proposal and interaction with the Nodal Officer (FCA), Maharashtra, the Committee noted as under:
 - i. The Committee noted that instant proposal has already been considered by the Committee in its meeting held on 27.11.2017 and the Committee, after examination of the proposal desired that information submitted by the Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh may be examined by the Regional Office and the User Agency work out the possibility to restrict their RoW to minimum and to delete additional RoW of 7.0 meters proposed for staking of soil.
 - ii. The Committee considered the reply submitted by the Addl. PCCF and Nodal Officer (FCA), Government of Chhattisgarh and observed that satisfactory information in respect of all points has been submitted except correct CB analysis, CA site suitability certificate and complete compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as consolidated detail of resolutions of concerned Gram Sabha(s) not submitted along with the compliance. The Committee also noted that in accordance with the provisions contained in the Forest (Conservation) Amendment Rules, 2017, compliance of Scheduled Tribes and Other Traditional

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Forest Dwellers (Recognition of Forest Rights) Act, 2006 may be submitted along with the compliance of Stage-II approval. The Committee accordingly desired that information observed to be short should be submitted by the State Government along with the information as desired by the Committee in its last meeting which was conveyed to the State Government by the Regional Office vide its letter dated 8.12.2017.

- iii. The Committee was also apprised by the User Agency regarding their justification for requirement of RoW of 7.0 meters for soil stacking. The representative of the User Agency informed the Committee that the RoW has been proposed keeping in view the existing norms being followed at national and international level. However, the Committee did not find the justification tenable and accordingly opined that observation of the Committee as made in its last meeting should be complied with by the User Agency.
2. After detailed discussion and examination of the proposal, the Committee decided that proposal may again be placed before the Committee after receipt of following information from the State Government:
- i. Site suitability certificate in respect of land identified for CA.
 - ii. Correct CB analysis, after taking into account the correct monetary value of likely benefits of the project particularly in respect of population to be benefited. Similarly, estimation of parameters of cost should also be re-visited by the State Government.
 - iii. Number of trees falling in the corridor of 7.0 meters proposed for temporary stacking of soil may be intimated by the State Government.
 - iv. Compliance to the observation of the Committee, made in its meeting dated 27.11.2017 conveyed to the State Government vide Regional Office's letter dated 8.12.2017 should be ensured and submitted for further consideration of the Committee.
 - v. Norms prevailing at national level for laying out slurry pipe line in forest area, non-forest areas and urban areas may be intimated by the State Government.

AGENDA ITEM NO. 2

Sub: Diversion of 459.522 ha of Forest Land in favour of Chhattisgarh East West Rail Corridor Ltd., for Construction of East West Rail Corridor from Marwahi Forest Division (77.178 ha) and Katghora Forest Division (382.344 ha), under Forest (Conservation) Act, 1980 in Bilaspur and Korba District in the State of Chhattisgarh.

1. The Committee considered the above mentioned proposal and various facts related to the proposal as presented in the factsheet prepared by the Regional Office and in the proposal submitted by the State Government. The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh and representatives of the User Agency were also

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present in the meeting. After examination of the proposal and interaction with the Nodal Officer (FCA), Maharashtra, the Committee noted as under:

- i. The Committee noted that instant proposal has already been considered by the Committee in its meeting held on 27.11.2017 wherein the Committee desired additional information viz. examination of the information submitted by the Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh by the Regional Office, comments of NTCA, situation review of the existing capacity of the railways in the region, consolidated statement of area required for Corridor-III and possibility to shift the alignment at certain locations as specified by the Committee. The Committee noted that the Nodal Officer (FCA), Government of Chhattisgarh, vide his letter dated 11.12.2017 submitted reply to the observation of the Committee. The Committee, after examination of the additional information submitted by the Nodal Officer (FCA) noted as under:
 - ii. Details of area of forest patches being bifurcated from the proposed alignment, indicating area on both left and right hand sides, has not been intimated by the State Government. The Nodal Officer (FCA) informed the Committee that alignment has been examined and it is revealed that proposed line is passing through the middle of the protected forest patches. No small patches are being created which need special protection measures.
 - iii. With regards to the comments of the PCCF (Wildlife) on the impact of the project on the schedule-I species and requirement of a plan, the Committee was informed that a Wildlife Management Plan, involving financial provision of Rs. 55 crore has been prepared by the Tropical Forest Research Institute, Jabalpur. The Committee, after further deliberation on the Wildlife Management Plan observed that a total of 8 under/overpasses have been provided in the forest land for the movement of the wildlife across the proposed rail line. The representative of the User Agency also informed the Committee that apart from the proposed 8 Under/overpasses, a total of 294 bridges, including boxes and culverts, have also been provided which may also provide for the safe passage of the small wildlife across the railway line. The Committee further noted that comments of the NTCA on likely impact of the proposed line on Achanakmar-Bandhavgarh Notified Tiger corridor have not been received so far. The Committee was informed comments have been requested from the NTCA and shall be submitted shortly. The Committee was further informed that User Agency has submitted an undertaking to abide by the conditions that may be stipulated by the NTCA.
 - iv. Undertaking from the User Agency in accordance with the provisions of the Guidelines dated 7.01.2013 issued by the MoEF&CC has not been submitted.
 - v. With regards to the R&R Plan, the Committee was apprised that R&R of the project affected families is being undertaken in accordance with the State R&R policy and a copy of the R&R Plan was also submitted along with the compliance.
 - vi. With regards to the consolidated statement of area requirement for the construction of Corridor-III including the proposed main line and side lines, the Committee was informed that a total of 1264.001 ha of area comprising of

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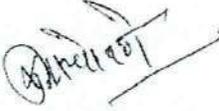
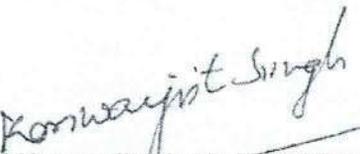
- 459.522 ha of forest and 624.724 ha of non-forest land, is required for the main line while another 30 ha -35 ha of forest land will be required for feeder lines.
- vii. With regards to the situational review of the existing capacity of the railway, the Committee was informed that Bilaspur-Anuppur and Bilaspur-Champa railway lines are being operated at 168% and 139% percent of their capacity. The Committee was further informed that Bilaspur-Champa can sustain movement of 81 trains on either side while at present nearly 112 trains are plying on the said railway line. Similarly, Bilaspur-Anuppur Railway Line can sustain movement of 21 trains while at present nearly 40 trains are plying i.e. capacity of existing tracks are over utilized. The Committee was further informed that currently, railway is facing the difficulty of maintaining their maintenance block for the maintenance and safe plying of trains on the tracks. It was also emphasized that situation has become alarming as for want of maintenance block properly, safety related issued are being cropped and accordingly there is utmost need of new railway line to reduce the traffic load on the existing lines.
- viii. With regards to the possibility of shifting the alignment as per the observation of the Committee, it was informed by the User Agency shifting of alignment at Nagai to Kasimati will involve three patches of Protected Forests involving an area of 36.89 ha and felling of 1866 trees while existing alignment has been proposed through Revenue Forest land with no Protected Forest and 1624 project affected trees only. Similarly, shifting the alignment through the Talmalidand and Bhanwer Kacchar area will involve hillock with steep rise and fall in topography beyond Karimati, necessitating a 3 km long tunnel with increased cost of 300 crores which will be 10% of the total cost of construction and render the project as non-bankable. Further with regards to the shifting the alignment towards North in the Pasan Forest Range, the Committee was informed by the User Agency that shifted alignment will pass through more dense forest and will infringe the Bamni River. The Nodal Officer (FCA), further informed the Committee that option of shifting the alignment will also involve the Protected Forest land. The Committee, after examination of the alignment, submissions made by the Nodal Officer (FCA) and the User Agency and relevant documents submitted by the State Government found that proposed alignment involves the minimum forest land and shifting of alignment shall involve larger Protected Forests areas and project will be non-feasible.
- ix. The Nodal Officer (FCA) further informed the Committee that felling of trees of trees will be minimised by restricting the cutting of the trees up to the toe of the bank. Approximately, 1500 trees will be kept intact in the area of RoW falling beyond the toe of the bank.
- x. The Committee was further informed by the User Agency that proposed railway is indispensable not only for carrying out the smooth railway operation for evacuation of coal and passenger traffic but it is also an opportunity for the tribal population of the State to associate themselves with the mainstream of development who are currently facing severe connectivity problems.

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- xi. The Nodal Officer (FCA) further informed the Committee that rail density is quite low than the national average in the State of Chhattisgarh resulting into slow pace of development. With a view to give boost to the development in the forward tribal area of the State, the Cabinet Committee on Economic Affairs approved the project in the year 2013.
2. The Committee, after examination of the reply of the State Government noted that complete information as sought by the Regional Office vide its letter dated 3.11.2017 and 8.12.2017 viz. undertaking in accordance with the provisions contained in the MoEF&CC's guidelines dated 7.01.2013, detailed cost -benefit analysis and comments of the NTCA may be submitted by the State Government.
3. After detailed discussion and examination of the proposal and in view of the larger public interests involved in the project, the Committee decided to approve the project for diversion of forest land under the Forest (Conservation) Act, subject to fulfilment of general, standard and following additional conditions:
- i. Provisions contained in the Wildlife Management Plan prepared for the conservation protection and development of wildlife in the region shall be implemented after obtaining approval of the PCCF (Wildlife) & Chief Wildlife Warden, Chhattisgarh. Increase in the number and shifting of underpasses/overpasses, if so recommended by the CWLW, shall be incorporated into the Wildlife Management Plan and the same shall be implemented at the project cost. Approved Management Plan shall be submitted to the Regional Office, along with Stage-I compliance report.
 - ii. Speed of the train shall be regulated in the patches of forest areas, reported to be used by the Wildlife, in consultation with the PCCF (Wildlife) & Chief Wildlife Warden, Chhattisgarh.
 - iii. As the proposed railway line involves cutting of earth which may result into generation of debris, therefore, to arrest the flow of silt into local nallah and rivulet, a plan on soil conservation measures shall be prepared and implemented by the User Agency in consultation with the State Forest Department at the project cost.
 - iv. Provisions of Watch towers/Forest Guard post shall be provided along the alignment in Protected Forest lands in consultation with the State Forest Department at the project cost.
 - v. Felling of trees shall be restricted to the toe of the bank only. No felling of trees shall be undertaken in the RoW falling beyond the toe of the bank. However, if required, clearing of bushes and other vegetation may be undertaken for the purpose of constriction of drains and other similar utilities.
 - vi. The User Agency shall assist and coordinate in the strengthening of the office of the Nodal Officer (FCA), Government of Chhattisgarh to carryout effective monitoring of the conditions stipulated in the forest clearance at the project cost.

