

Sub.: Diversion of 24.446 ha of forest land in respect of Balda Block Iron ore Mines of M/s Serajuddin & Co under Keonjhar Forest Division in Odisha regarding extension validity of permission granted vide letter F.No.8-119/96-FC (pt) dated 12.03.2012 and diversion of 34.39 ha of sabik kism forest land as on 25th October 1980 (treated as non-forest land in hal record) in addition to 24.446 ha of forest land already diverted out of total forest land of 302.402 ha (including sabik kism forest land of 44.269 ha) within the ML area of 335.594 ha in Balda iron ore Mines of M/s Serajuddin & Co. in village Balda, Bada kalimati under Barbil Tahasil and village Nayagarh under Jhumpura Tahasil in Keonjhar district, Odisha.

1. This is regarding a proposal for extension validity of permission in connection with diversion of 24.446 ha of forest land in respect of Balda Block Iron ore Mines of M/s Serajuddin & Co under Keonjhar Forest Division in Odisha. The views of this Ministry **to work over broken up DLC land of the leasehold area during the validity of the lease period** was sought by the State Government of Odisha's letter No. 10F(Cons) 208/2012-3404/F&E dated 24.02.2012 (Pg- 164-167/c) in connection with diversion of 24.446 ha of forest land in respect of Balda Block Iron ore Mines of M/s Serajuddin & Co under Keonjhar Forest Division in Odisha.
2. Keeping in view the facts that:
 - (a) As per details provided in the State Government of Odisha's said letter dated 24.02.2012- the user agency meets all the conditions enumerated/ stipulated by the CEC in **para 15 (d)-(Pg.338/c)** of their report dated 26.04.2010 (Pg.324-340 /c) and the further clarifications issued by the CEC vide their letter dated 7.7.2011 (Pg.194-195/c) addressed to the State Government of Odisha;
 - (b) The Hon'ble Supreme Court after consideration of the CEC's said report in its order dated 07.05.2010 *inter-alia* directed that recommendations of the CEC which are acceptable to the State Government can be complied with; and
 - (c) As per the State Government of Odisha's said letter dated 24.02.2012 (Pg.- 164-167/c), the State Government have accepted the said recommendations of the CEC,
This Ministry vide its letter dated 12.03.2012 (Pg.208-209/c) informed that the State Government of Odisha allowed that the user agency may continue mining in the already broken DLC forest land till the expiry of the existing subsisting mining lease i.e. till 02.12.2017. In the referred letter dated 12.03.2012 of the Ministry, the State Government of Odisha was requested to submit an Action Taken Report (ATR) in respect of the illegalities committed by the user agency within the said mining lease. The State Government of Odisha was also informed to take action on following:
 - i. Undertake compensatory afforestation over degraded forest land five times in extent to the 3.417 ha. area illegally utilized for mining and overburden dumping from the funds to be provided by the user agency.
 - ii. Direct the user agency to immediately remove all encroachments from safety zone and rehabilitate/ afforest the area encroached in the safety zone by planting local/indigenous perennial plants.
 - iii. Direct the user agency to ensure that gradient of the overburden dumps is suitable modified to bring it within the permissible limit.
 - iv. Take appropriate action, as per the provisions of the Indian Forest Act, 1927 or the local forest Act for illegal felling of the four number sal trees by the user agency.
3. The Government of Odisha, Forest & Environment Department vide their letter no.10F(Cons.) 30/2014/22809/F & E dated 22.12.2015 (Pg.261-263/c) informed that the area involved in the instant mining lease are:

Total mining lease: 335.594 ha:

- a. **258.133 ha of forest land** (38.182 ha of forest land +219.951 ha. DLC forest land).

b. 77.461 ha. Non-forest Government land.

It is further stated by the State Govt. in above referred letter dated 22.12.2015 that out of 219.951 ha of DLC forest land, 112.73 ha of DLC forest land was reportedly broken up in this lease in course of working of the mines and they sought clarification on the following in reference to para 4 of Ministry's guidelines F.No.8-78/1996-FC(pt) dt. 10.3.2015, (Pg. 269-270/c) that *all the lessees are to be allowed to work over broken up DLC land in their respective leases within subsisting lease period for a period of one year expiring 09.03.2016 subject to payment of NPV:*

a. Whether mining operations over the broken up DLC land of 112.73 ha in Balda Iron ore Mines of lessee shall be allowed up to the end of the subsisting lease period i.e. up to 2.12.2017 as per the specific orders of MoEF vide letter F.No. 8-119/96-FC(pt) dt. 12.3.2012

Or

b. Mining operations over the broken up DLC land of 112.73 ha in Balda Iron Mines of lessees shall be allowed up to 9.3.2016 i.e up to end of the time period of one year from the date of issue of MoEF&CC guidelines vide letter F.No. 8-78/1996-FC(pt) dt. 10.3.2015.

Or

c. Mining operations over the diverted forest land of 24.446 ha and broken up DLC land of 112.73 ha in Balda Iron ore Mines of lessee shall be allowed up to end of the lease period if extended by State Government as per amended provision of MMDR Act and MoEF&CC guidelines F.No.11-51/2015 dt.1.4.2015/ 1.5.2015.

4. The MoEF&CC vide its letter dated 10.03.2016 (Pg.342/c) clarified that the State Government that in the instant case, the Government of Odisha may act as per the recommendation in Central Empowered Committee Report (interim) in IA No. 2746-2748 of 2009 regarding the alleged mining in the lapsed/invalid mining leases/ areas in Odisha dated 26.04.2010 and subsequent order of Supreme Court dated 07.05.2010.

5. Further, Ministry vide its letter dated 05.05.2016 (Pg.342/c) clarified that the State Government of Odisha may allow the user agency to continue mining in the already broken DLC forest land till the expiry of the existing subsisting mining lease i.e. till 02.12.2017 as per the specific order issued by this Ministry vide letter of even dated 12.03.2012. In continuation of Ministry's letter dated 12.03.2012, a subsequent reminder dated 05.05.2016 (Pg.342/c) was also sent to submit the ATR as mentioned in para (3) above.

6. Government of Odisha vide their letter no. 10F (Cons) 30/2014/11436/F&E dated 20.06.2016 (Received in Ministry on 14.12.2017: Pg-345-350/c) submitted their response on Ministry's letter dated 12.03.2012. The details are as under:

S. No.	Observation made by MoEF&CC	Reply of State Government
1.	Undertake compensatory afforestation over degraded forest land five times in extent to the 3.417 ha. area illegally utilized for mining and overburden dumping from the funds to be provided by the user agency;	In compliance to this condition, the State Government has reported that 17.085 ha (3.417 ha.X5) of degraded forest land was earlier identified in Basantapur RF (Block III) under Keonjhar Range of Keonjhar Forest Division for raising penal compensatory afforestation. The Penal compensatory afforestation scheme prepared by the DFO, Keonjhar was technically approved by the CCF (Forest Diversion)) & Nodal Officer, FC Act then with a financial outlay of Rs. 17,48,000/- . The user agency, as per demand notice of DFO,

		Keonjhar, had also deposited Rs. 17,48,000/- in Adhoc-CAMPA Account in Union Bank of India, Sundarnagar Branch, New Delhi through RTGS on 19.5.2012 vide UTR No. SBINH12140324247.
2.	Direct the user agency to immediately remove all encroachments from safety zone and rehabilitate/ afforest the area encroached in the safety zone by planting local/indigenous perennial plants.	In compliance to this condition, the State Government has reported that all encroachments from safety zone area have already been removed and the safety zone area between pillar no. 9 to 11 and 37 to 39 have been fenced and planted with tall saplings of indigenous species such as Jamun (<i>Syzygium cumini</i>), Sisoo (<i>Dalbergiasisoo</i>) etc.
3.	Direct the user agency to ensure that gradient of the overburden dumps is suitable modified to bring it within the permissible limit.	In compliance to this condition, the State Government has reported that the illegal OB dumps near Block C in DLC forest land has been removed. The OB dumps have been modified and height of OB dumps in each case does not exceed 15 mt maintaining the angle of repose approximately to 28°. Besides, these OB dumps have been protected with retaining wall.
4.	Take appropriate action, as per the provisions of the Indian Forest Act, 1927 or the local forest Act for illegal felling of the four number sal trees by the user agency.	In compliance to this condition, the State Government has reported that OR case No. 180 CH of 2011-12 (dt. 10.10.2011) has been booked under provisions of Section 37 of Orissa Forest Act. 1972.

