

Sub: Diversion of 199.1720 ha of forest land including 2.2001 ha for safety zone for mining and allied activities in Katamati Iron Ore Mines of M/s. Tata Steel Ltd. located in village-Deojhar&Thakurani Reserved Forest under Keonjhar Forest Division of Keonjhar district, Odisha during extended Mining lease period as per MMDR(Amendment) Act, 2015– regarding.

1. The State Government of Odisha vide their letter No. 10F (Cons)-136/2014/102/F&E dated 01.01.2015 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. Out of the 199.1720 ha forest land proposed to be diverted 57.5520 ha. is RF and 141.6200 ha is K.F.
3. As per report of Conservator of Forests 49,648 number of trees are required to be felled in the virgin forest land with 0.45 density and broken forests with 0.05 vegetation density.
4. The area does not form part of any National Park/Sanctuary/Biosphere reserve. It also does not come under any Wild life corridor. But the area is coming under Elephant habitat zone-2 as per report of ORSAC. There is movement of wild elephants often noticed in the near by area.
5. There is no rare and endangered species reported in the area and it is also not important from Archaeological point of view.
6. Purpose wise break-up of the lease area includes forest land as well as non-forest land. The lessee does not have forest clearance under F.C. Act, 1980 from Govt. of India, Ministry of Environment & Forests. As the area includes both forest and non-forest land and there was no F.C. Act clearance for forest land, closure notice was issued vide this office letter no. 6672 dated, 09.12.2009. The closure notice was issued, as the forest and non-forest land were not clearly demarcated in the field. Accordingly, joint verification of Katamati Iron Mines of TATA Steel was taken up by the Tahasildar, Barbil, Range Officer, Barbil and Chief Surveyor of DDM, Joda. From the Joint verification report, it is ascertained that though the mining operation was confined to non-forest area other ancillary activities such as dumping of overburdens, creation of roads for transportation of minerals etc. have been done on Gramya Jungle plot No. 118 and other forest area.
7. The Non-forest land to the extent of 165.7930 ha has been identified in the village Kaliapal of Barbil Tahasil within limit of Champua range of Keonjhar Forest division for raising Compensatory afforestation. RDF Plantation is proposed to be taken up over total area of 165.7930 ha.
8. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted in accordance with the MoEF&CC's advisory dated 3.08.2009. The District Collector, Keonjhar, vide his certificate dated 8.06.2010, in the format prescribed by MoEF&CC, in respect of 196.9719 ha of forest land stating that complete process for identification and settlement of rights has been carried out. The District Collector has also certified the information in respect of all clauses of the MoEF's advisory dated 3.08.2009 i.e. diversion of forest land for facilities managed by the Government and safeguarding the rights of Primitive Tribal Group and Pre-Agricultural Communities as required under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, discussion on the proposal in meeting of concerned Gram Sabha maintaining the prescribed quorum, etc. The concerned Gram Sabha (Deoghar) has recorded their consent for the proposal in its resolution Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted. However, certified copy of the English version of the resolution of concerned Gram Sabha has not been submitted along with the compliance of the FRA, 2006.

9. As per site inspection carried out by Regional Office purpose wise land requirement is as under –

S. No	Forest area required for diversion (in ha)						Non forest land					
	Pattern of utilization	Broken up prior to 25.10.1980			Forest land proposed for diversion			Total forest land	Non Forest land utilized (in ha)	Non Forest land to be utilized	Total non forest land (in ha)	Grand Total
		R.F	K.F	Total	R.F	K.F	Total					
1.	Mining	3.5160	14.0862	17.6022	48.3539	105.6619	154.018	171.6180	18.7789	107.4866	126.2655	297.883
2	Storing of Mineral/ Ore	-	-	-	-	-	-	-	1.000	0.9000	2.0000	2.0000
3	Dumping O.B./ Slime disposal	-	5.1434	5.1434	-	6.0000	6.0000	11.1434	29.3141	18.2000	47.5141	58.6575
4	Storing Tools & Machines	-	-	-	-	-	-	-	-	-	-	-
5	Construction of Building Power Station Workshop etc	-	-	-	-	5.7770	5.7770	5.7770	7.3299	9.7076	17.075	22.8145
6	Township/ Housing Colony	-	-	-	-	-	-	-	-	-	-	-
7.	Construction of Road, Rope way, Rly line etc.	4.7674	3.6661	8.4335	-	-	-	8.4335	3.000	5.1999	8.1999	16.6334
	Total	8.2834	22.8957	31.1791	48.3539	117.4389	165.7928	196.9719	59.229	141.4941	201.071	397.988
	Safety Zone	-	-	-	0.9147	1.2854	2.2001	-	3.1348	3.1348	5.3349	
	Grand Total	8.2834	22.8957	31.1791	49.2686	118.7243	167.9929	199.1720	59.229	144.6289	204.1581	403.323

