

GOVERNMENT OF MEGHALAYA
FOREST & ENVIRONMENT DEPARTMENT
ORDERS BY THE GOVERNOR
NOTIFICATION

No. FOR.54/2016/669

Dated Shillong, 10th October, 2023.

Sub : Diversion of 10.055 ha. of deemed private forest land for construction of an approach road and residential colony development at Umsoo-Mootang, East Jaintia Hills District, Meghalaya by Dalmia Cement (Bharat) Limited.

WHEREAS, the Integrated Regional Office, MoEF & CC, Shillong in their letter F. No. 3 – MG C 042/2016-SHI/217-18, dated 25.04.2019 have communicated the In-principle/Stage-I approval order in favour of M/s Dalmia Cement (Bharat) Limited for diversion of 10.055 ha. of deemed private forest land for construction of an approach road and residential colony development at Umsoo-Mootang, East Jaintia Hills District, Meghalaya subject to fulfillment of conditions stipulated in the said approval.

And whereas, in consideration of the compliance of the conditions stipulated in the In-principle approval, the Integrated Regional Office, MoEF & CC, Shillong in their letter F. No. 3 – MG C 042/2016-SHI/245-46, dated 25.04.2023 have accorded final approval for diversion of 10.055 ha. of deemed private forest land for construction of an approach road and residential colony development at Umsoo-Mootang, East Jaintia Hills District, Meghalaya in favour of M/s Dalmia Cement (Bharat) Limited subject to fulfillment of the conditions which are listed therein.

Now, therefore, as per Hon'ble NGT Order dated 24.01.2014 in the case of O.A. No. 123 of 2013, Government of Meghalaya do hereby permit diversion of deemed private forest land of 10.05 ha. In favour of M/s Dalmia Cement (Bharat) Limited for construction of an approach road and residential colony development at Umsoo-Mootang, East Jaintia Hills District, Meghalaya. Detailed land schedule of the diverted forest land of 10.055 ha. has been duly authenticated by the Revenue and Disaster Management Department vide letter No. RDS.73/2019/35-A, dated 04.11.2019. Non-Forest land of 10.055 ha. at Pat KhuiMual in Mualhoi village, Elaka Saipung, East Jaintia Hills District adjoining the existing Saipung Reserved Forest in East Jaintia Hills has been transferred and handed over to Forest & Environment Department on 06.03.2020 as per Deed for Transfer of Land signed between the first

party (representative of (M/s Dalmia Cement (Bharat) Limited) and the second party (representative of Forest & Environment Department) for the purpose of Compensatory Afforestation.

The Deputy Commissioner, East Jaintia Hills District is authorized to hand over the diverted deemed private forest land to the User Agency in respect of diverted forest land which falls within his jurisdiction in accordance with law provided there are no orders of any court of law to the contrary. Before handing over the diverted deemed forest land to the User Agency it shall be ensured that payment of compensatory levies *viz* NPV, CA and other related payments in respect of the diverted forest for this project have been deposited, in full, by the User Agency as per prescribed rate.

The Divisional Forest Officer, Jaintia Hills (T) Division, Jowai is directed to monitor compliance of the conditions stipulated for such diversion in the respective forest/ wildlife clearance order and to report violations, if any, to the Nodal Officer, FC Act, the PCCF & HoFF, Meghalaya and to the Forest & Environment Department.

Execution of project activities will be subject to having valid mining lease and availability of all other clearances required under relevant Act/Rules for this mining project, deposit of requisite fees and compliance with Court order if any.

The User Agency shall comply with the following conditions for the purpose of instant diversion of forest land:

- (i) The legal status of the forest land shall remain unchanged.
- (ii) The Compensatory Afforestation shall be raised over equivalent to the area diverted i.e. **10.055 ha** in non-forest land identified by the State Forest Department in Mualhoi, East Jaintia Hills as per the funds deposited by the User Agency. As far as possible, mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- (iii) The non-forest land transferred and mutated in favour of the State Forest Department shall be notified by the State Government as Reserve Forest/Protected Forest under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act latest within a period of six months from the date of issue of Stage-II approval.

The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local

Forest Act as the case may be, within the stipulated period to the Central Government for information and record.

- (iv) The User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- (v) The additional NPV, if any, shall be calculated as per the latest guidelines of MoEF & CC dated 06.01.2022.
- (vi) The KML files of the area to be diverted, the CA areas shall be uploaded on thee-Green watch portal by the State Government.
- (vii) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (viii) All other clearances/NOCs under different rules/regulations/local laws and under Forest Dwellers (Recognition of Forest Rights) Act, 2006 as required vide MoEF, New Delhi guideline No. 11-9/98-FC(Pt) dated 05.02.2013 shall be complied with.
- (ix) User agency shall raise strip plantation on both sides of the road as per the IRC norms.
- (x) Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- (xi) The user agency shall provide suitable under/over pass in Protected Area/Forest Area as per recommendation of CWLW/NBWL/F AC/REC.
- (xii) The User Agency shall obtain the Environmental Clearance as per the provisions of the Environment (Protection) Act, 1986, if applicable.
- (xiii) The layout plan of the proposal shall not be changed without prior approval of Central Government.
- (xiv) No labour camp shall be established on the forest land.
- (xv) Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- (xvi) The user agency shall provide proper drainage of retaining / breast wall in steep slopes and stabilization of side slope to avoid soil erosion and landslides; and to provide drains/cross drains. Physical barriers/structures to prevent muck from entering streams & rivers and other ecologically sensitive areas are

to be constructed on the lower slope side, if required, before any construction works are started.