7. The State Government further reported that the **Site Specific Wildlife Conservation Plan** prepared for this mining project has been approved by PCCF (WL) & CWLW, Odisha with a **financial forecast of Rs. 379.59 lakhs** that includes Rs. 87.71 lakhs to be spent by the user agency for executing the approved components of the Plan within the project area and balance Rs. 291.88 lakhs to be spent by the DFO, Keonjhar for executing the approved component of Plan in the project impact area. The user agency has also reportedly deposited Rs. 291.88 lakhs in Adhoc-CAMPA Account in Union Bank of India, Sundarnagar Branch, New Delhi through RTGS on 20.02.2014 vide UTR No. SBINH14051323278.
8. It is also imperative to mention here that the user agency vide their letter dated 06.12.2017 (**Pg-351-364/c**) has given a representation stating that the MoEF&CC, GoI vide letter F. No. 8-119/1996-FC (pt) dated 5.05.2016 re-iterated that the State Government may allow the User agency to continue mining operation in already broken DLC forest land till the expiry of the existing lease i.e. till 2.12.2017 as per the specific order issued by the Ministry vide letter of even number dated 12.03.2012. Since the lease period is extended by virtue of MMDR Amendment Act,2015, the period of validity of approvals/permissions granted by MoEF&CC shall be deemed to have been extended upto a period co-terminus with the period of mining lease, i.e. 31.03.2020. It is also informed by the user agency that the NPV for the entire forest land falling within the mining lease area is already paid by the lessee to the tune of Rs.22,07,53,460/-. The lessee has earlier deposited Rs.18,84,37,090/- towards NPV.
9. With regard to deposition of fund under this project, the Adhoc CAMPA was requested on 02.04.2018 (**Pg-361/c**) to confirm the compensatory levies deposited under this project. DIG, Adhoc CAMPA confirmed vide his note no. 1-26/2014-CAMPA dated 12.04.2018 (**Pg-262-363/c**) the following levies in the account of Adhoc CAMPA:

S. No.	Type of deposit	Amount in Rs.
i.	Penal Compensatory afforestation	17,48,000/-
ii.	Wildlife Management Plan	1,44,30,542/-

iii.	NPV	22,16,35,680/-
iv.	Any other Charges (Site Specific Wildlife Management Plan)	2,91,88,000/-
	Total	26,70,02,222/-

10. It is also imperative to mention here that the State Government of Odisha vide their letter No. 10F (Cons) 125/2016/14738/F&E dated 09.08.2016 had submitted a proposal **for diversion of 34.39 ha of sabik kizam forest land** as on 25th October 1980 (treated as non-forest land in hal record) in addition to 24.446 ha of forest land already diverted out of total forest land of 302.402 ha (including sabik kizam forest land of 44.269 ha) within the ML area of 335.594 ha in Balda iron ore Mines of M/s Serajuddin & Co. in village Balda, Bada kalimati under Barbil Tahasil and village Nayagarh under Jhumpura Tahasil in Keonjhar district, Odisha.

The facts related to the proposal as contained in the State Government's letter dated 09.08.2016 are given below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Proposal for diversion of 34.39 ha of sabik kizam forest land as on 25 th October 1980 (treated as non-forest land in hal record) in addition to 24.446 ha of forest land already diverted out of total forest land of 302.402 ha (including sabik kizam forest land of 44.269 ha) within the ML area of 335.594 ha in Balda iron ore Mines of M/s Serajuddin & Co. in village Balda, Bada kalimati under Barbil Tahasil and village Nayagarh under Jhumpura Tahasil in Keonjhar district, Odisha
2.	Location (i) State (ii) District	Odisha Keonjhar
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy.No. (iii) Map	Keonjhar Forest Division 34.39 ha Non-Forest land recorded as forest as on 25.10.1980 i. SOI Toposheet Pg - 422/c ii. DGPS Map Pg - 423/c
4.	Vulnerability to erosion	Soil erosion is likely to increase following felling on the undulating topography. (pg- 50/c)
5.	(i) Vegetation (ii) Density	Sissoo, Sal, Pia Sala, Gambari, Kurum, Assan, Jamu, Kasi, Kendu, Kalikendu, Dhoura, Mango, Panas, etc. (Pg-352/c) The applied area for diversion is situated adjacent to Baitarani Reserve Forest. Eco Value Class has been treated as "Eco Value Class-I" based on proximate location- Baitarani Reserved Forest and the canopy density has been considered at per with the prevailing vegetation depicted as "open mixed jungle mainly Sal" on concerned Toposheet and kept at 0.3 since the applied Non-Forest land recorded as Forest as on 25.10.1980 is broken/ used up to the extent of 23.808 ha.

	(iii) No. of trees enumerated/to be actually felled	643 Nos of trees (Pg-352-353/c) 230 Nos of poles
6.	Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden	The applied area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. <u>However, movement of wild elephants in the adjoining forest can't be ruled out</u>
7.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No rare or endangered species is available in the applied area for diversion, but elephant movement is often noticed in adjoining forest. There is no archaeologically important monument situated in the area
8.	Approximate distance of the proposed site for diversion from boundary of forest.	1.5 Km
9.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	No
10.	Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	<p>Violation Committed in respect of the mining lease:</p> <ol style="list-style-type: none"> 1. Illegal mining over 0.5 ha of DLC virgin forest land in Block- F between ML Pillar No. 4 to Pillar No. 8. 2. Unauthorised breaking of DLC forest land located in Safety Zone over 0.1186 ha between boundary pillar No. 9 to 11 and pillar No. 37 to 39 adjoining Block-F. 3. Illegal dumping of Over Burden over 0.988 ha of DLC forest land adjoining Block – C. 4. Illegal mining over 0.207 ha of DLC virgin forest land in Block– D between ML Pillar No. 13 to Pillar No. 15. 5. Illegal mining over 0.522 ha of DLC virgin forest land adjoining Block– B. 6. Illicit felling of 20 nos. of Sal and Misc. poles of size 60 cm to 90 cm girth outside the mining lease within 20 meters of the lease boundary near ML pillar No. 9 and 10. 7. Un-scientific management of OB dumps with slope 27⁰ to 45⁰ and height greater than 30 mtrs in all the dumps. 8. Non-reclamation of mined out pits against the stipulated conditions of concurrent reclamation. 9. Non-demarcation of different categories of forest land i.e. Village Forest, DLC forest involved in the mining lease. <p><u>Action Taken</u> One Forest Offence case has been booked against the user agency vide OR No.180^{CH} of 2011-12. Prosecution has been sanctioned and submitted in the Court of JMFC, Barbil vide PR. No. 17 of 2012-13. The Case is sub-judice.</p>