*3rd renewal of the lease was applied on 5.9.2001 for 20 years over 403.3238 ha w.e.f. 17.1.2003. The 3rd renewal application, in light of provisions contained in the Mines and Minerals (Development and Regulation) Amendment Act, 2015 is not required. The relevant provisions of the said Act are reproduced as below:

“Section 8A (3) All mining leases granted before the Commencement of the Mines and Minerals (Development and regulation) Amendment Ordinance, 2015 shall be deemed to have been granted for a period of 50 years.”

“Section 8A (6) Notwithstanding anything contained Notwithstanding anything contained in sub-sections (2), (3) and sub-section (4), the period of lease granted before the date of commencement of the Mines and Minerals (Development and Regulation) Amendment Ordinance, 2015, where mineral is used for other than captive purpose, shall be extended and be deemed to have been extended upto a period ending on 31st March, 2020 with effect from the date of expiry of the period of renewal last made or till the completion of renewal period, if any, or a period of fifty years from the date of grant of such lease, whichever is later, subject to the condition that all the terms and conditions of the lease have been complied with.”

10. Regarding land identified for Compensatory afforestation, it is reported that 199.1720 ha of forest lands proposed for diversion during 3rd RML period in this lease that included 2.2001 ha of forest land to be maintained as safety zone and 31.1791 ha of forest land broken up prior to 1980. The land Schedule for the Non-forest land identified in village Kaliapal is indicated below:

Tahasil	Village	Khata No.	Plot. No	Area (In Ac)	Kissam	Remark
Barbil	Kaliapal	28	555 (P)	41.30	Parbat-II	Part
			Kaliapal	28	-do-	Full
			557	40.00	Parbat-I	Full
			558	35.00	-do-	Full
			559	27.42	-do-	Full
			560	26.35	-do-	Full
			561	30.00	-do-	Full
			562	20.00	-do-	Full
			563	11.95	-do-	Full
			564	34.05	-do-	Full
			565	32.30	-do-	Full
			566	11.50	-do-	Full
			567	9.70	-do-	Full
			568	52.25	Parbat-II	Full
			569(P)	7.863	-do-	Part
			Total	409683 Ac. Or 165.7928 ha		

In addition to above, the Regional Office has also informed that project proponent has submitted following:

“FRA certificate has been issued in respect of 196.9716 ha of forest land. However it has not yet been issued in respect of safety zone of 2.2001 ha. The Collector, Keonjhar is required to furnish the relevant certificate for 2.2001 ha of forest land of the lease coming within the safety zone.”

11. With regards to importance of the area from the wildlife point of view or not, it is reported that though the area does not form a part of any National Park/Wildlife Sanctuary/Elephant Corridor, due care is to be taken for conservation of wildlife available, especially the wild elephant in the area and important of their habitat. Hence, the user agency has to pay @ Rs. 43.000/- per hectare for the total mining leasehold area at revised rate fixed by the State Government. It is informed that DFO, Keonjhar has not yet raised the demand for payment of the balance amount. However, the user agency has furnished an undertaking to bear the cost of Wildlife Management Plan as per approval of CWLW, Odisha, when the demand is raised by DFO, Keonjhar for payment.
12. Safety zone on northern side has not been found indicated in the leased area map.