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4. The Committee also decided that Stage-I approval shall be issued by the Regional Office only after receipt of the information, as noted under para 2 above, from the State Government which was observed to be still inadequate by the Committee.

 (Prof. Suresh Chopane) (Member)	(Sh. Rajendra L. Nannaware) (Member)	 (Sh. Rajendra Dhongde) (Member)
 (Shri Kanwarjit Singh, APCCF (Central)) (Chairperson)		

MINUTES OF THE 33rd MEETING OF THE REGIONAL EMPOWERED COMMITTEE, HELD ON 20th FEBRUARY, 2018 UNDER THE CHAIRMANSHIP OF ADDL. PRINCIPAL CHIEF CONSERVATOR OF FORESTS (CENTRAL), AT REGIONAL OFFICE (WEST CENTRAL ZONE), MOEF&CC, NAGPUR

The following members were present:

1. Shri Kanwarjit Singh, APCCF (Central), (Chairperson).
2. Prof. Suresh Chopane (Member)
3. Sh. Rajendra Nannaware (Member) (Attended through teleconferencing/electronic communication)
4. Sh. Rajendra Dhongde (Member) (Attended through teleconferencing/electronic communication)

Special Invitees:

1. Shri B. S. Hooda, CCF & I/c Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra.
2. Shri S. S. Bajaj, the Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh.

The following proposals were placed before the REC for discussions.

AGENDA ITEM NO. 1

FC-II/MH-72/2017-NGP

Sub: Diversion of 19.06 ha Reserved Forest land in favour of Central Railway, Wardha for construction of Wardha-Yavatmal-Pusad-Nanded New Broad Gauge Railway line under Forest (Conservation) Act, 1980 passing through village Jamb, Bodhgavan, Bhusa and Dhanora, Tal. & Dist. Yavatmal in the State of Maharashtra.

1. The Committee considered the above mentioned proposal and various facts related to the proposal as contained in the factsheet prepared by the Regional Office and in the proposal file submitted by the State Government. The I/c Nodal Officer (FCA), Government of Maharashtra and representatives of the User Agency were also present in the meeting. After examination of the proposal and interaction with the Nodal Officer (FCA), Maharashtra, the Committee noted as under:
 - i. The Committee noted that proposal was earlier considered by the Regional Empowered Committee (REC) in its meeting held on 16.10.2017 and 31.01.2018 and the Committee after examination of the proposal decided that proposal may again be placed before the Committee, after receipt of the information from the

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State Government, as per the observation of the REC made in its meeting dated 31.0.2018. The Committee was further apprised by the I/c Nodal Officer (FCA), Maharashtra that requisite information is yet to be submitted by the User Agency.

- ii. The Committee was further apprised by the User Agency that total length of the project is 285.295 Kms comprising of 31.12 km in Wardha, 145.81 km in Yavatmal, 7.62 km in Washim, 12.7 Km in Hingloi and 45.97 Km in Nanded District. The Committee was further informed that railway project is being implemented in two phases. Phase-I comprised of construction of railway line over a length of 78 Km from Wardha to Yavatmal while Phase-II comprised of construction of railway line Yavatmal to Nanded over a length of 206 km. The Phase-I involve forest land of 19.06 ha while phase –II involves forest land of 116.47 ha. The User Agency further informed the Committee that proposal for diversion of forest land involved in Phase-II of the project is yet to be submitted.
 - iii. The Committee further observed that alignment of proposed railway line at Jamb village has been proposed through the middle of forest land. The Committee, after further examination of the alignment opined that alignment may be shifted slightly towards the northern side, parallel to the road to avoid forest land. The representative of the User Agency informed the Committee, shifting of alignment may not be feasible as it will involve crossing of road twice to maintain the desired curvature for maintaining desired speed limits. The Committee was further informed that proposal for the widening of the road is also underway and to ensure minimum requisite clearance of 50 meters between the road and proposed railway line it will not be possible to shift the alignment along the road.
2. After detailed discussion on the proposal and also in view of the fact that complete information as per the observation of the Committee made in its meeting dated 31.01.2018 is yet to be received from the State Government, the Committee decided that proposal may again be placed before the Committee after receipt of the requisite information from the State Government.

AGENDA ITEM NO. 2

Sub: Proposal for amendment in the condition of Stage-I approval accorded for diversion of 34.8815 ha of forest land in favour of Head (Projects), GSPL India Transco Limited (GITL), Gandhinagar, Gujarat for laying of 36" diameter natural gas underground pipeline (Mallavaram-Bhopal-Bhilawar-Vijaipur) along with Optical Fiber Cable (OFC) in Chandrapur, Wardha, Nagpur and Amravati Districts in the State of Maharashtra – regarding.

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1. The Committee noted that above mentioned proposal has been accorded In-principle approval to the project vide letter of even number dated 27.12.2016. The Committee further noted that State Government vide letter dated 25.01.2017 requested deletion of condition No. (xxi) of 'in-principle' approval letter dated 27.12.2016, which read as follow:

"As the project area falls within 10 Km of the Protected Area i.e. BOR Wildlife Sanctuary , the user agency shall seek approval of Hon'ble National Green Tribunal in compliance to order dated 13.01.2014 in Application No. 135(THC)/2013 (Shobhatai Phadnavis vs. State of Maharashtra) before grant of working permission or diversion order by the State Government".

2. The Committee, after examination of the request of the State Government observed that said conditions has been stipulated in light of directions contained in the NGT order dated 13.01.2014 wherein the State Government is required to ensure the compliance of condition in light of directions contained in the said order, as may be applicable in the instant case. The REC after further examination and discussion in the matter with the I/c Nodal Officer (FCA) Maharashtra decided to amend the condition as given under:

"As the project area falls within 10 Km of the Protected Area i.e. BOR Wildlife Sanctuary, the user agency, if required, shall seek approval of Hon'ble National Green Tribunal in compliance to order dated 13.01.2014 in Application No. 135(THC)/2013 (Shobhatai Phadnavis vs. State of Maharashtra) before grant of working permission or diversion order by the State Government".

AGENDA ITEM NO. 3

Sub: Proposal for change in CA land over an area of 182.0 ha of degraded forest land in respect of diversion of 100.9077 ha of forest land for construction of 400 KV D/C transmission line-II from Raipur to Wardha in favour Power Grid Corporation of India in the State of Maharashtra.

1. The Committee considered the above mentioned proposal for change in CA land and after detailed deliberation on the proposal, the Committee noted as under:
 - (i) The Committee noted that the proposal has been accorded final approval by the Central Government on 17.09.2012 inter-alia stipulating CA over an area of 202.0 ha of degraded forest land.

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- (ii) The I/c Nodal Officer (FCA), Maharashtra, informed the Committee that CA in Gondia Division has been taken up over 20.00 ha of degraded forest area out of the proposed 202.00 ha of degraded forest land. CA over remaining degraded forest land of 182.0 ha could not be done as the canopy density is found to more than 0.4.
- (iii) The Committee further observed that attributes related to new CA sites viz. Differential GPS maps, site suitability certificate by the DCF concerned, site – specific CA schemes, etc. have not been submitted along with the proposal. The Committee accordingly, desired that I/c Nodal Officer (FCA), Maharashtra may scrutinise the CA sites at his level and after being satisfied with the information pertaining to the location and all other attributes, the same should be forwarded to the Regional Office.
- (iv) The I/c Nodal Officer (FCA), Maharashtra informed the Committee, requisite information is being complied and will be submitted shortly. The Committee was further informed by the I/c Nodal Officer (FCA) that pending the approval of the Central Government for change in CA site, the State Forest Department is unable to implement the CA scheme in time and according requested the Committee to consider the proposal for change in CA for approval.
- (v) The Committee further noted that the MoEF&CC, New Delhi has recently issued guidelines for raising CA wherein inter-alia it is provided that 1000 trees per hectare should be planted for raising CA and in case the 1000 trees cannot be planted in the area identified for raising CA due to existing vegetation, the maximum number of trees which can be planted in the said land may be taken up while remaining trees can be planted in other degraded forest land and detail of the same should be submitted to the MoEF&CC. However, Committee further opined that since the State Government has now identified alternate land of 210 ha for raising CA, the same may be considered for raising CA.
2. After detailed discussion the Committee decided to approve the proposal for change in the CA site over an area of 182.0 ha of degraded forest land in respect of diversion of 100.9077 ha of forest land for construction of 400 KV D/C transmission line-II from Raipur to Wardha in favour Power Grid Corporation of India in the State of Maharashtra.
3. The Committee also decided that the approval of the Central Government shall be issued by the Regional Office only after receipt of following information from the State Government.
- i. Attributes of new CA sites viz. Differential GPS maps, site suitability certificate by the DCF concerned, site –specific CA schemes, etc. shall be submitted by the State Government to the Regional Office;

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ADDITIONAL AGENDA ITEM NO. 1

Sub: Diversion of 459.522 ha of Forest Land in favour of Chhattisgarh East West Rail Corridor Ltd., for Construction of East West Rail Corridor from Marwahi Forest Division (77.178 ha) and Katghora Forest Division (382.344 ha), under Forest (Conservation) Act, 1980 in Bilaspur and Korba District in the State of Chhattisgarh.

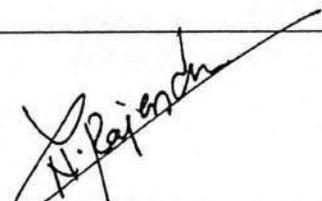
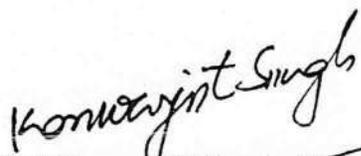
1. The Committee considered the above mentioned proposal and the Committee noted that proposal was considered and approved by the REC in its meeting held on 14.12.2017 for diversion of forest land under the Forest (Conservation) Act, subject to fulfilment of general, standard and certain additional conditions prescribed therein.
2. The Committee also decided that Stage-I approval shall be issued by the Regional Office only after receipt of the information, as noted under para 2 above, from the State Government which was observed to be still inadequate by the Committee. Para 2 of the minutes of the meeting dated 14.12.2017 is re-produced below:

"The Committee, after examination of the reply of the State Government noted that complete information as sought by the Regional Office vide its letter dated 3.11.2017 and 8.12.2017 viz. undertaking in accordance with the provisions contained in the MoEF&CC's guidelines dated 7.01.2013, detailed cost -benefit analysis and comments of the NTCA may be submitted by the State Government".