		<u>Observation of Hon'ble Shah Commission and Action taken thereof</u>
		<p>Observation – The lessee had carried out mining activities in excess DLC forest area to the extent of 30.00 ha based on satellite imagery in the mining lease.</p> <p>Action taken –Field verification immediately after the Commission's observation confirms the encroachment to the extent of 3.287 ha and the Collector, Keonjhar has been requested to take legal action deem proper vide letter No. 679 dt. 30.01.2014 and No. 2233 dt. 31.03.2014. Action taken report is awaited</p>
11.	Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project, if no recommended area item-wise with details of alternatives examined.	The forest land, submitted for approval under FC Act, 1980, is in compliance with the guide line issued vide F. No. 8-78/1996-FC (pt.) dated 10.03.2015 read with F. No. 8-78/1996-FC (pt) dated 09.03.2016 of MoEF&CC, Govt of India. Thus, the area applied for is a statutory requirement under FC Act, 1980
12.	Whether clearance under the Environment (protection) Act, 1986 is required?	The User Agency has obtained Environmental Clearance for production of 15.15 Million ton of Iron ore in this mine from Govt. of India, MoEF vide their letter No. J-11015/18/2012-IA.II (M) dt. 19.11.2013 (Pg-59-68/c)
13.	Compensatory Afforestation	
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	Details of Non-forest land- Non Forest land, equal in extent the forest land submitted for diversion over 34.39 ha under sec 2(ii) under FC Act, 1980, will be met from the identified and allotted non-forest Govt. land over 92.373 ha in village Tana under BJP Range of Banspal tahasil in favour of Balda Iron ore mines of M/s serajuddin & Co. vide letter No. 1023/Rev dated 25.06.2009 of Collector, Keonjhar. Distance from adjoining forest – 1.0 K.m Number of Patches – One Size – 34.39 ha
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	Map enclosed. Pg- 205/c
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	CA scheme has been submitted by the State Government. CA has been proposed over 34.39 ha (Pg-359-370/c)
	(iv) Total financial outlay for CA	Rs. 32,36,167/- (pg-370/-)
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	Scan copy of suitability certificate as given is placed in file at page-358/c. This certificate is not signed by the respective DFO/DCF. However in SIR the DFO has certified that non-forest Govt. land identified for CA is suitable for CA under ANR with gap model @ 400/ha.
14.	Catchment Area Treatment	NA
15.	Rehabilitation of Oustees	
	a) No of families involved	Nil
	b) Category of families	NA
	c) Details of rehabilitation plan	NA

16.	Employment likely to be generated a) Whether the project is likely to generate employment b) Permanent/ Regular Employment (Number of person) c) Temporary Employment (Number of person-days)	Yes (pg-44/c) 750 1500
17.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	FRA compliance has not been submitted by the State Government.
18.	Site Inspection Report by DFO	Site Inspection Report given by DFO is placed in file at Pg-381-385/c. The DFO indicated several violations in their report. It is also mention by the DFO Keonjhar division that non-forest use of forest land without prior approval of the Central Govt. under Forest Conservation Act, 1980 and use of diverted forest land in diviation of the land use plan approved under FC Act, 1980 amounts to violation of the said Act. The instant proposal is submitted for approval under Sec 2 (ii) for non-forest use, as per the requirement of the lessee, in compliance with the guideline issued vide F. No. 8-78/1996-Fc (pt.) dt. 10.03.2016 read with F. No. 8-78/1996-FC (pt.) dt. 09.03.2016 of MoEF &CC, Govt. of India in respect of non-forest land recorded as forest as on 25.10.1980.
19.	Cost Benefit Ratio	1:673.89 (pg-356/c)
20.	Total Cost of the Project	Rs 15000 (Rupees in lacs) (Pg-41/c)
21.	Recommendation	
	DCF	The instant proposal is submitted for approval under Sec 2 (ii) for non-forest use, as per the requirement of the lessee, in compliance with the guideline issued vide F. No. 8-78/1996-Fc (pt.) dt. 10.03.2016 read with F. No. 8-78/1996-FC (pt.) dt. 09.03.2016 of MoEF &CC, Govt. of India in respect of non-forest land recorded as forest as on 25.10.1980 (Pg-53/c)
	RCCF	May be considered for approval under section 2 (ii) Forest Conservation Act, 1980 (Pg-54/c)
	PCCF	Recommended (Pg-55/c)
	SG	Recommended (Pg-56/c)
22.	District Profile (i) Total Geographical area of the district (ii) Total Forest area/ Divisional Forest area (iii) Total area diverted since 1980 (iv) Total CA stipulated since 1980 (Forest land) a. Forest land including penal CA	830300.00 ha 336615.6293 ha 10170.9705 ha (72 nos cases)

b. Non Forest Land (v) Progress of Compensatory Afforestation a. Forest land b. Non Forest land	C. A. 1669.6180 ha
	P. C. A. 4994.8675 ha
	C. A. 7247.793 ha
	C. A. 1152.58 ha
	P. C. A. 2996.34 ha
C. A. 5983.9016 ha	

The other information indicated in the forwarding letter by the Govt. of Odisha is as under:-

It is reported by the State Government that Balda Iron ore Mines of M/s Serajuddin & Co. is located in village Balda and Badakalimati of Barbil Tahasil & village Nayagarh of Jhumpura Tahasil of Keonjhar district within the jurisdiction of Champua Forest Range of Keonjhar Forest Division. Originally the mining lease was held by M/s Serajuddin & Co. for manganese ore from 01.11.46 to 17.08.1974. Subsequently, the mining lease for iron ore was granted on 17.11.1960 over 335.896ha in favour of M/s Serajuddin & Co. and lease deed was executed on 02.06.1962 for the period from 02.06.1962 to 02.12.1977. 1st RML application was filed over the same area of 335.896 ha by the Lessee on 25.11.1976, i.e. one year prior to the expiry of the subsisting lease. As reported by PCCF, Odisha, the validity of the 1st RML stood maintained till 01.12.1997 in pursuance of the order of Hon'ble High Court, Kolkata. The copy of the order of the Hon'ble High Court, Kolkata is enclosed as Annexure –IV(C) at page-226-231/DP. The 2nd RML application applied before one year of expiry of the 1st RML, has been granted for a period of 20 years with effect from 03.12.1997 to 02.12.2017 over 335.896 ha vide letter No. 1131/SM,III(A)SM-14/1998 dated 15.02.1999 of Deptt. of Steel and Mines, Govt. of Odisha. The copy of the said grant order is enclosed vide Annexure –IV at page-13-14/DP, however lease deed was executed over a reduced area of 335.594 ha on 21.06.1999 copy of which is enclosed as Annexure- IV(A), page-15-223/DP. As such validity of lease period during 2nd RML is up to 2.12.2017. No information is available regarding extension of lease period by the State Government in Steel & Mines Department for this lease as per amended provisions of MMDR Act, 2015.