13. With regards to the violation of Forest (Conservation) Act 1980, the Regional Office has reported that violation committed by the user agency in this lease has been reported by the DFO, Keonjhar vide his memo no. 588 dated 20.01.11 to RCCF, Rourkela and Addl. PCCF (Forest Diversion). Such activity in violation has also been reported in Site Inspection Report of RCCF, Rourkela Circle and in the site inspection report of DFO, Keonjhar. As per the report submitted by the DFO, Keonjhar, since the lease area includes forest land as well as non-forest land and forest and non forest land were not clearly demarcated in field, closure notice was issued vide his letter No 6672 dated 09.12.2009. Joint verification of Katamati Iron Mines of the lease was taken up by the Tahsildar, Barbil, Range Officer, Barbil and Chief Surveyor of DDM, Joda on 9.1.2010. From the Joint verification report, it is ascertained that though the mining operation was confined to non-forest area, other ancillary activities such as dumping of overburdens, construction of roads for transportation of minerals etc. were undertaken on Gramya Jungle kismat land over Plot No. 118 in Deojhar vilagee with an average width of 15 meters for a length of 250 meters inside broken up pillar No 7,7A,8,9,10,11,12,13 and 14 involving forest land of 0.375 ha. During inspection, it was observed that the overburden dump has been removed and the road is closed and not in use at present. The user agency is working on the non-forest land on the strength of Para 15 (b) & (d) of CEC interim report dated 26.04.2010 submitted to Hon'ble Supreme Court which is read as under:

14(a): "Even otherwise the Rule 24A(6), Mineral Concession Rules, 1960 does not authorize the lease to operate a mines without the statutory clearances/approvals. Therefore, in respect of a mine converted under the 'deemed extension' clause. The mining operation should be permitted to be undertaken in the non-forest area of mining lease only if (a) it has the consent to operate from the State Pollution Control Board under the Air (PCP) Act and Water (PCP) Act, (c) the mining plan is duly approved by the Competent authority and (d) the Net Present Value for the entire forest falling within the mining lease deposited in the Compensatory afforestation Fund. The mining in forest land included in the mining lease should be permitted only if in addition to the above, the approval under the Forest Conservation Act/The Temporary Working Permission has been obtained."

14(b): "In Orissa, substantial areas included in the mining leases as non-forest land have subsequently been identified as DLC forest (deemed forest/forest like areas) by the Expert Committee constituted by the State Government pursuant to this Hon'ble Court's order dated 12.12.1996. While processing and/or approving the proposals under FC Act in many cases, such area have been treated as non-forest land. It is recommended that (i) NPV for entire DLC area included in the mining lease after deducting the NPV already paid, should be deposited by the concerned lease holder and (ii) the mining appertains in the unbroken DLC land (virgin land) should be permissible only if the permission under the FC Act has been obtained/is obtained for such area. Keeping in view the peculiar circumstances as was existing in Orissa and Subject to the above, the mining operations in the broken DLC land may be allowed to be continued provided the other statutory requirements and Rules are otherwise being complied with."

However, the mining was continued in non-forest land from 1983 onwards. This should amount to violation of F(C) Act. The status of 204.1518 ha of non-forest land as on 25.10.1980 has not been provided.

14. The proposal was considered by the **FAC in its meeting held on 29.07.2015**. The FAC after detailed deliberations recommended that State Government of Odisha may be requested to submit following information/documents-

- (i) Legal action if any taken by the State Government for the violation done by the user agency.
- (ii) Safety zone on Northern side boundary which was found absent in the map presented by user agency has to be marked visibly on the field and copy of map with soft copy map of the area along with KML/shape file.
- (iii) Map of lease area showing different kinds of forest land using DGPS survey data and latitude and longitude

- (iv) Details of the items wise break-up in respect of construction of buildings, power station, workshop etc. along with the feasibility of excluding the forest land for this item.