3. The Committee was further apprised that additional information, as per the observation of the REC has been submitted by the State Government, except comments of the NTCA. The Committee was further apprised that Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh vide his letter 26.12.2017 inter-alia informed that NTCA, New Delhi vide OM dated 5.01.2018 constituted a committee to cause site appraisal project and the committee will submit report within 10 days. It was further mentioned in the letter of Nodal officer that project is very crucial in social development of Chhattisgarh State and so far Stage-I approval to instant case has been delayed since the Committee formed by NTCA has not carried out any inspection till date.
4. The Committee also noted that User Agency has submitted an undertaking to abide by the conditions that may be recommended by the Committee of the NTCA.
5. After thorough discussion on the matter and considering the submissions made by the Nodal Officer in his letter dated 26.12.2017, in partial modification to its earlier approval dated 14.12.2017, the Committee decided that the Stage-I approval may be issue by the Regional Office for diversion of forest land under the Forest (Conservation) Act, 1980 subject to following condition:

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- i. The recommendations to be made by the Committee, constituted by the NTCA, New Delhi, shall be a binding on the User Agency. The User Agency shall ensure compliance of additional conditions, if any recommended by the NTCA, New Delhi and a report on the same shall be submitted along with the compliance of Stage-I approval.

 (Prof. Suresh Chopane) (Member)	 (Sh. Rajendra L. Nannaware) (Member)	(Sh. Rajendra Dhongde) (Member)
 (Shri Kanwarjit Singh, APCCF (Central)) (Chairperson)		

Annexure R1/4



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE

Regional Office (WCZ)
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apccfcentral-ngp-mef@gov.in

FC-III/CH-22/2017-NGP | 3315

Dated: 26th February, 2018

To

✓ Principal Secretary (Forests),
Government of Chhattisgarh,
Forest Department,
Mantralaya, Mahanadi Bhavan,
New Raipur (CG).

Sub: Diversion of 459.522 ha of Forest Land in favour of Chhattisgarh East West Rail Corridor Ltd., for Construction of East West Rail Corridor from Marwahi Forest Division (77.178 ha) and Katghora Forest Division (382.344 ha), under Forest (Conservation) Act, 1980 in Bilaspur and Korba District in the State of Chhattisgarh.

Sir,

I am directed to refer to the State Government of Chhattisgarh's letter no. F-5-65/2017/10-2 dated 12.10.2017 on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980 and Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh's letter no. Bhu-Prabandh/Vividh/115-442/3413 dated 26.11.2017 and letter no. Bhu-Prabandh/Vividh/115-442/3727 dated 26.12.2017 forwarding additional information as sought by the Regional Office vide its letters of even number dated 3.11.2017 and 8.12.2017, respectively and to say that proposal and to say that proposal along with the additional information received from the Nodal Officer (FCA), Government of Chhattisgarh was examined by Regional Empowered Committee (REC) constituted under Section-4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal and on the basis of the approval of the same by the Regional Empowered Committee, the Central Government hereby conveys the 'in-principle' approval for diversion of **459.522 ha of Forest Land in favour of Chhattisgarh East West Rail Corridor Ltd., for Construction of East West Rail Corridor from Marwahi Forest Division (77.178 ha) and Katghora Forest Division (382.344 ha), under Forest (Conservation) Act, 1980 in Bilaspur and Korba District in the State of Chhattisgarh** subject to fulfilment of the following conditions:

- Legal status of the diverted forest land shall remain unchanged;
- Compensatory afforestation, over degraded forest land, equal in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- At the time of payment of the Net Present Value (NPV) at the then prevailing 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;

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- vi. All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- vii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- viii. No labour camp shall be established on the forest land;
- ix. The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- x. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- xi. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xii. The forest land shall not be used for any purpose other than that specified in the proposal;
- xiii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xiv. No damage to the flora and fauna of the adjoining area shall be caused;
- xv. *Felling of trees shall be restricted to the toe of the bank only. No felling of trees shall be undertaken in the RoW falling beyond the toe of the bank. However, if required, clearing of bushes and other vegetation may be undertaken for the purpose of constriction of drains and other similar utilities.*
- xvi. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- xvii. *Provisions of Watch towers/Forest Guard post shall be provided along the alignment in Protected Forest lands in consultation with the State Forest Department at the project cost.*
- xviii. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- xix. *Provisions contained in the Wildlife Management Plan prepared for the conservation protection and development of wildlife in the region shall be implemented after obtaining approval of the PCCF (Wildlife) & Chief Wildlife Warden, Chhattisgarh. Increase in the number and shifting of underpasses/overpasses, if so recommended by the CWLW, shall be incorporated into the Wildlife Management Plan and the same shall be implemented at the project cost. Approved Management Plan shall be submitted to the Regional Office, along with Stage-I compliance report.*
- xx. *Speed of the train shall be regulated in the patches of forest areas, reported to be used by the Wildlife, in consultation with the PCCF (Wildlife) & Chief Wildlife Warden, Chhattisgarh.*
- xxi. *As the proposed railway line involves cutting of earth which may result into generation of debris, therefore, to arrest the flow of silt into local nallah and rivulet, a plan on soil conservation measures shall be prepared and implemented by the User Agency in consultation with the State Forest Department at the project cost. A copy of the same shall be submitted along with the compliance report;*
- xxii. *The recommendations to be made by the Committee, constituted by the NTCA, New Delhi, shall be a binding on the User Agency. The User Agency shall ensure compliance of additional conditions, if any*

recommended by the NTCA, New Delhi and a report on the same shall be submitted along with the compliance of Stage-I approval.

- xxiii. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
- xxiv. The reclamation of quarry, if any, should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed;
- xxv. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable;
- xxvi. The State Government shall ensure that settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted has been completed in accordance with the relevant guidelines issued by the MoEF;
- xxvii. Forest land shall not be used for any kind of quarrying and muck to be generated during the construction of railway line shall be dumped with the permitted RoW;
- xxviii. *The User Agency shall assist and coordinate in the strengthening of the office of the Nodal Officer (FCA), Government of Chhattisgarh to carryout effective monitoring of the conditions stipulated in the forest clearance at the project cost.*
- xxix. The user agency shall submit the half yearly self compliance report in respect of the above conditions on 31st July and 31st December every year to the State Government and to the concerned Regional Office of the Ministry regularly;
- xxx. The State Government shall ensure compliance of the above mentioned conditions and an annual report on the same shall be submitted on 31st December every year;
- xxxi. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife;
- xxxii. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project; and
- xxxiii. Grant of working permission to the extant proposal may be considered by the State Government in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 7.01.2015.

After receipt of a report from the State Government on the compliance of conditions no. (iii), (iv), (vi), (xviii), (xix), (xxi), (xxii), (xxvi) and undertakings in respect of rest of the conditions as indicated above, duly authenticated by the competent authority of the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980.

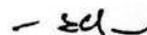
Yours faithfully,



Charan Jeet Singh
Scientist 'C'

Copy to:

1. The PCCF, Government of Chhattisgarh, Raipur
2. The Nodal Officer FCA, O/o of the PCCF, Government of Chhattisgarh, Raipur.
3. The Director (ROHQ), MoEF&CC, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
4. User Agency.
5. Guard File.



Charan Jeet Singh
Scientist 'C'

कार्यालय प्रधान मुख्य वन संरक्षक, छत्तीसगढ़

अरण्य भवन, सेक्टर-19, नार्थ ब्लॉक, केपिटल कॉम्प्लेक्स, नया रायपुर - 492002

(अपर प्रधान मुख्य वन संरक्षक - भू-प्रबंध)

दूरभाष: 0771 - 2512840

ई - मेल: apccf-lm.cg@gov.in

क्र./भू-प्रबंध/विविध/115-442/3413

रायपुर, दिनांक 26/11/2017

प्रति,

✓ अपर प्रधान मुख्य वन संरक्षक (क्षेत्रीय)

भारत सरकार - पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
क्षेत्रीय कार्यालय - वेस्ट सेंट्रल रीजन
ईस्टर्न विंग - भू तल, न्यू सेक्रेटेरियेट भवन - VCA के सामने
सिविल लाईन, नागपुर - 440001

विषय :-

Diversion of 459.522 ha. of Forest Land in favour of Chhattisgarh East West Rail Corridor Ltd, for Construction of East West Rail Corridor from Marwahi Forest Division (77.178 ha.) and Katghora Forest Division (382.344 ha.), under Forest (Conservation Act, 1980 in Bilaspur and Korba District in the State of Chhattisgarh.

पंजीयन क्रमांक / FP/CG/RAIL/ 6817/ 2014

- संदर्भ: 1. भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय, नागपुर का पत्र क्रमांक FC-III/CH-22/2017-NGP/2839 दिनांक 03.11.2017
2. मुख्य वन संरक्षक, बिलासपुर वृत्त का पत्र क्रमांक/ तक / 2514 दिनांक 25.11.2017

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विषयांतर्गत संदर्भित पत्रों का अवलोकन करें (छाया प्रति संलग्न)।

भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, क्षेत्रीय कार्यालय, नागपुर द्वारा संदर्भ पत्र-1 से प्रकरण के संबंध में 20 बिन्दुओं पर अतिरिक्त जानकारी चाही गई है।

संदर्भित पत्र - 2 के माध्यम से उक्त जानकारी मुख्य वन संरक्षक, बिलासपुर वृत्त द्वारा बिन्दुवार प्रेषित किया गया है, जो निम्नानुसार है:-