The mining lease area granted/executed during 2nd RML period over 335.594 ha was having 38.182 ha of Village Forest and 297.412 ha of Non-Forest Land. Subsequently, non-forest area to an extent of 219.951 ha, was declared as DLC forest land out of total non-forest land of 297.412 ha in ML in pursuance of the order of the Hon'ble Supreme Court dated 12.12.1996 in WP(C) No. 202/1995. Thus composition of ML area of 335.594ha. was revised to 258.133 ha of forest land (38.182 ha of Village Forest and 219.951 ha of DLC forest land) and balance 77.461 ha as non-forest land. During the 1st RML period, a proposal for diversion of 24.446ha. of forest land was forwarded to MoEF vide F&E Department letter No.23934/F&E Dt. 28.10.1996. The MoEF, GoI vide their letter No.8-119/96-FC dt. 11.12.1998 had accorded final forest clearance for 24.446ha. of forest land for a period of 10 years co-terminous with lease under MMDR Act, 1957. **Present status of compliance of the conditions stipulated in the Stage-II forest clearance order is enclosed at page 313-317/c.** On the request of the lessee, the State Forest Department vide its letter No.6165/F&E dt. 21.3.2009 recommended the application of the lessee to MoEF for extension of validity of forest clearance up to the end of lease period i.e. up to 2.12.2017. MoEF, GoI vide their letter F.No. 8-119/96-FC(pt) dt. 23.5.2009 conveyed their approval for extension of period of Forest clearance up to the end of lease period i.e. up to 2.12.2017 subject to fulfilment of conditions stipulated therein. Further in view that 112.73ha. of DLC forest land was found to be broken up in this mining lease, the relevant application of lessee was forwarded to MoEF vide letter No.3404/F&E Dt. 24.2.2012 for consideration as per recommendation of Central Empowered Committee. MoEF, GoI vide their letter No. 8-119/96-FC (pt) dt. 12.3.2012 also allowed the lessee to work over the broken up DLC land till the end of lease period.

Pursuant to MoEF&CC guidelines bearing No. 8-78/1996-FC(pt.) dt. 10.3.2015, out of the total non-forest area 77.461ha. in the ML as per Hal record, 44.269ha. was found to be of sabik kizam forest land as on 25.10.1980 and remaining 33.192ha. of non-forest land. After identification of Sabik Kizam forest land of 44.269 ha, the total forest land in the mining lease is 302.402 ha comprising of 38.182 ha of Village Forest, 219.951 ha of DLC forest land and 44.269ha. of sabik kizam forest land as on 25.10.1980. Detailed land schedule of the ML area as on 25.10.1980 duly certified by Tahasildars of Barbil is at page 266-273/DP. As directed by MoEF&CC, GoI, user agency has now filed forest diversion proposal for 34.39ha. of sabik kizam forest land out of total sabik kizam forest land of 44.269ha. which is under use for various mining activities including Mining with haul road, waste dump, Sub-grade Stacking, camp area, Screening & Crushing plants premises and so on. The 44.269 ha of Sabik

Kisam forest land includes 6.31 ha of Safety Zone area. This proposal is now under process for obtaining approval of MoEF&CC, Government of India under Section 2(ii) of FC Act, 1980.

As forest clearance for 24.446ha. of forest land is available for this existing lease, approval under Section 2(iii) of FC Act, 1980 of MoEF&CC, GoI is available for remaining undiverted 13.736 (38.182-24.446) ha Village Forest, 219.951 ha of DLC forest land and 44.269ha. of sabik kisam forest land as on 25.10.1980 as per general approval order of MoEF&CC vide letter F.No.11-599/2014-FC dt. 1.4.2015 as the lessee has deposited NPV amount for entire forest area of 302.402 ha.

Maps- The user agency has furnished the following maps:

SL. No	Particulars	Scale	Plate No
1	SoI Topo map No. 73G/5 showing Mining Lease / adjoining mining leases	1:50000	I
2	Geo-referenced Map of Mining Lease duly verified by ORSAC and authenticated by DFO, Keonjhar	1:4000	II
3	Geo-referenced Map of Mining Lease showing the entire forest land including non-forest land recorded as forestas on 25.10.1980	1:4000	II(A)
4	Original Lease Plan	16"=1 mile	III
5	Lease Plan of 2nd RML	16"=1 mile	III(A)
6	Lease Plan Showing Different Categories of Forest & Non-Forest	16"=1 mile	III (B)
7	Approved Land use Plan under FC Act, 1980	1:4000	IV
8	Present Land Use Plan	1:4000	IV(A)
9	Proposed Land use Plan in respect of applied forest area	1:4000	V
10	Safety zone Plan	1:4000	VI
11	Geological plan approved by IBM	1:2000	VII
12	Phased reclamation & afforestation Plan	1:4000	VIII
13	Method of reclamation Plan	Not to Scale	VIII (a,b,c)
14	Non Forest land for Compensatory Afforestation.	1:4000	IX
15	Topo Map Showing the Location of NF land for Compensatory Afforestation	1:50000	IX(A)
16	Treatment Plan in Non-Forest Govt. land for CA	1:2000	IX(B)

Forest Land: After identification of Sabik Kisam forest land of 44.269 ha, the total forest land in the mining lease is 302.402 ha comprising of 38.182 ha of Village Forest, 219.951 ha of DLC forest land and 44.269ha. of sabik kisam forest land as on 25.10.1980. Detailed land schedule of the ML area as on 25.10.1980 duly certified by Tahasildars of Barbil is at page 266-273/DP. An area of 34.669ha. of the mining lease including 21.165ha. of forest kisam land is to be maintained as safety zone in this mine. The user agency has now filed forest diversion proposal for 34.39ha. of sabik kisam forest land out of total sabik kisam forest land of 44.269ha. which is under use for different mining activities. The purpose wise break-up of this 34.39 ha of sabik forest land as on 25.10.1980 and 6.419 ha of non-forest land contiguous with the said forest patch is detailed below:

Purpose wise breakup of the 34.39 ha of Non-Forest Land recorded as "Forest" as on 25.10.1980

Table – 1

Existing land use in respect of broken up area within 34.39 ha of Non-Forest Land recorded as "Forest" as on 25.10.1980 along with Non-Forest land involved in the instant project(Area in ha)

SL. No.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980	Broken up non-forest land recorded as forest as on 25.10.1980 located in S.Z	Total Broken up non-forest land recorded as forest as on 25.10.1980	Total Broken non-forest land recorded as non-forest as on 25.10.1980
1	Mining including temporary haul road	1.941	0	1.941	2.920
2	Waste dump yard with environmental protective measures	3.305	0	3.305	0.00
3	Sub Grade ore Stacking with environmental protective Measure	12.041	0	12.041	0.00
4	Road	1.383	0.100	1.483	0.071
5	Screening & Crushing Plant Premises	3.144	0	3.144	1.141
6	Camp Area for Workers	1.644	0	1.644	0
7	Weigh Bridge	0.054	0	0.054	0
8	Magazine with Safety Zone	0.196	0	0.196	0
Total		23.708	0.100	23.808	4.132

Table -2

Proposed Land use of virgin non-forest land recorded as forest as on 25.10.1980 along with Non-Forest land involved in the project (Area in ha)

SL. No.	Pattern of Utilization	Virgin non-forest land recorded as forest as on	Virgin non-forest land recorded as forest as on 25.10.1980 located in the	Total virgin non-forest land recorded as forest as on 25.10.1980	Non-forest land recorded as non-forest as on 25.10.1980
1	Mining including temporary haul road	2.593	0	2.593	2.287
2	Waste dump yard with environmental protective measures	1.079	0	1.079	0
3	Sub Grade ore Stacking with environmental protective Measure	4.137	0	4.137	0
4	Road	0	0	0	0
5	Screening & Crushing Plant Premises	2.773	0	2.773	0
6	Camp Area for Workers	0	0	0	0
7	Weigh Bridge	0	0	0	0
8	Magazine with Safety Zone	0	0	0	0
Total		10.582	0.00	10.582	2.287

Table- 3

Abstract of Existing and Proposed Land use of non-forest land recorded as forest as on/ after 25.10.1980 along with Non-Forest land involved in the project