The Committee also recommended that State Government may also submit following:-

- (i) Compensatory Afforestation scheme for afforestation in degraded forest land 1.5 times of the extent of the forest area falling in safety zone.
- (ii) Complete compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with MOEF&CC's guidelines issued time to time for the area falling in safety zone.
15. The recommendation of FAC was conveyed to the State Government of Odisha vide Ministry's letter dated 07th September, 2015 (**Pg. 714/c**).
16. However, vide letter dated 28.10.2015 (**Pg. 788/c**) state government has submitted that the information sought by the MoEF & CC dated 07.09.2015 is under compliance.
17. The State Government of Odisha vide his letter no. 10F (Cons) 136/2014/18903/ F& E dated 28.10.2015 has forwarded a representation of user agency seeking clarification on the applicability of guidelines issued by MoEF & CC dated 01.04.2015 and 19.10.2015.
18. State Government of Odisha in support of request of user agency has made following submission.
- i. The State Government in Steel & Mines Department in compliance to the provisions under Section 8A of the MMDR Act, 1957, as amended by the MMDR Amendment Act, 1015, has extended the validity period of above mentioned mining lease over 403.3238ha. from 17.1.2003 to 31.3.2030 vide their order no. 3303 dated 18.04.2015 subject to fulfilment of conditions prescribed therein. The condition No. 3 of the above extension order of State Government in Steel & Mines Department is to execute the supplementary lease deed within a maximum period of three months from the date of issue of the order.
 - ii. The Ministry of Environment, Forests & Climate Change Government of India vide their guidelines bearing F. No. 11-599/2014-FC dated 01.04.2015 issued under Forest Conservation Act, 1980 have stipulated in detail regarding the compliances to be made to obtain forest clearance pertaining to entire forest land of a mining lease as per provisions of section 2 (ii) for utilization of forest land for non-forest purposes and as per provisions of Section 2 (iii) of Forest Conservation Act, 1980 for assignment of lease deed.
 - iii. In the said guidelines dated 01.04.2015 at para 3(i), it is stipulated that henceforth, in case of mining leases, including those of Government authorities, having forest land in part or in full, approval of Central Government under Section 2 (iii) of the FC Act, for the entire forest land located within a mining lease shall be obtained before execution (including by way of renewal) of a mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act) and Rules framed there under.
 - iv. In the said guidelines dated 01.04.2015 at para 3(v), it has been further stipulated that in case of existing mining lease having forest land in part or in full, where approval under Section 2 of the FC Act for a part of the forest has only been obtained, Central Government hereby accords general approval under Section 2 (iii) of the FC Act for the remaining area of the forest land falling within such mining leases subject to fulfilment of conditions prescribed there under including payment of Net Present Value for entire forest land of the lease within a period of one year from 01.04.2015 i.e. by 31.03.2016, in case NPV for such forest land has not already been realized.
 - v. The Ministry of Environment, Forest & Climate Change was earlier requested vide F&E Department letter 8941/F&E dated 27.05.2015 to clarify if para 3 (v) of the MoEF&CC, Government of India guidelines bearing F. No. 11-599/2014-FC dated 01.04.2015 i.e. the general approval accorded under Section 2(iii) of FC Act, 1980 is also applicable to the existing mining leases where no forest land has been diverted under FC Act, 1980 so far. No communication/clarification of MoEF&CC in this regard has been received by the State Government till date.
 - vi. In the meantime, Ministry issued a guideline no F. No. 11-599/2014-FC dated 19.10.2015 addressed to all the state government and UT referred the above enquiry from the state of

Odisha and asked all the state to furnish details of all such mining leases where the lease has never obtained any forest diversion. Ministry further directed that till decision on the said matter is taken by this Ministry after the receipt of the afore-mentioned information from all the States and Union territories, the states and Union territories if so desires, may seek general approval under Section 2 (iii) of the Forest (Conservation) Act, 1980 for the forest land falling in such mining leases, **on case to case basis**, by giving details (viz. date of execution of mining lease deed and area of forest and non-forest land falling in such mining leases) of one or more of such mining leases to this Ministry in letter form.

- vii. The State Government has further submitted that in view of provision of MoEF&CC guidelines bearing F. No. 11-599/2014-FC dated 01.04.2015 and 19.10.2015, Government of India, MoEF&CC may take note of present position of forest diversion, as noted above, and examine the representation of the lessee seeking permission under Section 2(iii) of FC Act for entire forest land of 199.1720ha. of forest land in their Katamati iron ore mines in Keonjhar district, Odisha.
- viii. The user agency vide this letter no. TSLDEL/291/2015 dated 30th October 2015 has also re-iterated the above facts and has requested the Ministry to issue necessary clarification.
- ix. The Ministry's guidelines dated 01.04.2015 para 3 (v) in case of existing mining lease having forest land in part or in full, where approval under Section 2 of the FC Act for a part of the forest land has only been obtained Central Government hereby accords general approval under Section 2 (iii) of the FC Act for the remaining area of the forest land falling within such mining leases, subject to following conditions:

- a. *State Government shall, within a period of one year from the date of issue of this letter, realize from the user agency, NPV of the entire forest land falling in the mining lease, in case NPV of such forest land has not already been realised;*
- b. *In case State Government fails to realize from the user agency, NPV of the entire forest land falling in a mining lease within a period of one year from the date of issue of this letter, this general approval in respect of such mining lease, shall be kept in abeyance, and shall be deemed to have been kept in abeyance, and all mining activities in such mining lease shall be stopped, till such time, the NPV of such forest land is realised by the State Government.*
- c. *The general approval shall be valid for a period co-terminate with the period of mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, as amended, and the Rules framed thereunder;*
- d. *This general approval does not, in any manner, exempt a user agency from obtaining prior approval under section 2 (ii) of the FC Act in regard to such area of forest land which is to be used for non-forest purpose;*
- e. *Grant of this general approval under Section 2 (iii) does not, in any manner, create any right or equity in favour of the user agency for grant of approval under section 2 (ii) of the FC Act and decision on proposals under Section 2 (ii) will be taken purely on the merit of each case;*
- f. *This general approval will not be applicable to the forest land for which Central Government before the issue of this letter has already declined approval under Section 2 of the FC Act; and*
- g. *Grant of this general approval does not in any manner, exonerate the concerned authorities in the State Government or in any other Authority, from the proceedings under Section 3A and 3B of the FC Act, liable to be initiated for violation, if any, of the FC Act committed by them by assigning such forest land on mining lease without obtaining prior approval of Central government under Section- 2 of the FC Act.*

- x. The above request made by the State Government of Odisha is in pursuance to the MoEF&CC guidelines dated 19.10.2015 wherein following is stated:

“The decision on the said matter is taken by this Ministry after the receipt of the afore-mentioned information from all the states and union territories, the states and union territories if so desires, may seek general approval under section 2 (iii) of the Forest (Conservation) Act, 1980 for the forest land falling in such mining lease, on case to case basis, by giving details (viz. date of

execution of mining deed and area of forest land and non-forest land falling in such mining leases) of one or more of such mining leases to this ministry in letter form.”