- (xvii) The overburden shall not be dumped outside the diverted land. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
- (xviii) Boundary of the diverted forest land shall be suitably demarcated on the ground at project cost, as per the directions of the concerned Divisional Forest Officer.
- (xix) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution materials for execution of the project work.
- (xx) The period of diversion under this approval shall be co-terminus with the period of lease, if any, to be granted in favour of the user agency or the project life, whichever is less.
- (xxi) The forest land shall not be used for any purpose other than that specified in the project proposal.
- (xxii) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
- (xxiii) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF & CC Guideline F. No. 11-42/2017-FC dated 29/01/2018.
- (xxiv) The User Agency will have to obtain the Forest (Conservation) Act, 1980 clearance for removal, if any, of stone, river sand, river boulders in forest land.
- (xxv) The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
- (xxvi) The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year
- (xxvii) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;

(xxviii) Any other condition that the MoEF & CC, Integrated Regional Office, Shillong may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

(xxix) This approval may be revoked, if, the above conditions of approval is not complied to the satisfaction of the Integrated Regional Office, Shillong.

The State Government and the User Agency shall pursue with NIC and appropriate authority for change of area for diversion of 10.055 ha in PARIVESH portal of MoEF &CC.

Sd/-

(Pravin Bakshi, IAS)

**Commissioner & Secretary to the Government of Meghalaya
Forest & Environment Department.**

Memo No. FOR.54/2016/669-A

Dated Shillong, 10th October, 2023.

Copy forwarded to:-

- 1 The Private Secretary to Hon'ble Chief Minister, Meghalaya In-charge of Forest & Environment Department for kind information of Hon'ble Chief Minister.
- 2 The Private Secretary to the Speaker, Meghalaya Legislative Assembly for kind information of the Hon'ble Speaker.
- 3 The Private Secretary to the Leader of Opposition, Meghalaya Legislative Assembly for kind information of the Hon'ble Leader of Opposition
- 4 The Principal Chief Conservator of Forests & HoFF, Meghalaya for kind information and necessary action.
- 5 The Principal Chief Conservator of Forests (Territorial), Meghalaya for information and necessary follow up action.

Appropriate instruction to the Divisional Forest Officer, Jaintia Hills Territorial Division, Jowai and the user agency may be imparted for required follow up action at their end. It shall be ensured by the Divisional Forest Officer that compensatory levies including NPV, as due, in this project of User Agency, is deposited by them in appropriate head of account in full, at applicable rates. The User Agency may also be instructed to furnish compliance to the conditions of forest/wildlife clearance pertaining to the project in every quarter to the Divisional Forest Officer of Jaintia Hills Territorial Division for facilitating monitoring of compliances.

- 6 The Deputy Director General of Forests, MoEF & CC, Regional Office, Shillong for kind information and necessary follow up action in compliance to the order of the Hon'ble National Green Tribunal (NGT) dated 07/11/2012 in appeal no. 7 of 2012 and 24/01/2014 in OA number 123 of 2013.

- 7 The Additional Principal Chief Conservator of Forests (Wildlife) cum Chief Wildlife Warden, Meghalaya for information and necessary action.
- 8 The Chief Conservator of Forests (SF & Env) cum Secretary, SEIAA, Meghalaya for information and necessary action.
- 9 The Deputy Commissioner, East Jaintia Hills District, Khliehriat for information and necessary action.
- 10 The Divisional Forest Officer, Jaintia Hills Territorial Division, Jowai/Divisional Forest Officer (SF & Territorial) West & South West Khasi Hills, Nongstoin for information and necessary action.
- 11 The Joint Secretary to the Government of Meghalaya, Revenue & Disaster Management Department, Shillong for information and necessary action.
- 12 The Director, Mineral Resources Department for information and necessary action.
- 13 The Member Secretary, Meghalaya State Pollution Control Board, Shillong for information and necessary action.
- 14 ✓ The Officer in-charge, State Portal, NIC, I.T. Department, Meghalaya, Shillong for information and necessary action. They are requested to upload this letter along with enclosed forest clearance order of Government of India, Integrated Regional Office, MoEF & CC, Shillong in the website of Forest & Environment Department for information of all concerned. This is required in compliance to order of Hon'ble National Green Tribunal dated 07/11/2012 in appeal no. 7 of 2012 and 24/01/2014 in OA number 123 of 2013.
- 15 The General Manager, M/s Dalmia Cement (Bharat) Limited, East Jaintia Hills District, Khliehriat for information and immediate necessary action.
- 16 The Director, Printing & Stationery for publication in the Official Gazette.
- 17 Guard file/ Office copy

By Order etc.,



**Joint Secretary to the Government of Meghalaya,
Forest & Environment Department.**
RBS.

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11/10/2013

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f.n.s.