SL. No.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Proposed Land use Change of Broken up non-forest land recorded as forest as on 25.10.1980	Utilisation pattern of total non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken Non-forest land recorded as non-forest as on 25.10.1980 (in ha)	Virgin Non-forest land recorded as non-forest as on 25.10.1980 (in ha)	Total Non-forest land recorded as non-forest as on 25.10.1980 (in ha)	Grand Total (in ha)
1	2	3	4	5	6 (3+4+5)	7	8	9 (7+8)	10 (6+9)
1	Mining including temporary haul road	1.941	2.593	4.246 (3.652 ha from Sub Grade ore Stacking & 0.594 ha from Waste dump yard)	8.78	2.920	2.287	5.207	13.987
2	Waste dump yard with environmental protective measures	3.305	1.079	0.773 (Sub Grade ore Stacking Minus 0.594 already proposed for mining out of used up waste dump yard 3.305)	4.563	0.00	0	0	4.563
3	Sub Grade ore Stacking with environmental protective Measure	12.041	4.137	Minus 5.324 (3.652 for Mining +0.773 for waste dump + 0.899 for Screening & Crushing Plant Plant)	10.854	0.00	0	0	10.854
4	Road	1.483	0	Minus 1.38 proposed for Screening & Crushing Plant	0.103	0.071	0	0.071	0.174
5	Screening & Crushing Plant Premises	3.144	2.773	2.279 (0.899 ha from Sub Grade ore Stacking&	8.196	1.141	0	1.141	9.337

				1.38 ha from waste dump)					
6	Camp Area for Workers	1.644	0	-	1.644	0	0	0	1.644
7	Weigh Bridge	0.054	0	-	0.054	0	0	0	0.054
8	Magazine with Safety Zone	0.196	0	-	0.196	0	0	0	0.196
	Total	23.808	10.582	0	34.39	4.132	2.287	6.419	40.80 9

Table-4 (Modified break up of Table-3)

Proposed Land use of non-forest land recorded as forest as on/ after 25.10.1980 along with Non-Forest land involved in the project

SL. No.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Utilisation pattern of total non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken Non-forest land recorded as non-forest as on 25.10.1980 (in ha)	Virgin Non-forest land recorded as non-forest as on 25.10.1980 (in ha)	Total Non-forest land recorded as non-forest as on 25.10.1980 (in ha)	Grand Total (in ha)
1	2	3	4	5 (3+4)	6	7	8 (6+7)	9 (5+8)
1	Mining including temporary haul road	6.187	2.593	8.78	2.920	2.287	5.207	13.987
2	Waste dump yard with environmental protective measures	3.484	1.079	4.563	0	0	0	4.563
3	Sub Grade ore Stacking with environmental protective Measure	6.717	4.137	10.854	0	0	0	10.854
4	Road	0.103	0	0.103	0.071	0	0.071	0.174
5	Screening & Crushing Plant Premises	5.423	2.773	8.196	1.141	0	1.141	9.337
6	Camp Area for Workers	1.644	0	1.644	0	0	0	1.644
7	Weigh Bridge	0.054	0	0.054	0	0	0	0.054
8	Magazine with Safety Zone	0.196	0	0.196	0	0	0	0.196
	Total	23.808	10.582	34.39	4.132	2.287	6.419	40.809

Flora and fauna:As per site inspection report of DFO, Keonjhar, the forest land applied for diversion is situated in proximity of adjoining Baitarani RF and has been depicted as “Open Mixed jungle mainly Sal” on concerned Toposheet.

Therefore, the condition of vegetation has been treated at par with the adjoining Baitarani Reserved Forest. The adjoining Reserved forests come under the group 3C/C2e(iii) Moist Peninsular Valley Sal. The prevailing vegetation consists of Sal and its associates.

The principal associates of Sal(*Shorea robusta*) includes *Terminalia alata*, *Lagerstroemia perviflora*, *Anogeissus latifolia*, *Terminalia belerica*, *Syzygium cumini*, *Mangifera indica*, *Schleichera oleosa*, *Adina cordifolia*, *Pterocarpus marsupium*, *Bombax ceiba*, *Bridelia retusa*, *Madhuca indica*. The middle storey is represented by *Syzygium cumini*, *Ougeinia ougenensis*, *Careya arborea*, *Trema orientalis*, *Emblica officinalis*, *Cassia fistula* etc. The shrubs and undergrowth are characterized by *Indigofera pulchella*, *Ardisia solenacea*, *Flemingia chhappar*, *Helicteres ixora* and *Clerodendron viscosum* etc. The prevailing climbers include *Bauhinia vahlii*, *Combretum decandrum* and *Beutea parviflora*. The grasses over the Forest floor include *Chrysopogon aciculatus*, *Imperata cylindrica*, *Dicanthium carricosum*, *Cynodon dactylon* etc.(Page-325/DP).

It has been reported that the canopy density of the prevailing forest growth in the adjoining Reserved Forest varies from 0.2 to 0.8. The average density is about 0.4. The prevalence of pole crop to middle aged Sal crop in this area indicates the shifting cultivation in the past and the crop can therefore be considered to be of secondary origin. But the secondary moist deciduous forest replacing primary forest of the same type is not differentiated as almost all the primary forests have been practically influenced by human interference. The prevailing forest growth & structure of the forest crop in the proposed non-forest land recorded as forest is categorised as “open mixed jungle mainly Sal” and reported to be of Eco Class-I forest type with canopy density of 0.3 (Page-P2/DP). It has also been reported by DFO, Keonjhar that soil erosion is likely to increase because of felling of trees in the undulating topography.

The village forest land and DLC forest land along with the non-forest land recorded as "Forest", involved in the mining lease situated adjacent to the “Baitarani Reserved Forest” is the dwelling habitat for Leopard (*Panthera pardus*), Bear(*Melursus ursinus*), Barking Deer(*Muntiacus muntjack*), Hyena(*Hyena hyena*), Porcupine (*Hystrix indica*) etc. Occasional visit of wild elephants used to be witnessed in the applied forest land and adjoining RF. The applied site falls under elephant habitat Zone-2 as mentioned by ORSAC, Bhubaneswar(Page-326/DP).

Tree Enumeration: Tree enumeration has been carried out over the total forest land of 34.39 ha proposed for diversion. In all, 244 nos. of sound trees, 399 nos. of unsound trees above 30 cm girth and 230 nos. of poles below 30 cm girth have been enumerated inside the 34.39 ha. proposed for diversion. The species wise and diameter class wise abstract of enumerated trees is enclosed as Annexure – XV at Page-297 to 297/A/DP. In view that 24.446ha. of forest land already diverted, 112.73ha. of broken DLC land allowing for mining up to the end of lease period and 34.39ha. of sabik kisam forest land now proposed for diversion, the vegetation over the remaining forest land i.e. 130.836ha. (302.402ha. - 24.446ha. - 112.73ha. - 34.39ha.) including the forest land in safety zone is to be protected and preserved by the lessee at their cost. Tree enumeration of such forest land shall be taken up by the DFO, Keonjhar for facilitating the lessee in this context. DFO, Keonjhar shall maintain strict vigil to ensure that no illegal activities take place on such undiverted forest land and vegetation over such forest land remains intact.