19. The above request of Government of Odisha was placed before FAC in its meeting held on **16.02.2016** and the FAC examined the letter from State Government seeking clarification regarding the applicability of guidelines issued in this regards and after thorough deliberation recommended that it will be clarified to the State Government that ministry guidelines 19.10.2015 are applicable in this case.
20. The above recommendation of FAC was communicated to State Government vide this Ministry's letter 09.03.2016 (**Pg. 894/c**).
21. In continuation of earlier letter No. 18903/F & E dated 28.10.2015 of the Government of Odisha, another letter No. 10F (Cons)-136/2014/3390/F & E dated 20.02.2016 has been forwarded the application of M/s. TATA Steel Limited seeking approval under section 2 (iii) of Forest (Conservation) Act, 1980 Pertaining to 199.1720 ha of forest land in their Katamati Iron Ore Mines located in village- Deojhar & Thakurani Reserved Forest under Keonjhar Forest Division of Keonjhar district, Odisha for consideration of granting prior approval under Section 2 (iii) of FC Act, 1980 for this project by the Government of India during pendency of their forest diversion proposal to enable the lessee to execute supplementary lease deed for extended period of lease, as decided by the State Government in Steel & Mines Department vide their letter No. 3303 dated 18.04.2015 as per amended provisions of MMDR Act, 1957. The application has been forwarded citing the provisions of MoEF & CC, Government of India bearing F. No. 11-599/2014-FC dated 01.04.2015 for consideration.
22. It is also reported by the State Government that the user agency vide their representation dated 18.02.2016 has indicated about the observations of Forest Advisory Committee regarding their above mentioned application as emerged in course of their meeting held on dated 16.02.2015. A copy of their representation is available (**Pg. 848-854/c**).
23. It is further stated that the Department of Steel & Mines, Odisha Government vide their letter No. 504/SM dated 18.01.2016 has allowed the lessee time period up to 31.03.2016 for execution of supplementary lease deed subject to availability of requisite forest clearance. Obtaining forest clearance for this project under Section 2 (ii) would take some more time as the observations of the Ministry vide their letter F. No. 8-05/2015-FC dated 07.09.2015 regarding the forest diversion proposal, are under compliance. Therefore it is essential to have approval of MoEF & CC under Section 2 (iii) of FC Act, 1980 pertaining to entire forest land of the Mining lease for assignment of lease for the extended period of lease.
24. It is also mentioned by the State Government that the guidelines dated 19.10.2015 asks the State Government to seek approval under section 2 (iii) of FC Act, 1980 for the forest land falling in mining lease with required details in letter form for consideration. In this context, it is stated that all details such as payment of NPV for entire forest land, details of forest & non-forest land in the mining lease, availability of other statutory clearances like environmental clearance, Consent to Operate of SPCB, approval Mining Plan etc., has already been furnished to this Ministry vide State Government's letters dated 01.01.2015 and 28.10.2015.
25. The proposal for 199.1720 ha of forest land in their Katamati Iron Ore Mines under section 2 (iii) was considered by the FAC in its meeting held on **16.3.2016** and FAC after thorough deliberation recommended the grant of permission **under section 2 (iii) of FCA 1980** subject to certain conditions prescribed therein. On the basis of the recommendations of the Forest Advisory Committee held on 16.03.2016 and approval of MEF on the proposal, the Ministry vide its letter dated 29.09.2016 (**Pg- 872-873/c**) issued approval of the Central Government under **Section 2(iii)** of FC Act, 1980 concerning 199.1720 ha of forest land in favor of M/s. Tata Steel Ltd. for iron ore mining and allied activities in Katamati Mines in Deojhar & Thakurani Reserved Forest under Keonjhar Forest Division in Keonjhar district in the State of Odisha.
26. Now, State Government of Odisha vide their letter no. 10F (Cons)-18/2016/9316 dated 21.04.2018 submitted their reply in response of Ministry's letter dated 07.09.2015. Pointwise reply of the State Government are as under:

S. No.	Observation made by MoEF&CC	Reply from the State Government
1.	Legal action if any taken by the State Government for the violation done by the user agency.	<p>In this context, the State Government informed that although the mining operation was confined to non-forest area, other ancillary activities such as dumping of overburdens, construction of roads for transportation of minerals etc. was undertaken on Gramya Jungle kism land over Plot No. 118 in Deojhar village with an average width of 15 mts for a length of 250 mts inside broken up pillar No. 7, 7A,8,9,10,11,12,13 and 14 involving forest land of 0.375 ha. Further, it was also reported then that mining lease deed for Katamati Iron ore mines was executed on 24.12.1983 for a period of 20 years with effect from 17.01.1983 to 16.01.2003 without the prior approval of Forest (Conservation) Act, 1980 even as the lease has forest land in it. In the meanwhile, after the application of the lessee for obtaining permission under Section 2(iii) of FC Act, 1980 over an area of 199.1720 ha. vide MoEF&CC letter F. No. 8-5/2015-FC dt. 29.9.2016, the said Mining Lease has been executed through supplementary lease deed vide e-registration No.11031600471 dt.28.11.2016 for the extended ML period as per MMDR(Amendment) Act, 2015.</p> <p>However, based on subsequent report of DFO, Keonjhar and RCCF, Rourkela, it has now been reported that the lessee has carried out mining activities in violation of Section-2 of FC Act, 1980 in Revenue Forest and Reserved forest from 1983 to 2009 with production of Iron Ore for crushing and subsequent use in their Nuamundi Beneficiation plant during 2nd and 3rd RML without requisite forest clearance for the Pre-1980 broken up forest land under FC Act, 1980. The copy of the self-contained Note submitted by the DFO, Keonjhar indicating violation of F.C Act, 1980 committed in this lease as required under para 1.9 of FC Act guideline is enclosed at Pg-886-889/c.</p> <p>As regards action taken for the above violations, it has been reported that a forest offence case vide OR No.4BL of 2017-18 has been registered for in respect of</p>