क्र.	चाही गई जानकारी	प्रतिवेदन
i	Date of submission of Part-II and its Original copy, have not been mentioned by DCF, Marwahi, Further, names of signing authorities have not been mentioned in the Part-II and Part-III.	मरवाही वन मंडल से Part-II हस्ताक्षर उपरांत संलग्न है। (Annexure - 1)
ii	Differential GPS maps of the area proposed for diversion as well as area identified for raising compensatory afforestation have not been submitted. The same needs to be submitted, along with soft copies of their KML/Shape files, by the State Government.	व्यपवर्तन हेतु प्रस्तावित क्षेत्र तथा क्षतिपूर्ति वनीकरण हेतु चयनित क्षेत्रों का पूर्व में ही DGPS Map, KML file सहित अपलोड कर दिया गया था। पुनः DGPS Maps की हार्ड कॉपी तथा संबंधित KML File की CD प्रस्तुत है। (Annexure - 2)
iii	DCFs concerned have not certified that survey number pertaining to the non-forest land involved in the proposal do fall in the category of deemed forest land on which provisions of the Forest (Conservation) Act, 1980 are applicable.	व्यपवर्तन हेतु प्रस्तावित परियोजना के गैर वनभूमि क्षेत्र में Deemed Forest Land उपलब्ध नहीं है। इस संबंध में संबंधित क्षेत्रीय वनमण्डलाधिकारी कटघोरा/मरवाही द्वारा जारी प्रमाण पत्र संलग्न है। (Annexure - 3)

iv	<p>Girth wise abstract detail of tree enumeration has not been submitted along with the proposal. Further Part-II submitted online mentioned density of 0.4 to 0.5 in Marwahi Forest Division while the State Government in its forwarding letter has mentioned density as 0.1 to 0.5 Discrepancy needs to be rectified by the State Government.</p>	<p>वृक्ष गणना का Grith Wise abstract पूर्व में ऑन लाईन फार्म में अपलोड किया गया है परन्तु त्रुटिवश प्रस्ताव के साथ हार्ड कॉपी प्रस्तुत नहीं की गयी थी जो संलग्न कर प्रस्तुत की जा रही है। (Annexure - 4)</p> <p>मरवाही वनमण्डल के अंतर्गत कुल 77.178 हे. का व्यपवर्तन प्रस्ताव प्रेषित किया गया है जिसमें प्रस्तावित भूमि का घनत्व भाग- II में त्रुटिवश 0.4 से 0.5 का उल्लेख है जबकि वास्तविक में राजस्व वनभूमि एवं संरक्षित वन का घनत्व 0.1 से 0.5 है। सुधार कर मरवाही वनमण्डल का संशोधित भाग- II पुनः प्रस्तुत है। (Annexure - 1)</p>
v	<p>Detail of CA sites submitted along with the proposal is inconsistent with the detail submitted online As per CA details provided in online Part-II CA over 18 sites has been proposed involving an area of 1436.103 ha of forest land. Exact detail of sites identified for CA and their corresponding KML/Shape files needs to be uploaded on the online portal.</p>	<p>वर्तमान में CA कार्य 16 भाग में (Patches) 919.046 हे. में प्रस्तावित है जिसे आनलाईन में अपलोड किये गये क्रमानुसार व्यवस्थित कर पुनः हार्डकापी एवं साफ्टकापी KML Files के साथ प्रस्तुत है। (Annexure - 5, 2)</p>
vi	<p>Comprehensive details of compensatory afforestation stipulated and progress made thereof till date, in lieu of diversion of forest land under various categories in Forest Divisions of Marwahi and Katghora, has not been provided in the proposal. Further, progress of CA has been observed to be very slow as so for compensatory afforestation has been undertaken only over 1256.186 ha and 1465.575 ha against the diverted forest land of 4480.967 ha (47 cases) and 3157.507 ha (18 cases) respectively in Korba and Bilaspur District.</p>	<p>कोरबा जिले के अंतर्गत कटघोरा वनमण्डल में 1256.186 हेक्टेयर तथा कोरबा वनमण्डल में 2799.096 हे., कुल 4055.282 हे. का क्षतिपूर्ति वनीकरण कार्य किया जा चुका है। क्षतिपूर्ति वनीकरण कार्य क्रमबद्ध तरीके से शासन से स्वीकृति प्राप्त होते ही किया जाता है। वर्तमान वर्ष 2017-18 में इस वनमंडल के अंतर्गत CA हेतु 178.062 हे. क्षेत्र का आंबटन एवं स्वीकृति प्राप्त होकर वर्ष 2018-19 में वृक्षारोपण हेतु क्षेत्र तैयारी किया जा रहा है।</p> <p>बिलासपुर जिला के अंतर्गत मरवाही वनमण्डल में 630.00 हे. तथा बिलासपुर वनमण्डल में 299.00 हे., कुल 929.00 हे. में क्षतिपूर्ति वनीकरण कार्य हो चुका है।</p> <p>अतः शेष क्षेत्रों में भी क्षतिपूर्ति वनीकरण कार्य स्वीकृति प्राप्त कर शीघ्र ही पूर्ण कर लिया जायेगा।</p>

vii	<p>A report containing study conducted by the User Agency for the examination of alternatives and selection of final alignment, referred in the project justification note may be submitted by the State Government. Neither maps nor their KML/Shape files, depicting alternative alignments, have been submitted by the User Agency. Further, as per detail furnished in the justification note, no consultation was made with the State Forest Department before finalization of the alignment. Therefore, the certification of the alternative alignments by the DCFs concerned appears to have been made without physically verifying the information provided by the User Agency. A justification in this regard may be obtained from the DCFs concerned.</p>	<p>वन मंडलाधिकारी, कटघोरा से प्राप्त प्रतिवेदन अनुसार आवेदक संस्था द्वारा चयनित फाईनल एलाइनमेंट के संबंध में पृथक से कोई प्रतिवेदन प्रस्तुत नहीं किया गया। परन्तु आवेदक संस्था द्वारा प्रस्तुत किये गये नक्शे पर दर्शित 03 एलाइनमेंट का एक तुलनात्मक तालिका तैयार कर परीक्षण करते हुए न्यूनतम वनक्षेत्र प्रभावित होने वाले अलाइनमेंट को चयन किया गया है, उस पर वन क्षेत्र में रेल लाईन की लम्बाई (63961.7499 र.मी.) कम से कम है, घनत्व भी (0.1 से 0.5) कम है, तथा न्यूनतम वनक्षेत्र 459.52 हे. प्रभावित हुआ है और ज्यादातर रेलवे लाईन इसमें 85% समतल क्षेत्र को उपयोग करते हुए गुजरेगी। अतः वर्तमान में प्रस्तावित एलाइनमेंट को चयनित कर व्यपवर्तन हेतु प्रस्तावित किया गया है। तुलनात्मक विवरण पत्रक अवलोकनार्थ संलग्न है। (Annexure - 6)</p> <p>व्यपवर्तन हेतु प्रस्तावित प्रकरणों में केवल अंतिम रूप से चयनित व्यपवर्तन क्षेत्र का ही क्षेत्रीय वनमण्डलाधिकारी द्वारा स्थल का भौतिक निरीक्षण कर प्रतिवेदन प्रपत्र - 4 के भाग - II में प्रेषित करने के निर्देश भारत सरकार से प्राप्त है, जिसके पालन में कार्यवाही की जाती है।</p>
viii	<p>Examination of the cost benefit analysis, submitted along with the proposal, revealed that CB ratio exorbitantly high due to defective tools used for the estimation of parameters specified in the Guidelines dated 1.08.2017. CB analysis needs to be re-worked by applying appropriate techno-economic tools to suitably assess the parameters for assessment of losses and benefits of the project.</p>	<p>भारत सरकार के नवीनतम गाईडलाइन दिनांक 01.08.2017 के अनुसार काष्ठ बेनिफिट अनालिसिस संलग्न है। (Annexure -7)</p>
ix	<p>The proposal submitted in hard copy mentioned the area proposed for diversion as 459.522 ha while in the online portal area applied is 459.523 ha. Similarly, certain documents submitted along with the proposal mentioned area as 478.161 ha and 458.523 ha Discrepancy may be rectified by the State Government.</p>	<p>वन मंडलाधिकारी, कटघोरा से प्राप्त प्रतिवेदन अनुसार प्रकरण में आनलाईन आवेदन करते समय आवेदक संस्थान द्वारा 459.523 हे. हेतु आवेदन किया है किन्तु वास्तविक प्रस्तावित क्षेत्र के समस्त वन भू-भाग का परीक्षण करने पर 459.522 हे. ही है। जो संस्थान द्वारा आवेदित क्षेत्र के अंतर्गत है। अतः प्रस्ताव के हार्डकापी में उल्लेखित 459.522 हे. को ही मान्य करने का कष्ट करें।</p>

x	Area calculation statement has not been submitted along with the proposal. Complete area calculation statement, tabular form, indicating length and breadth, for each forest patch may be submitted by the State Government. Details of area of forest patches being bifurcated from the proposed alignment, indicating area on both left and right hand sides, may also be submitted by the State Government.	आवेदित वन क्षेत्र का गणना पत्रक संलग्न है। (Annexure -7"A")
xi	Component wise breakup of the forest land proposed land, if applicable, may be provided by the State Government.	वन भूमि का विवरण पेंचवार संलग्न है। (Annexure - 8)
xii	Certificates from the DCFs concerned certifying the barest minimum requirement of forest land, location of project outside Pas/WLS, location of protected archaeological/heritage site /defence establishment sites, no violation of the Forest (Conservation) Act, 1980 etc. have not been submitted along with the proposal.	प्रस्तावित क्षेत्र के समीप में किसी भी प्रकार का PAs/WLS, Archaeological / Heritage site, Defence establishment sites, उपलब्ध नहीं है एवं नवीन चेक लिस्ट अनुसार चेक लिस्ट क्र. 10 में न्यूनतम वन क्षेत्र उपयोग होने का उपयोगिता प्रमाण पत्र, (Annexure - 9) चेक लिस्ट क्र. 18 में उल्लंघन नहीं होने का प्रमाण पत्र (Annexure - 10) एवं चेक लिस्ट क्र. 27 में ऐतिहासिक स्थल नहीं होने का प्रमाण पत्र (Annexure - 11) प्रस्तुत किया गया है, तथा प्रस्तावित क्षेत्र PAs/WLS क्षेत्र से बाहर होने का प्रमाण पत्र (Annexure - 12) में संलग्न है।
xiii	As per details of flora and fauna submitted along with the proposal, it is observed that area is inhabited by several Schedules-I and Critically Endangered species. Comments of the PCCF (Wild life) on the impact of the project on the Schedule-I species and requirement of a plan, if any, for special protection and conservation measures of the species and other important wildlife in the area have not been submitted along with the proposal.	वन मंडलाधिकारी, कटघोरा से प्राप्त प्रतिवेदन अनुसार परियोजना क्षेत्र में उपलब्ध वन्य प्राणियों के संरक्षण एवं संवर्धन हेतु एक विशेष वन्य प्राणी संवर्धन योजना TFRI द्वारा तैयार की जाकर क्षेत्रीय वनमण्डलाधिकारी द्वारा अनुमोदनार्थ दिनांक 13/04/2017 द्वारा प्रस्तुत की गयी है। प्रस्तावित योजना के अनुसार क्षेत्र के उपचारण हेतु राशि जमा करने बाबत आवेदक संस्थान वचनपत्र संलग्न है।
xiv	A cross-sectional map depicting the RoW proposed for the construction of railway line and other ancillary structures proposed in the RoW may be submitted by the State Government.	आवेदक संस्थान द्वारा प्रस्तुत प्रभावित रेल लाईन का कॉश सेक्शन संलग्न है। (Annexure - 13)
xv	Examination of the compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 revealed that complete documentary evidences in support of settlement of rights under the Act needs to be submitted in accordance with clause (a) of Form-I annexed to the MoEF&CC's advisory dated 5.07.2013.	MoEF&CC's advisory dated 05.07.2013 अनुसार FRA सर्टिफिकेट चेक लिस्ट क्रमांक 34 में प्रस्तुत किया गया था। वनाधिकार प्रमाण पत्र वितरित व्यक्तियों की सूची आयुक्त बिलासपुर द्वारा दिये गये R & R Plan में संलग्न है। (Annexure - 14)