Wild Life Management Plan: The Site Specific Wildlife Conservation Plan prepared by the User Agency has been approved by the PCCF, (Wildlife) & CWLW, Odisha (Page-348-349/DP) with a financial outlay of Rs. 379.59 Lakh (Rs. 87.71 Lakh for executing the components of approved Plan in the project area by the User Agency and Rs. 291.88 Lakhs for executing the approved components of Plan in the project impact area by the DFO, Keonjhar Division). The User Agency has deposited Rs. 291.88 lakh in Adhoc-CAMPA through RTGS vide UTR No.SBINH14051323278 on dated 20.02.2014 (Page-350-352/DP).

Further, the User Agency has also deposited the proportionate cost for implementation of Regional Wildlife Management Plan over the lease hold area of 335.594 ha as per the revised norm fixed by Govt. @ Rs.43,000/-per ha. on ML area basis in different phases as per the details given below:

Amount @ Rs.15,000/-	67,11,880/-	Through DD No.123793dt.25.07.09
Differential amount of revised norm @ Rs.26,000/-	20,13,564/-	Through RTGS dt. 20.02.2014 (UTR No.SBINH14051323412)
Differential amount of revised norm @ Rs.43,000/-	57,05,098/-	Through RTGS dt. 05/11/2015 (UTR No.PUNBR52015110510007012)
Total	1,44,30,542/-	

The payment details of the Regional Wildlife Management Plan are enclosed at page-353 to 354/DP.

Compensatory Afforestation: It has been reported that an extent of 92.3730 ha of non-forest Govt. land has been allotted by the district administration in village Tana under Banspal Tahasil of Keonjhar district in favour of Balda Block Iron Mines of M/s Serajuddin & Co. for raising Compensatory Afforestation (**Annexure – XVI, 301-302/DP**). Out of the said 92.3730ha. of allotted non-forest land, 34.39ha. of land as per land schedule given below is proposed to be used for raising compensatory afforestation against the instant proposal for diversion of 34.39ha. of sabik kisam forest land.

Tehsil	Village	Khata No.	Plot No.	Area	Kisam
Bansapal	Tana	75	722(p)	3.65 ha.	Hudi
			723(p)	14.74ha.	Hudi
			724	16.00ha.	Hudi
	Total			34.39ha.	

The non-encroachment/ non-encumbrance certificate of Tahasildar, Bansapal and suitability certificate of the DFO, Keonjhar for identified/allotted CA land is given at page 302/DP. Compensatory Afforestation Scheme in ANR mode of Plantation of 400 plants per hectare has been prepared by DFO, Keonjhar with a total financial forecast of Rs.31,59,900/- @ current wage rate of Rs. 200/- per manday with maintenance cost of 10 years. The species selected to be planted under the scheme are Amla(*Embllica officinalis*), Neem (*Azadirachta indica*), Bahada(*Terminalia belerica*), Karanja(*Pongamia pinnata*), Jamu(*Sizium cumini*), Gambhar(*Gmelina arborea*), Dhaura(*Anogeissus latifolia*), Harida(*Terminalia belerica*) etc. The Addl. Pr. CCF(Forest Diversion)& Nodal Officer, FC Act has accorded technical approval to both the CA schemes. Copy of duly approved CA scheme is appended to the DP page 303-317/DP. The user agency shall provide the funds with Adhoc-CAMPA for execution of CA scheme by State Forest Department.

Cost benefit analysis: The Cost Benefit analysis has been worked out as per the guide lines of Forest (Conservation) Act, 1980 and enclosed in the proposal at **Annexure- XV(A),page-298-300/DP**. Total loss has been evaluated at Rs.59,35,616/- whereas total benefit notwithstanding loss of forest to be accrued from the project has been estimated at Rs.400 Crore. Hence, the Cost Benefit ratio comes to 1: 673.89.

Safety Zone: The mining lease granted/executed over 335.594 ha during 2nd RML period involves 302.402 ha of forest land which includes 38.182 ha of Village Forest, 219.951 ha of DLC Forest land and 44.269 ha of Non-Forest land recorded as "Forest" as on 25.10.1980. The total non-forest land involved in the mining lease is 33.192 ha. The total forest land located in the safety zone is 21.165 ha. Similarly total non-forest land located in the safety zone is 13.504 ha. The details of forest and non-forest land located in the safety zone of the mining lease is furnished hereunder:

DETAILS OF SAFETY ZONE AREA (Area in ha)

SL. No.	Item	Village Forest	DLC Forest	Non-Forest land recorded as Forest as on 25.10.1980	Sub Total	Non-Forest Land	Grand Total
1	7.5 mtrs width all along the Mining lease Boundary	0.263	3.265	0.720	4.248	1.848	6.096
2	50 mtrs width along both sides of Express Highway	5.699	4.824	2.802	13.325	8.016	21.341
3	10 mtrs width along both sides of village Road	0.00	0.00	0.000	0.000	0.298	0.298
4	50 mtrs width along both sides of Perennial Nala	0.00	0.532	1.789	2.321	1.125	3.446
5	Area covered under Road for Public use	0.187	0.085	0.562	0.834	1.984	2.818
6	Area covered under Nala for Public use	0.000	0.000	0.437	0.437	0.233	0.670

GRAND TOTAL	6.149	8.706	6.310	21.165	13.504	34.669
--------------------	--------------	--------------	--------------	---------------	---------------	---------------

The user agency is therefore required to maintain the earmarked safety zone over 34.669ha in the leasehold area. Besides, 1.5 times of forest area in safety zone is also required to be afforested and maintained by user agency in degraded forest land elsewhere.

Environmental Clearance:The User Agency has obtained Environmental Clearance for production of 15.15 Million ton of Iron ore in this mine from Govt. of India, MoEF vide their letter No. J-11015/18/2012-IA.II (M) dt.19.11.2013.The copy of the approved Environmental Clearance is enclosed as Annexure- III,page-3-12/DP. The State Pollution Control Board, Odisha has granted Consent to Operate vide letter No.2402/IND/I-CON-2183 dated .05.02.2016which is valid up to 31.03.2020.The Copy of the Consent Order is enclosed as **Annexure – XIV,page-283-296/DP**.

Phased Reclamation Plan:Concurrent Reclamation has not been taken up. However, it has been reported that two OB dumps have been stabilised (**Page-326/DP**). The User Agency has furnished an undertaking vide **Annexure- VIII,page-251/DP** to undertake concurrent reclamation of mined out pits through back filling followed by afforestation as per the approved Concurrent Reclamation Plan. Copy of Phased Reclamation Plan is attached at page 275-282/DP.

Resettlement and Rehabilitation:It has been reported that this project does not involve displacement of human habitation. Hence R&R Plan is not necessary.

Lease Profile: The lease profile of lessee is enclosed as **Annexure- IX, Page No.252/DP**.

Mining Plan/ Mining Scheme:Scheme of mining with Progressive Mines Closure Plan has been approved by IBM in letter No.314(3)/2011-MCCM(CZ)/MS-47 dated.27.4.2012(page 232-234/DP). As reported by lessee in Part I of application form, there is an estimated reserve of iron ore of 249Million tonnes. Considering 15.15MTPA of production of minerals, the life of mines is said to be 17 years. Copy of approved Mining Scheme with PMCP is enclosed in a separate volume.