		Reserved Forest and prosecution is to be sanctioned and submitted in the Court of JMFC, Barbil. Further the Collector, Keonjhar has been requested by the DFO, Keonjhar to take legal action as deemed proper under prevailing Revenue Act and Rules for the violation committed by the lessee in the Revenue Forest land of the ML area vide his letter No.2304 dtd.07.04.2017. Action taken report is awaited from Collector, Keonjhar.
2.	Safety zone on Northern side boundary which was found absent in the map presented by user agency has to be marked visibly on the field and copy of map with soft copy map of the area along with KML/shape file.	In this context, the State Government informed that the DGPS map prepared by M/s Geo Consultants Pvt. Ltd and validated by ORSAC, Bhubaneswar and authenticated by the Revenue, Mining and Forest Officials, showing the safety zone on northern side of the ML boundary has been marked visibly in the field by the User Agency. The DGPS map with soft copy along with KML/ Shape file is enclosed at Pg-890-891/c.
3.	Map of lease area showing different kinds of forest land using DGPS survey data and latitude and longitude	In this context, the State Government informed that the map showing the different category of forest land in the mining lease area i.e. Reserved Forest and Khesra Forest prepared by the User Agency & authenticated by Forest Officials is enclosed at Pg-892/c. Further, the map showing the non-forest land recorded as forest as on 25.10.1980 in the ML area, prepared by M/s. Geo consultants Pvt. Ltd and authenticated by the Revenue, Mining and Forest Officials is also enclosed at Pg-901/c. Both the maps have been validated by the ORSAC, Bhubaneswar using DGPS survey data with latitude and longitude.
4.	Details of the items wise break-up in respect of construction of buildings, power station, workshop etc. along with the feasibility of excluding the forest land for this item.	In this context, the State Government informed that the lessee has submitted detailed note indicating justification for construction of buildings, power stations, plant, workshop etc. along with the feasibility/justification of requirement of 8.4596 ha of non-forest land in hal record, now coming in Sabik Forest (Non-Forest land recorded as Forest as on 25.10.1980 as certified by Tahasildar, Barbil vide his letter No.2724 dtd.04.06.2016) and 5.777 ha of Khesra Forest land being the bare minimum requirement for developing these infrastructure facility. The copy of such note as submitted by the User Agency is enclosed

		at Pg-903-926/c . Further, the User Agency has also reported that infrastructure proposed to be developed in the mining area would be dismantled at the end of the mining and the area so utilized, shall be reclaimed.
5.	Compensatory Afforestation Scheme for afforestation in degraded forest land 1.5 times of the extent of the forest area falling in safety zone.	In this context, the State Government informed that the scheme for undertaking afforestation in degraded forest land over 1.5 times of forest land existing in safety zone i.e. 3.30 ha as identified in Baitarani East-B PRF under Champua Range of Keonjhar Division has been approved by the RCCF, Rourkela with a financial outlay of Rs. 3,83,450/-. The DFO, Keonjhar Division has reported that approved amount has been deposited by the User Agency vide UTR No. HDFCR52017091953942240 on dtd.19.09.2017. The proof/ evidence of the deposit is enclosed at Pg-927-936/c .
6.	Complete compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with MOEF&CC's guidelines issued time to time for the area falling in safety zone.	In this context, the State Government informed that that while furnishing the additional forest diversion proposal for diversion of 160.838 ha. of sabik kism forest land as on 25th October 1980 (treated as non-forest land in hal record) in this lease vide letter No. 26364/F&E dt. 19.12.2017, certificate issued by Collector, Keonjhar in prescribed format as per GoI, MoEF&CC guidelines dt.03.08.2009 and subsequent guidelines issued thereafter pertaining to entire forest land of 360.01 ha. Sabik kism forest land as on 25.10.1980 along with other relevant supporting documents were furnished to MoEF&CC for reference. A copy of such certificate over 360.01 ha issued by the Collector, Keonjhar is enclosed at Pg-937/c.

The facts related to the above proposal may be placed before FAC in its next meeting scheduled to be held on 19.06.2018 for their examination and appropriate recommendation.