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xvi	The State Government may obtain an undertaking from the User Agency in accordance with the provisions of the Guidelines dated 07.01.2013 issued by the MoEF&CC in this regard.	आवेदक संस्था द्वारा 03 अल्टरनेटिव अलाईनमेंट हेतु उपलब्ध क्षेत्र का नक्शा, रकबा आदि जानकारी संलग्न है (Annexure - 15)।
xvii	Copy of R&R Plan for the displacement of 1644 families proposed to be displaced during the construction of the project has not been submitted along with the proposal.	वन मंडलाधिकारी कटघोरा से प्राप्त प्रतिवेदन अनुसार R&R Plan पूर्व में प्रस्तुत किया गया था छायाप्रति पुनः संलग्न है। परन्तु प्रस्तुत योजना में 1644 परिवार की सूची संलग्न है। (Annexure - 14)।
xviii	The State Government may furnish its comments on construction, if any undertaken by the User Agency on Forest/Revenue Forest land especially from Km 98 to 135 Km without prior approval of Central Government under the Forest (Conservation) Act, 1980 and also complete detail of area involved in the project i.e. including the connecting railway line from the mine head to the main railway corridor.	1. दिनांक 26.04.2017 को वन विभाग एवं आवेदक संस्थान के संयुक्त निरीक्षण प्रतिवेदन के अनुसार कि.मी 98.6 से 135 कि.मी के मध्य वन भूमि में कार्य होना नहीं पाया गया है। (Annexure - 16) 2. वन संरक्षण अधिनियम 1980 के उल्लंघन न होने का प्रमाण पत्र पूर्व में जमा किया गया है।
xix	Detail of total forest land involved in the all three corridor of the project and status of grant of forest clearance may be intimated by the State Government.	परियोजनावार वन क्षेत्र की सूची आवेदक विभाग से प्राप्त कर संलग्न है। (Annexure - 17)
xx	Details of employment potential in terms of man days of skilled, semiskilled and unskilled persons on permanent (direct and indirect) and temporary (direct and indirect) basis have not been provided.	आवेदक विभाग के द्वारा उपलब्ध कराई गई सृजत रोजगार की सूची संलग्न है। (Annexure - 18)

अतः मुख्य वन संरक्षक, बिलासपुर वृत्त के प्रतिवेदन को मान्य करते हुए प्रकरण आगामी REC में विचारार्थ रखने का अनुरोध है।

संलग्न : उपरोक्तानुसार (Annexure - 1 to 18)


(एस. एस. बजाज)
अ.प्र.मु.व.स (भू - प्रबंध/व.सं.अ)
छत्तीसगढ़

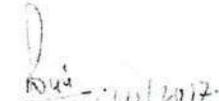
क्र./भू-प्रबंध/विविध/115-442/3414

रायपुर, दिनांक 26/11/2017

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु:

1. अपर मुख्य सचिव, छत्तीसगढ़ शासन, वन विभाग, मंत्रालय, महानदी भवन, नया रायपुर।
संलग्न:- उपरोक्तानुसार (Annexure - 1 to 18)
2. मुख्य वन संरक्षक, बिलासपुर वृत्त, बिलासपुर, छत्तीसगढ़।
3. वन मंडलाधिकारी, कटघोरा वन मंडल, कटघोरा, छत्तीसगढ़।
4. मुख्य कार्यपालन अधिकारी, छत्तीसगढ़ ईस्ट रेल्वे लिमिटेड, द्वितीय तल, सी.एस.आई.डी.सी, कामर्शियल काम्प्लेक्स, महादेव घाट रोड, रायपुरा चौक, रायपुर, छत्तीसगढ़।

वर्तमान में किसी भी क्षेत्र में कार्य प्रारंभ करने की अनुमति नहीं है।


(एस. एस. बजाज)
अ.प्र.मु.व.स (भू - प्रबंध/व.सं.अ)
छत्तीसगढ़



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FORESTS &
CLIMATE CHANGE

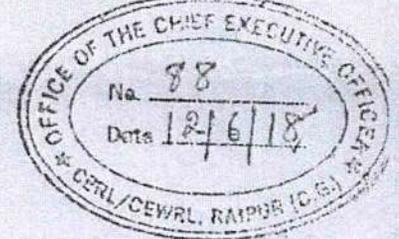
Regional Office (WCZ)
Ground Floor, East Wing
New Secretariat Building
Civil Lines, Nagpur - 440001
apcccentral-ngp-mef@gov.in

F. No. FC-III/CH-22/2017-NGP / 3797

Dated: 7th June, 2018

To

The Principal Secretary (Forests),
Government of Chhattisgarh,
Forest Department,
Mantralaya, Mahanadi Bhavan,
New Raipur (CG).



Sub: Diversion of 459.522 ha of Forest Land in favour of Chhattisgarh East West Rail Corridor Ltd., for Construction of East West Rail Corridor from Marwahi Forest Division (77.178 ha) and Katghora Forest Division (382.344 ha), under Forest (Conservation) Act, 1980 in Bilaspur and Korba District in the State of Chhattisgarh – regarding.

Sir,

I am directed to refer to the State Government of Chhattisgarh's letter no. F-5-65/2017/10-2 dated 12.10.2017 and Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh's letter no. Bhu-Prabandh/Vividh/115-442/3413 dated 26.11.2017 and letter no. Bhu-Prabandh/Vividh/115-442/3727 dated 26.12.2017 forwarding additional information as sought by the Regional Office vide its letters of even number dated 3.11.2017 and 8.12.2017. After careful examination of the proposal of the State Government 'in-principle' approval was accorded vide Regional Office of the MoEF&CC's letter of even number dated 26.02.2018 read with letter dated 9.03.2018 subject to fulfilment to certain conditions prescribed therein. The Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh submitted the compliance report of conditions stipulated in the Stage-I approval and requested to consider the proposal for grant of final approval under the Forest (Conservation) Act, 1980.

In this connection, I am further directed to inform that based on the compliance report submitted by the Addl. PCCF & Nodal Officer (FCA), Government of Chhattisgarh vide his letter No. Bhu-Prabandh/Vividh/115-412/982 dated 31.03.2018 and further on the basis of recommendation of the proposal by the National Tiger Conservation Authority conveyed vide their letter no. 7-50/2017-NTCA dated 17.04.2018 'final approval' of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 is hereby accorded for diversion of 459.522 ha of Forest Land in favour of Chhattisgarh East West Rail Corridor Ltd., for Construction of East West Rail Corridor from Marwahi Forest Division (77.178 ha) and Katghora Forest Division (382.344 ha), under Forest (Conservation) Act, 1980 in Bilaspur and Korba District in the State of Chhattisgarh subject to following conditions:

- Legal status of the diverted forest land shall remain unchanged;
- Compensatory afforestation, over degraded forest land, twice in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department from the funds already provided by the User Agency;
- The approved compensatory afforestation scheme proposed to be implemented shall include appropriate provisions for the protection of the compensatory afforestation plantation and anticipated cost increase for works scheduled for subsequent years;
- The State Government has realized Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated

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13/06/18

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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. The NPV, if any becomes due in future, shall be realized by the State Government, if so determined, as per the final decision of the Hon'ble Supreme Court of India;

- v. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- vi. Compensatory levies, if any realized from the User Agency in future, under the project shall be transferred through e-challan to Ad-hoc Compensatory Afforestation Fund Management & Planning Agency (CAMPA) account pertaining to the State concerned;
- vii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- viii. The User Agency will strictly adhere to the following mitigation measures as suggested by National Tiger Conservation Authority and a report on the same shall be submitted to the Regional Office, along with six monthly compliance reports:
 1. It is recommended to revisit the mitigation measures proposed in the Mitigation Plan proposed by the Forest Department, Chhattisgarh and follow the protocol laid down in WII's guideline document 'Eco-friendly measures to mitigate impacts of linear infrastructure on wildlife'. Without proper/adequate mitigation measures, the proposed East West Rail Corridor shall compromise the connectivity of the landscape and will result in enhancement of human-wildlife conflict.
 2. The underpasses should be structured in a manner so that they have heights at least equal to their width, and openings that allow unobstructed view of habitat so as to maximize their use by wildlife. The dimensions of the underpasses for this landscape should be 300 m span and at least 7 m high span would work for the railway track passing through the reserved forest areas sensitive for wild animal's movements and conflict. The 300 m span refers to clear open passageways excluding the support pillars (WII guidelines, 2016). The Geo locations of the mitigation measures should be finalized after physical inspection involving the representative of NTCA, WII & the CWLW, Chhattisgarh.
 3. Technology aided surveillance systems such as infra-red camera based e-Eye, seismic and wireless sensor based monitoring systems developed by IIT, Delhi and WII should be implemented for minimizing animal-rail collisions in the track. The sensors should be placed on both sides of the track in the accident prone areas (for wild animals) and should emit warning signals when being approached by large bodied animals. NTCA & the Forest Departments of Uttarakhand, MP & Assam have already applied e-Eye and the same technology should be extended for this purpose. Incidents of train - animal collisions in many areas of the country (like Rajaji Tiger Reserve, Uttarakhand) have already been minimized by using these technologies.
 4. Steps should be taken for enhancing the visibility for train drivers along sensitive sections by clearing vegetation, levelling mounds (under supervision of Forest Department) and putting solar-light posts at appropriate places.
 5. A joint team comprising of watchmen of forest and railway departments (equipped with wireless sets) should patrol the very critical sections of the track (24 X 7 basis) and warn the train drivers whenever necessary. A separate team needs to be engaged for disposing food waste and other garbage from the tracks regularly which otherwise might attract animals to approach the track. Care should be taken in planning water point's creations near the track as this might draw more animal movements near the track.
 6. Both attacking and exit Speed of the passenger and goods trains (especially at night) inside the forested area should be decided after technical deliberations with the Forest Department.