Others: Net Present Value is applicable to this project. After identification of 44.269 ha of non forest land as “Forest” as on 25.10.1980, the total forest land involved in the mining lease comes to 302.402 ha (38.182 ha of Village Forest, 219.951 ha of DLC forest land and 44.269 ha of Sabik Kisam forest land identified as forest out of non-forest land as on 25.10.1980). The User Agency has deposited Net Present Value for the entire forest land of 302.402 ha as demanded by the DFO, Keonjhar from time to time. The details of the NPV deposited by the User Agency are mentioned below:

SL No.	Forest Area (in ha)	Eco Class	Canopy Density	Applicable Rate (in Rs.)	NPV Deposited (in Rs.)	DD/RTGS Receipt No & Dt.
1	1.607	I	0.05	5,80,000/-	1,80,61,310/-	DD No.940857 dt. 26/10/09
2	22.839	I	0.2	7,50,000/-		
3	258.133 (Rs. 7,30,000/- ha over 258.133 ha – NPV already realised to the tune of Rs. 1,80,61,310 irrespective of per ha NPV amount demanded earlier)	I	0.2	7,30,000/-	17,03,75,780/-	DD No.182079 dt.26/07/10
4	Interest on belated payment of NPV	-	-	-	8,82,220/-	RTGS dt.08/03/14 vide UTR No.SBINH14067310743

5	44.269	I	0.3	7,30,000/-	3,23,16,370/-	NEFT dt.13/07/16 vide UTR No.UCBAH16195027012
Total	302.402				22,16,35,680/-	

The copy of the demand notice issued by the DFO, Keonjhar from time to time and payment details are enclosed as **Annexure- XXII, page-340-347/DP**. The User Agency has submitted an undertaking to pay additional NPV, if so determined later enclosed at page-**251/DP**. The Basic Information in respect of Keonjhar Forest Division, Keonjhar district and State of Odisha duly authenticated by Addl. PCCF(Nodal) have been furnished at page 323-323B/DP. The Site Inspection report of the Divisional Forest Officer, Keonjhar is at page 324-330/DP.

Certificate Under Forest Right Act: The total forest land involved in the mining lease after identification of Sabik Kisam forest land (as on 25.10.1980) is 302.402 ha (38.182 ha of Village Forest, 219.951 ha of DLC forest land and 44.269 ha of Sabik Kisam forest land). As per MoEF&CC guidelines dt. 3.8.2009 and subsequent guidelines issued thereafter, the certificate in prescribed format for 258.133 ha of forest land comprising of 38.182 ha of Village Forest and 219.951 ha of DLC forest land was issued earlier by the Collector, Keonjhar vide letter No.148 dt. 25/01/2014 (**Annexure-XII, page-274/DP**). The copy of the Gram Sabha resolutions of Balda village dt. 6.12.2012 for 219.777ha, Badakalimati dt. 10.10.2012 for 5.908ha. and Nayagarh dt. 8.8.2013 for 32.448ha. both in English and vernacular language along with copy of proceeding of the meeting of District Level Committee dt. 24.12.2013 are enclosed in a separate volume (**Vol-2**). However, the FRA compliance in respect of the 44.269ha. of sabik kisam forest land as on 25.10.1980 including the 34.39 ha of such forest land proposed for diversion under this proposal, has not yet been submitted by the Collector, Keonjhar. Therefore the Collector, Keonjhar shall furnish required FRA compliance pertaining to 44.269ha. of sabik kisam forest land as on 25.10.1980 (non-forest land in hal record) in this lease before obtaining Stage-II forest clearance for the instant forest diversion proposal.

(i) Violation & Action Taken thereof:

The following violation have been reported in the Site Inspection Report of DFO, Keonjhar Division (**Page-324-330/DP**).

1. Illegal mining over 0.5 ha of DLC virgin forest land in Block- F between ML Pillar No. 4 to Pillar No. 8.
2. Unauthorised breaking of DLC forest land located in Safety Zone over 0.1186 ha between boundary pillar No. 9 to 11 and pillar No. 37 to 39 adjoining Block- F.
3. Illegal dumping of Over Burden over 0.988 ha of DLC forest land adjoining Block – C.
4. Illegal mining over 0.207 ha of DLC virgin forest land in Block– D between ML Pillar No. 13 to Pillar No. 15.
5. Illegal mining over 0.522 ha of DLC virgin forest land adjoining Block– B.
6. Illicit felling of 20 nos. of Sal and Misc. poles of size 60 cm to 90 cm girth outside the mining lease within 20 meters of the lease boundary near ML pillar No. 9 and 10.
7. Un-scientific management of OB dumps with slope 27⁰ to 45⁰ and height greater than 30 mtrs in all the dumps.
8. Non-reclamation of mined out pits against the stipulated conditions of concurrent reclamation.
9. Non-demarcation of different categories of forest land i.e. Village Forest, DLC forest involved in the mining lease.

Action Taken

One Forest Offence case has been booked against the user agency vide OR No.180^{CH} of 2011-12. Prosecution has been sanctioned and submitted in the Court of JMFC, Barbil vide PR. No. 17 of 2012-13. The Case is sub-judice.

Observation of Hon'ble Shah Commission and Action taken thereof

Observation – The lessee had carried out mining activities in excess DLC forest area to the extent of 30.00 ha based on satellite imagery in the mining lease.

Action taken – As reported by the DFO, Keonjhar Division, field verification taken up immediately after the Commission's observation confirms the encroachment to the extent of 3.287 ha and the Collector, Keonjhar has

been requested to take legal action as deemed proper vide letter No. 679 dt. 30.01.2014 and No. 2233 dt. 31.03.2014 of the DFO, Keonjhar Division. Action taken report is awaited from the Collector, Keonjhar.

The above violations are reported by the DFO, Keonjhar Division at **Annexure-XXI,page-328/DP**.As the lessee has violated the provisions of FC Act, 1980, Government of India, MoEF&CC may take into account the above acts of violations committed in this lease and penal measures as deemed proper may kindly be imposed for compliance by the lessee.The State Govt. has submitted this proposal subject to the following stipulation:

- A) The user agency shall undertake demarcation of the lease area on the ground posting four feet high cement concrete pillars embedded two feet inside the soil with serial number, forward and backward bearings, and distance from pillar to pillar. The user agency shall also submit the map of lease area showing different kinds of forest land using DGPS survey data and latitude and longitude of each pillar to the Divisional Forest Officer, Keonjhar for his reference before commencement of work on final forest clearance.
- B) Collector, Keonjhar shall furnish required FRA compliance pertaining to 44.269ha. of sabik kism forest land as on 25.10.1980(non-forest land in hal record) in this lease before obtaining Stage-II forest clearance for the instant forest diversion proposal.
- C) User agency shall maintain and protect the safety zone as per para 4.7 of FC Act guidelines at their cost.
- D) Land schedule authenticated by Tahasildar concerned pertaining 34.39ha. of sabik kism forest land duly countersigned by DFO, Keonjhar shall be furnished.
- E) Phased reclamation Plan appended to the DP shall be approved by competent authority for implementation by lessee at project cost.
- F) Land use plan of the ML area of 335.594 ha. indicating forest land already diverted, broken up DLC forest and non-forest land, sabik kism forest land now proposed for diversion, virgin forest/DLC/sabik forest/non-forest shall be furnished.
- G) Penal measures as would be imposed by MoEF&CC, shall be complied by the user agency.
- H) Phased reclamation plan shall be approved by competent authority for implementation at project cost.
- I) SoI topomap (Plate I) has not been authenticated by DFO, Keonjhar. This shall be complied with.
- J) SoI topomap(Plate IX(A) showing CA land has not been authenticated by DFO, Keonjhar and Tahasildar, Bansapal. This shall be complied with.
- K) The user agency shall provide the funds with Adhoc-CAMPA for execution of CA scheme by State Forest Department.