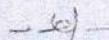
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7. Standardized signages should be erected at appropriate places along the track sensitizing the drivers and guards. Regular awareness training programs for loco pilots, guards, caterers and other railway officials should be organized in collaboration with the state Forest Department for sensitizing them about the measures need to be taken for averting accidents.
 8. Construction work should be done during daytime (6 AM - 6 PM) and no night camp of labours should be allowed within the forest area. User agency should also monitor that no labour gets involved in extraction of forest products. Local RFO and forest staff should pay regular and sudden visits to the construction sites for monitoring these.
 9. The Forest Department and user agency should ensure that the construction period within the reserved Forest areas is kept minimal since construction work continued for a longer duration might completely decimate the wildlife populations in the area. Use of pre-fabricated structures is recommended wherever feasible. Light and sound barriers should also be created along the railway as per WII's recommendations (WII guidelines, 2016).
 10. The CWLW, Chhattisgarh should constitute a monitoring committee comprising of forest officials of, NTCA, WII, Indian Railway and IRCON representatives to supervise the compliance of the conditions laid in this report during various phases of project implementation.
- ix. No labour camp shall be established on the forest land;
 - x. The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
 - xi. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
 - xii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
 - xiii. The forest land shall not be used for any purpose other than that specified in the proposal;
 - xiv. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
 - xv. No damage to the flora and fauna of the adjoining area shall be caused;
 - xvi. Felling of trees shall be restricted to the toe of the bank only. No felling of trees shall be undertaken in the RoW falling beyond the toe of the bank. However, if required, clearing of bushes and other vegetation may be undertaken for the purpose of constriction of drains and other similar utilities;
 - xvii. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
 - xviii. Provisions of Watch towers/Forest Guard post shall be provided along the alignment in Protected Forest lands in consultation with the State Forest Department at the project cost;
 - xix. The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
 - xx. Provisions contained in the Wildlife Management Plan prepared for the conservation protection and development of wildlife in the region shall be implemented, after incorporating the suggestions of NTCA as contained in their letter no. letter no. 7-60/2017-NTCA dated 17.04.2018, in consultation with the PCCF (Wildlife) & Chief Wildlife Warden, Chhattisgarh. Increase in the number and shifting of underpasses/overpasses, if so recommended by the CWLW, shall be incorporated into the Wildlife

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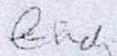
- Management Plan and the same shall be implemented at the project cost. Approved Management Plan shall be submitted to the Regional Office, along with six monthly compliance report;
- xxi. Speed of the train shall be regulated in the patches of forest areas, reported to be used by the Wildlife, in consultation with the PCCF (Wildlife) & Chief Wildlife Warden, Chhattisgarh;
 - xxii. As the proposed railway line involves cutting of earth which may result into generation of debris, therefore, to arrest the flow of silt into local nallah and rivulet, a plan on soil conservation measures shall be prepared and implemented by the User Agency in consultation with the State Forest Department at the project cost. A copy of the same shall be submitted along with the compliance report.
 - xxiii. The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
 - xxiv. The reclamation of quarry, if any, should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed;
 - xxv. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable;
 - xxvi. The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted in accordance with the relevant guidelines issued by the MoEF;
 - xxvii. Forest land shall not be used for any kind of quarrying and muck to be generated during the construction of railway line shall be dumped with the permitted RoW;
 - xxviii. The User Agency shall assist and coordinate in the strengthening of the office of the Nodal Officer (FCA), Government of Chhattisgarh to carryout effective monitoring of the conditions stipulated in the forest clearance at the project cost;
 - xxix. The User Agency shall submit the half yearly self compliance report in respect of the above conditions on 31st July and 31st December every year to the State Government and to the concerned Regional Office of the Ministry regularly;
 - xxx. The State Government shall ensure compliance of the above mentioned conditions and an annual report on the same shall be submitted on 31st December every year;
 - xxxi. Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
 - xxxii. The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project;

Yours faithfully,


Charan Jeet Singh
Scientist 'C'

Copy to:

1. The PCCF, Government of Chhattisgarh, Raipur
2. The Nodal Officer FCA, O/o of the PCCF, Government of Chhattisgarh, Raipur.
3. The Director (ROHQ), MoEF&CC, Indira Paryavaran Bhawan, Jorbagh Road, Allganj, New Delhi.
4. User Agency.
5. Guard File.


Charan Jeet Singh
Scientist 'C'

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH
NEW DELHI**

**APPEAL No. 188 OF 2018
(M.A. Nos. 1358/2018 & 1359/2018)**

IN THE MATTER OF:

1. Sudiep Shrivastava

R/o Dharam Prakash Chawl
Mungeli Naka, Bilaspur, Chhattisgarh **.....Appellant**

Versus

1. Union of India

Through the Secretary
Ministry of Environment and Forest and Climate Change
Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi -110003

2. State of Chhattisgarh

Through its Principal Secretary
Forest Department, Mantralaya,
Naya Raipur, Chhattisgarh -492001

3. Chhattisgarh East West Rail Ltd.

Through its Managing Director
Mahadev Ghat Road, Raipura Chowk,
Raipur, Chhattisgarh - 492001

4. Ministry of Railway

Through its Chairman,
Railway Board, Rail Bhawan,

New Delhi - 110001

5. Ministry of Coal

Through its Secretary Shastri Bhawan,
New Delhi - 110001

6. Chief Wild Life Warden State of Chattisgarh

Aranya Bhawan, Jail Road
Raipur, Chhattisgarh - 492001

7. IRCON International Ltd.

Through Managing Director
C-4 District Centre, Saket,
New Delhi - 110017

8. South Eastern Coal Fields Ltd.

Through its Chief Managing Director
Seepat Road, Bilaspur,
Chhattisgarh - 495001

9. Project Elephant

Through its Director and Inspector General of Forest
Ministry of Environment and Forest
Indira Paryavaran Bhawan,
Jor Bagh, New Delhi -110003

10. National Tiger Conservation Authority

Through its Director
Ministry of Environment and Forest
Indira Paryavaran Bhawan,
Jor Bagh, New Delhi -110003

.....Respondents

COUNSEL FOR APPELLANT (S):

Mr. Rahul Choudhary and Mr. Sany Antony, Advocates

COUNSEL FOR RESPONDENTS:

Mr. Krishan Kumar Singh, Advocate for MoEF & CC

Mr. Naveen R. Nath and Mr. Darpan K.M. Advocate for R-2

Mr. Ajit Kr. Sinha, Sr. Advocate with Mr. R.K. Singh Advocate for R-3

Mr. Sameer S. Sinha, Advocate for R-5, Ministry of Coal

Ms. Priyanka Sinha, Advocate for R-7

Mr. Ashwarya Sinha, with Ms. Mohini Priya, Advocates for R-8

JUDGEMENT**PRESENT:**

Hon'ble Mr. Justice Raghuvendra S. Rathore (Judicial Member)
Hon'ble Dr. Satyawan Singh Garbyal (Expert Member)

Reserved on: 10th April, 2019
Pronounced on: 29th April, 2019

1. Whether the judgment is allowed to be published on the net?
2. Whether the judgment is allowed to be published in the NGT Reporter?

Dr. S.S. GARBYAL, (EXPERT MEMBER)

1. This Appeal has been filed against the order dated 4th July, 2018 passed by State Government of Chhattisgarh, whereby 459.522 ha of Forest land was diverted in favour of Chhattisgarh East West Rail Corridor Ltd. for construction of a Corridor from Marwahi Forest Division (77.178 ha) and Katghora Forest Division (382.344 ha), under Section 2 of

Forest (Conservation) Act, 1980 in Bilaspur and Korba Districts of State of Chhattisgarh.

2. It has been alleged that this clearance has been granted against the Principles of sustainable development precautionary principle; violative of the provisions of the Forest (Conservation) Act, 1980; the relevant rules and Guidelines. It has been stated that the Ministry of Environment Forest & Climate Change (MoEF & CC) had issued stage-I clearance on 26.02.2018. However any separate order, as required under the directions of this Tribunal, in O.A. No. 52 of 2015 effective on linear project under Section 2 of Forest (Conservation) Act, 1980, has not been passed and merely on receipt of the compliance report of stage-I, working permission on the condition of demarcation of the forest land, has been granted.

3. It has further been alleged that the demarcation is still not been done and only some alignment boundary pillars are being erected. The said letter has been treated as working permission and the MoEF, despite being aware of these violations, had granted stage-II clearance on 07.06.2018 in a mechanical manner without applying its mind or considering the violations.

4. It has also been alleged that the area in question is a various Schedule migratory corridor for various Schedule-I species and existence of many critically endangered species of flora and

fauna has not been considered either by FAC or MoEF while granting forest clearance.

5. The Appellants have stated that in spite of the project site being adjacent to a Tiger Reserve and also part of elephant habitat area, the proposal was not sent to the National Board of Wild life for approval. Therefore, the following prayers have been made:-

- (i) **Quash the Section 2 of the FCA 1980 order passed by the State Govt. allowing diversion of 459. 522 Hect of forest land of the Gevra Pendra Rail Line Project, and the Stage-I clearance dated 26th February 2018, Stage II Clearance dated 07.06.2018 granted in violation of FCA 1980 and rules framed there under by the MoEF.**
- (ii) **Restrain the respondents from carrying out any Non Forest Activity including construction of the rail line, felling of trees in the Forest Area as well as in non-forest areas.**
- (iii) **Restrain the Respondents from carrying out any mining activity for the said rail line project in forest land as well as on non-forest land in violation of FCA 1980 and EPA 1986.**
- (iv) **Direct the respondents to carryout restoration of the all lands and do plantation in the area where trees have already been filled. Illegal mining is carried and construction in violation of the FCA 1980 is done.**
- (v) **Direct the respondents to fully comply the Traditional Forest Dwellers Recognition of Forest Right Act 2006 before allowing the rail line project.**
- (vi) **Direct that a comprehensive impact assessment be done for the entire rail corridor project and allied mining activities before submitting any proposal in peace meal.**

(vii) Direct that a comprehensive impact assessment be done so far as impact of the proposed liner intrusion on Tiger Corridor and elephant coming from Odisha and Jharkhand is concerned.

(viii) Pass any other orders that the Hon'ble Tribunal may deem fit in the facts and circumstances of the case.

6. From the records made available, it appears that in principle approval of stage- I clearance for diversion of 459.522 of forest land was granted, on 26th February, 2018, in favour of Chhattisgarh East West Rail Corridor Ltd. for construction of East West Rail Corridor from Marwahi Forest Division and Katghora Forest Division (382.344 ha), under Section 2 of Forest (Conservation) Act, 1980, in Bilaspur and Korba District in State of Chhattisgarh with certain conditions. Conditions no. xxvi & xxxiii specifically state as follows.

...

...

(xxvi) The State Government shall ensure that settlement of rights, in terms of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any on the forest land to be diverted has been completed in accordance with the relevant guidelines issued by the MoEF.

(xxxiii) Grant of working permission to the extant proposal may be considered by the State Government in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 07.01.2015.

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7. Thereafter on receipt of compliance report from the Government of Chhattisgarh and further on the basis of the recommendations of the proposal by the National Tiger Conservation Authority, the final approval i.e. stage-II approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 was granted on 7th Jun, 2018 with 32 conditions.

8. Finally the State Government of Chhattisgarh issued an order under Section 2 of Forest (Conservation) Act, 1980 for diversion of 459.522 ha of forest land on 04.07.2018 in favour of Chhattisgarh East West Rail Corridor Ltd. for construction of East West Rail Corridor from Marwahi Division and Kathghora Forest Division in Bilaspur and Korba District in State of Chhattisgarh with 32 conditions. Some of the conditions imposed are as follows:-

(i) It is recommended to revisit of mitigation measures proposed in the mitigation plan proposed by the Forest Department, Chhattisgarh and follow the protocol laid down in WII's guideline document. 'Eco-friendly measures to mitigate impact of linear infrastructure on wildlife' without proper/ adequate mitigate measures. The Proposed East West Rail Corridor shall compromise the connectivity of the landscape and will result in enhancement of human wildlife conflict.

(ii) The underpasses should be structured in a manner so that they have heights at least equal to their width and openings that allow unobstructed view of habitat so as to maximize their use by wildlife. The dimensions of the underpasses for this landscape should be 300 m span and at least 7 m high span

would work for the railway track passing through the reserved forest areas sensitive for wild animal's movements and conflict. The 300 m span refers to clear open passageways excluding the support pillars (WII guidelines, 2016). The Geo locations of the mitigation measures should be finalized after physical inspection involving the representative of NTCA, WII and the CWLW, Chhattisgarh.

- (iii) **Technology aided surveillance systems such as infra-red camera based e-Eye, seismic and wireless sensor based monitoring systems developed by IIT, Delhi and WII should be implemented for minimizing animal-rail collisions in the track. The sensors should be placed on both sides of the track in the accident prone areas (for wild animals) and should emit warning signals when being approached by large bodies' animals. NTCA & the Forest Departments of Uttarakhand, MP & Assam have already applied e-Eye and the same technology should be extended for this purpose. Incidents of train animal collisions in many areas of the country (like Rajaji Tiger Reserve, Uttarakhand) have already been minimized by using these technologies.**
- (iv) **Steps should be taken for enhancing the visibility for train drivers along sensitive sections by clearing vegetation, leaving mounds (under supervision of Forest Department) and putting solar light posts at appropriate places.**
- (v) **A joint team comprising of watchmen of forest and railway departments (equipped with wireless sets) should patrol the very critical sections of the track (24X7 basis) and warn the train drivers whenever necessary. A separate team needs to be engaged for disposing food waste and other garbage from the tracks regularly which otherwise might attract animals to approach the track. Care should be taken in planning water point's creations near the track as this might draw more animal movements near the track.**

- (vi) **Both attacking and exit speed of the passenger and goods trains (especially at night) inside the forested area should be decided after technical deliberations with the Forest Department.**
- (vii) **Standardized signages should be erected at appropriate places along the track sensitizing the drivers and guards. Regular awareness training programs for loco pilots, guards, caterers and other railway officials should be organized in collaboration with the state Forest Department for sensitizing them about the measures need to be taken for averting accidents.**
- (viii) **Construction work should be done during daytime (6AM-6PM) and no night camp of labours should be allowed within the forest area. User agency should also monitor that no labour gets involved in extraction of forest products. Local RFO and forest staff should pay regular and sudden visits to the construction sites for monitoring these.**
- (ix) **The Nodal Officer, Forest Conservation Act, 1980 and user agency should ensure that the construction period within the reserved Forest areas is kept minimal since construction work continued for a longer duration might completely decimate the wildlife populations in the area. Use of pre-fabricated structures is recommended wherever feasible. Light and sound barriers should also be created along the railway as per WII's recommendations (WII guidelines, 2016).**
- (x) **The CWLW, Chhattisgarh should constitute a monitoring committee comprising of forest officials of NTCA, WII, Indian Railway and IRCON representatives to supervise the compliance of the conditions laid in this report during various phases of project implementation.**

...

...

(19) *The user agency in consultation with the nodal officer Forest Conservation Act, 1980 Chhattisgarh shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area including forest area and human settlements, adjoining the forest area being diverted for the project.*

(20) *Provisions contained in the Wildlife Management Plan prepared for the conservation protection and development of wildlife in the region shall be implemented after incorporating the suggestions of NTCA as contained in their letter no. 7-60/2017-NTCA dated 17.04.2018 in consultation with the PCCF (Wildlife) & Chief Wildlife Warden, Chhattisgarh. Increase in the number and shifting of underpasses/overpasses. If so recommended by CWLW shall be incorporated into the Wildlife Management Plan and the same shall be implemented at the project cost. Approved Management Plan shall be submitted to the Regional Office along with six monthly compliance report;*

(21) *Speed of the train shall be regulated in the patches of forest areas reported to be used by the Wildlife in consultation with the PCCF (Wildlife) & Chief Wildlife Warden, Chhattisgarh.*

...

...

(26) *The Nodal Officer Forest Conservation Act, 1980, Chhattisgarh shall complete settlement of rights in terms of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. If any, on the forest land to be diverted in accordance with the relevant guidelines issued by the MoEF.*

...

...

9. MoEF & CC, Respondent No. 1, have stated in their reply affidavit, filed on 17.12.2018 that as per their guideline dated 28.08.2015, the procedure for felling of trees and commencement of work have been streamlined which are as follows:-

(i) **With a view to facilitate speedy execution of projects involving linear diversion of forest land such as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines etc, in-principle approval under the Forest (Conservation) Act, 1980 (FC Act) issued by the Central Government may be deemed as the working permission for tree cutting and commencement of work, if the required 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 in-principle approval are realised from the user agency and where necessary for compensatory afforestation, transfer and mutation of non-forest/ revenue forest land in favour of State Forest Department is affected.**

(ii) **After aforementioned compensatory levies specified in the in-principle approval are realized from the user agency and where necessary, for compensatory afforestation, transfer and mutation of non-forest/ revenue forest land in favour of State Forest Department is affected, 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, shall pass an order for tree cutting and commencement of work of a linear project in forest land for a period of one year. The Central Government may extend the permission for one more year subject to submission of reasonable progress report from the State Government as regards to the steps taken to comply**

with the remaining conditions stipulated in the in-principle approval.

- (iii) No non-forest activity in the forest area that is covered under Section 2 of the FC Act would be permitted and carried on in any manner whatsoever unless an order specified in para (ii) above has been passed by the competent authority of that State Government and is placed in the public domain by putting it on its website and all other requirements in accordance with law are complied with.*
- (iv) For the purpose of Section 2A of the FC Act and Section 16 (e) of the National Green Tribunal Act, 2010 (NGT Act) the order for tree cutting and commencement of work of linear project in forest land, specified in para (i) above, shall be an order under Section 2 of the FC Act.*
- (v) An appeal as per provisions of section 2 A of FC Act and / or Section 16 (e) of the NGT Act can be filed against any such order specified in para (ii) above for tree cutting and commencement of work of linear project in forest land:*
- (vi) In the event of filing of such appeal, it would be open for the person aggrieved to assail the order/ clearance granted by the Central Government under Section 2 of the FC Act which forms an integral part and sole basis of the order specified in para (ii) above;*
- (vii) The State Government and the Project proponent shall take further action as has been stipulated by the Hon'ble National Green Tribunal in their Judgment dated 7th November 2012 in Appeal No. 7/2012 to accord publicity and to ensure availability in public domain of in-principle approval under the FC Act accorded by the Central Government and the order specified in para (ii) above. State Government and the project proponent shall also ensure strict compliance of other directions contained in the said judgment; and*
- (viii) The State Governments, in such cases shall seek and obtain from the Central Government final/ formal approval under the FC Act for diversion of such*

forest land at the earliest, and in any case not later than five years from the date of grant of the in-principle approval.

10. It is to be noted that when the proposals were examined by National Tiger Conservation Authority, it was observed as follows:-

1. *The proposed broad gauge railway line between Gevra Road and Pendra road via Pasan in Chhattisgarh state was passed by the Cabinet Committee on Economic Affairs (CCEA) in 2013 as a Special Railway Project. The Govt. of Chattisgarh entered into MOU with SECL & IRCON on 03.11.2012 to construct these corridors.*
2. *The project is envisaged to connect backward areas of the State mostly inhabited by tribals. These villages are mostly inhabited by tribals and do not have public transport system. Construction of East West Rail Corridor will provide much needed infrastructure for development of these tribal areas and tribal people therein. There are 115 villages and 426 hamlets within 5 km influence area of the proposed railway line that are expected to benefit from the proposed railway line. The project is expected to generate 1796 permanent jobs and 2,47,00,000 man days. The project would also act as supporting infrastructure for the transport of coal existing and upcoming mines in the area.*
3. *The proposed line measures approximately 131.4 km and passes mainly through Revenue forest with patches of protected, Reserved and Village forest falling within Katghora and Pendra Forest Divisions. Some part of the project area also falls under the Achanakmar-Amarkantak Biosphere Reserve but outside the boundary of Achanakmar Tiger Reserve and also its corridor with Bandhavgarh Tiger Reserve. Faunal species found in the area are spotted deer (*Aaxis axis*), leopard (*Panthera pardus*), sloth bear (*Melursus ursinus*), jackal (*Cansis aureus*), wild pig (*Sus scrofa*), hyaena (*Hyaena hyaena*),*

Elephant (Elephas maximus). Signs and sightings of these animals have been recorded in several areas.

4. *The proposed railway line would fragment the forests leading to creation of smaller habitat patches which would affect the ability of the landscape to harbour any wildlife. The disturbance due to rail and associated activities would also alter the habitat use patterns of wildlife in these areas, and would affect their abilities to travel across habitat patches.*

5. *The Forest Department has identified 8 locations for mitigation measures. Considering the species in the landscape and locations for mitigation measures as shown during the site visit, the proposed mitigation measures are of very limited use to maintain effective connectivity for the species in the landscape. The mitigation plan to maintain effective connectivity needs to be revisited. According to the WII guidelines 'Éco-friendly measures to mitigate impacts of linear infrastructure on wildlife', the dimensions of the underpasses for this landscape should be 300 m wide span and at least 7 m high. The Proposed underpasses are not as per the above specifications.*

6. *As per maps provided by Tiger Cell, Wildlife Institute of India (Figures 1, 2 & 3:- enclosed in the report), the potential prey species, leopard and tiger have been shown to occur on both sides of the proposed railway track which indicates that the track is going to compromise the connectivity of the landscape. The landscape has witnessed elephant, sloth bear and leopard conflict in the past couple of years. The conflict locations of these three species for the years 2013-18 have been plotted across the proposed railway line in Figure 4 and 5. The basic analysis of the conflict locations indicates that the railway track is crisscrossing the areas where there is high conflict. The railway track will result in enhanced conflict in the landscape which may affect conservation in the long-run.*

7. *As mentioned in the Conservation plan, the proposed habitat improvement exercise by planting tree*

species preferred by sloth bear, elephants and other animals will lead to enhanced conflict in the area.

11. Thereafter the proposal was recommended by (NTCA) on 17.04.2018 under Section 38 O(1)(g) of Wildlife (Protection) Act, 1972 subject to the strict adherence to the following suggested mitigation measures:-

- 1. It is recommended to revisit the mitigation measures proposed in the Mitigation Plan proposed by the Forest Department, Chattisgarh and follow the protocol laid down in WII'S guideline document 'Eco-friendly measures to mitigate impacts of linear infrastructure on wildlife'. Without proper/adequate mitigation measures, the proposal East West Rail Corridor shall compromise the connectivity of the landscape and will result in enhancement of human-wildlife conflict.**
- 2. The underpasses should be structured in a manner so that they have heights at least equal to their width, and openings that allow unobstructed view of the habitat so as to maximise their use by wildlife. The dimensions of the underpasses for this landscape should be 300 m span and at least 7 m high span would work for the railway track passing through the reserved forest areas sensitive for wild animals' movements and conflict. The 300 m span refers to clear open passageways excluding the support pillars (WII Guildelines, 2016). The Geo locations of the mitigation measures should be finalized after physical inspection involving the representative of NTCA, WII and the CWLW, Chhattisgarh.**
- 3. Technology aided surveillance systems such as infrared camera based e-Eye, seismic and wireless sensor based monitoring systems developed by IIT, Delhi and WII should be implemented for minimizing animal-rail collisions in the track. The sensors should be placed on both sides of the track in the accident prone areas (for wild animals) and should**

emit warning signals when being approached by large bodied animals. NTCA & the Forest Departments of Uttarakhand, MP & Assam have already applied e-Eye and the same technology should be extended for this purpose. Incidents of train animal collisions in many areas of the country (like Rajaji Tiger Reserve, Uttarakhand) have already been minimized by using these technologies.

4. Steps should be taken for enhancing the visibility for train drivers along sensitive sections by clearing vegetation, levelling mounds (under supervision of Forest Department) and putting solar-light posts at appropriate places.
5. A joint team comprising of watchmen of forest and railway departments (equipped with wireless sets) should patrol the very critical sections of the track (24X7 basis) and warn the train drivers whenever necessary. A separate team needs to be engaged for disposing food waste and other garbage from the tracks regularly which otherwise might attract animals to approach the track. Care should be taken in planning water point's creations near the track as this might draw more animal movements near the track.
6. Both attacking and exit speed of the passenger and goods trains (especially at night) inside the forested area should be decided after technical deliberations with the Forest Department.
7. Standardized signages should be erected at appropriate places along the track sensitizing the drivers and guards. Regular awareness training programs for loco pilots, guards, caterers and other railway officials should be organized in collaboration with the state Forest Department for sensitizing them about the measures need to be taken for averting accidents.
8. Construction work should be done during daytime (6AM-6PM) and no night camp of labours should be allowed within the forest area. User agency should also monitor that no labor gets involved in extraction of forest products. Local RFO and forest

staff should pay regular and sudden visits to the construction sites for monitoring these.

9. The Forest Department and user agency should ensure that the construction period within the reserved Forest areas is kept minimal since construction work continued for a longer duration might completely decimate the wildlife populations in the area. Use of pre-fabricated structures is recommended wherever feasible. Light and sound barriers should be created along the railway as per WII's recommendations (WII guidelines, 2016).

10. The CWLW, Chhattisgarh should constitute a monitoring committee comprising of forest officials of NTCA, WII, Indian Railway and IRCON representatives to supervise the compliance of the conditions laid in this report during various phases of project implementation.

12. It is not worthy to mention that the proposed Rail Line is at a distance of 8.97 km. from Achanakmar Bandhavgarh Tiger Reserve National Park where presence of various important wildlife species like leopard, elephant, sloth bear, spotted deer and hyena have been reported. Further, as per the details of flora and fauna submitted, it has been observed that the area is inhabited by several schedule -1 and critically endangered species.

13. In view of aforesaid submissions made, we are of the considered opinion that sufficient care has been taken to consider all the aspects required while issuing clearances under Forest (Conservation) Act, 1980. Therefore, we do not find any infirmity in the stage-I clearance issued on 26.02.2018, stage-II clearance on 07.06.2018 by MoEF & CC

and 04.07.2018 order issued by State of Chhattisgarh, under Section 2 of Forest (Conservation) Act, 1980. Since the settlement of rights in terms of Scheduled Tribes and other traditional forest dwellers (Recognition of Forest Rights) Act, 2006 is not a mandatory requirement while issuing orders for diversion of non-forest purposes under Forest (Conservation) Act, 1980, no such orders are necessary while issuing orders for diversion of forest land. It has already been stated that as part of the conditions of the clearance the State Government shall complete settlement of rights in terms of Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted in accordance with the relevant guidelines issued by MoEF &CC.

14. However, we are conscious of the fact that area in question is part of the elephant corridor and, therefore, it is required to be kept in such a state that Elephants are able to move freely. We are also aware of the fact that Elephant is a free ranging animal and it is also a 'National Heritage Animal' in our country. Moreover, elephants are frequently subjected to severe man animal conflict situation in several areas. We would, therefore, send this proposal to the National Board for Wildlife in the MoEF&CC for examination so that if necessary, some additional mitigation measures could be imposed for providing free passages for the movement of elephants which

would have to be taken up by the project proponent, in addition to what has already been imposed by the National Tiger Conservation Authority.

15. With this direction, this Appeal is disposed of. The MA Nos. 1358/2018 & 1359/2018 also stand disposed, with no order as to cost.

.....
Justice Raghuvendra S. Rathore
(Judicial Member)

.....
Satyawan Singh Garbyal
(Expert Member)

Dated: 29th April, 2019
New Delhi

NGT

**Appeal No 188 of 2018 in the matter of Sudiep Shrivastava Vs Union of India & Ors.
before the Hon'ble NGT, Principal Bench, New Delhi-reg.**

Annexure R1/7

RO

Regional Office MoEF&CC, Nagpur <apccfcentral-ngp-mef@gov.in>

Mon, 03 Mar 2025 5:57:06 PM +0530 •

To "Rakesh Chaturvedi" <pccf-fhq@cg.gov.in>, "cgpccfforest" <cgpccf.forest@gmail.com>

Cc "ROHQ Division MoEF & CC" <rohq-mefcc@gov.in>, "Sub - Office Raipur" <iro.raipur-mefcc@gov.in>

Respected Sir,

This is with reference to the cited subject matter. In this regard, please find enclosed the letter no. CC-73/IRO/RPR/2025/209 dated 03.03.2025 for information and necessary action.

Regards,

O/o

Ministry of Environment, Forests and Climate Change

Regional Office, Nagpur

Ground Floor, Eastern Wing,

New Secretariat Building-Opposite Old VCA Stadium,

Civil Lines -Nagpur-440001.

1 Attachment(s) • Download as Zip



CC-73-IRO-RPR-2025-209.pdf

288.8 KB •

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भारतसरकार
पर्यावरणवन एवंजलवायु परिवर्तन मंत्रालय
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GOVERNMENT OF INDIA
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Court Matter

By E-mail

F.No: CC-73/IRO/RPR/2025/209

Date: 03.03.2025

To,

The Principal Chief Conservator of Forests
Aranya bhavan, North Block
Sector - 19, Naya Raipur, Atal nagar
Chhattisgarh- 492002

Sub: Appeal No. 188 of 2018 in the matter of Sudiep Shrivastava Vs Union of India & Ors. before the Hon'ble NGT, Principal Bench, New Delhi - Regarding

Ref: Letter No: 10-27/2018-ROHQ dated 28.01.2025 vide E-mail dated 28.01.2025 ROHQ Division, MoEF&CC, New Delhi.

Sir,

"Your kind attention is drawn to the letter dated 28/01/2025 from the ROHQ Division, MoEF&CC, New Delhi (copy enclosed). The MoEF&CC has requested to examine the matter and to submit a draft counter Affidavit from this office.

In this context, you are requested to submit the factual report along with the necessary supporting documents / information to the regional office urgently for further necessary action.

This issues with the approval of Competent Authority.

Yours faithfully,

Yours faithfully,

Encls: As Above

(Dayananda. N)

(Dayananda. N)

Technical Officer (Gr-II)

Copy to: Assistant Inspector General of Forests, ROHQ Division, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhavan, Jorbagh Road, Aliganj, New Delhi-110003, (E-mail: rohq-mefcc@gov.in) -with reference to your letter dated 28/01/2025.