The facts related to the above proposal was placed before **Forest Advisory Committee (FAC) in its meeting held on 9th & 10th November, 2016**. After thorough deliberation in the said FAC meeting, FAC recommended the proposal for clearance under Forest (Conservation) Act, 1980 with general, standard and following specific conditions-

- (i) The user agency shall pay additional NPV at the rate 20 per cent for each year since the violation of Forest (Conservation) Act 1980 has commenced.
- (ii) User agency shall raise penal CA equivalent to the land utilized in violation of provision of Forest (Conservation) Act 1980

However, FAC further observed that the proposal file shall be placed before Competent Authority for approval on receipt of following information:

- i. State Government shall submit original certificate of complete compliance of FRA.2006.
- ii. For compensatory afforestation (CA) equivalent non-forest land (NFL) is to be earmarked and plantation has to be raised @1000 plants/ha, of forest land diverted. On analysis through DSS it is found that some area of the proposed non forest land for CA is having moderately dense vegetation over it, therefore 1000 plants/ha cannot be planted. The proposed non forest land for CA shall be accepted provided the number of plants which are not possible to be planted on proposed land, shall be planted on degraded forest land (crown density upto 40 % as per Forest Survey of India report) identified by the forest department. State Government shall identify degraded forest land (DFL) within its administrative control and submit the location of area and shape file with possible number of plants to be planted in the proposed degraded forest land. The compensatory afforestation scheme shall be for 1000 plants/ha of the forest land diverted under this proposal including maintenance cost for 10 years. The State Government shall submit the revised CA scheme.

- iii. State Government shall submit latest status of court cases related to violations pending in different Courts
- iv. FAC took a serious note of the observation of the State Government that the user agency has violated the provisions of FC Act and change the land use of the forest land diverted without approval of competent authority. It is observed by the FAC that the user agency had violated the conditions stipulated in the approval by MoEF&CC vide letter no. 8-17/2001-FC dated 22.04.2004, for diversion of forest area within the same mining lease. User agency had been found to deviate from the approved land use plan. This speaks about the credibility of the user agency in observing the conditions imposed by this Ministry while granting permission for diversion of the forest land under Forest Conservation Act, 1980. The MOEF&CC may request the Regional Office (Eastern Zone) Bhubaneswar to initiate proceedings in accordance with the provision of section 3A and 3B of the Forest Conservation Act, 1980 and file complaint in the court having jurisdiction in matter against officials *prime facie* found guilty for changing the land use of the diverted forest land without approval of competent authority.

Taking into consideration the above recommendation of FAC, the State Government vide this Ministry's letter dated 20.12.2016 was requested to submit information as indicated above to this Ministry for further action. **No information has been received in this regard from State Govt. of Odisha.**

11. Further, a **meeting** was held under the **Chairmanship of DGF&SS** to discuss the issue regarding extension validity of permission granted vide letter F.No 8-119/96-FC (pt.) dated 12.03.2012 to Balda Block Iron Ore Mines of M/s Serajuddin & Co under Keonjhar Forest Division in Odisha. In the said meeting, the following observation made:
 - (i) It was observed that M/s Serajuddin & Co was accorded final forest clearance for diversion 24.446 ha of forest land in respect of Balda block Iron Ore mines of M/s Serajuddin & Co. Under Keonjhar Forest Division in Odisha on 11.12.1998 for a period of 10 years. However the lease deed executed between the state government and user agency on 21.06.1999 in course of the renewal of mining lease states that validity of this lease is upto 2.12.2017. Since the earlier GOI clearance order is valid for 10 years, this ministry vide their letter dated 25.3.2009 have made the above period of forests clearance in this lease co- terminus with the period of mining lease granted under MMDR act 1957 i.e from 3.12.1997 to 2.12.2017.
 - (ii) It was reported by the State Government that the total mining lease area of 335.594 ha was comprising of 38.182 ha. Of forest land and 297.412 ha. Of non-forest government land.
 - (iii) However, in view of the order dated 12.12.1996 of the Hon'ble Supreme Court of India in W.P. (C) No. 202/1996, 219.951 ha. of non-forest government land was considered to be treated as DLC land.
 - (iv) Thus in the changed scenario the status of different kind of land in this mining lease of 335.594 ha. of area became 258.133 ha. of forest land (38.182 ha. of forest land + 219.951 ha. DLC forest land) and 77.461 ha. of non-forest government land.
 - (v) Out of 219.951 ha. of DLC forest land 112.73 ha. of DLC forest land is reportedly broken up prior to 1980 in this lease in course of working of the mines.
 - (vi) Based on the clarification issued by the CEC and subsequent clarification dated 07.07.2011 the lessee was allowed to work over broken up DLC forest land till the expiry of existing mining lease i.e. till 02.12.2017 vide MoEF & CC letter no. 8-119/96-FC(pt.) dated 12.3.2012 and dated 5th May, 2016.
 - (vii) It is reported that the user agency has deposited 18,84,37,090 Rs. as NPV for entire area as per the Ministry's guidelines F.No.8-78/1996-FC(pt.) dated 10.03.2015.
 - (viii) As per amended provision of MMDR Act and MoEF&CC guidelines F.No.11-51/2015-FC dt. 1.4.2015/1.5.2015 the period of validity of mining lease has been extended up to 2020. It was informed

that the supplementary deed was executed on 1.12.2017.

- (ix) User agency had requested to allow mining over broken DLC area i.e. 112.73 ha upto 2020 instead of 02.12.2017.
- (x) The special Secretary forest Odisha informed that since the lease has been extended up to 2020 for the entire area, the user agency may be allowed to work in the broken up DLC land till 2020. He further stated that user agency had already deposited NPV amount for the entire area and since the area is broken prior to 1980 so CA will not be applicable. As per the joint verification report dated 16.12.1998 by mining and forest officials, 112.73 ha land was found to be broken prior to 25.10.1980.
- (xi) It was informed that at present the user agency is working only over 24.446 ha of forest land which has been diverted under the provision of FCA, 1980, and over broken up sabik forest land. It was further informed that the user agency has been allowed to work on broken up sabik forest land based on the direction on Hon'ble High Court. The work in 112.73 ha DLC forest land beyond 2.12.2017 has been stopped by the order of DFO.
- (xii) During discussion it was observed that the user agency has moved a case against the order of DFO in which MoEF&CC is also a party. In this regard AIG(FC) informed that Ministry had already approved reply affidavit and the same has been forwarded to Regional Office for further action. The Ministry has taken following stand in this particular case.

That on the direction of the Hon'ble Supreme court and on the recommendations of Central Empowerment Committee, here is after referred as (C.E.C) due to peculiar situation in case of DLC forest land which was identified as forest after the mining was started, considering the land as non forest land, the permission to continue mining in broken part of D.L.C was a kind of Temporary working permission to avoid abrupt halt in the mining operations provided all statutory clearances which included forest clearances under Forest Conservation Act, 1980 is obtained. The user agency has not so far applied for the forest clearance for the entire DLC forest land within the lease till date and is continuing mining operations without statutory clearances.

- (xiii) DFO Keonjhar informed that the user agency has withdrawn the case.
- (xiv) In order to get more clarity to the CEC recommendation, the matter of allowing a lessee to work over broken DLC land of lease hold area, the matter was referred to CEC. The CEC in their letter dated 7.7.2011 have further clarified that working in the broken DLC land has been decided to be allowed to be continued only in respect of those leases where government of Odisha at the time of processing and /or approving the proposals under FC Act and /or MMDR Act treated such areas as non forest land and during the validity of the lease period for which such view is taken.
- (xv) From the clarification date it is clear that CEC had taken the decision prior to amendment of MMDR act vide which the validity of lease has been increased up to 2020.
- (xvi) The FCA guideline 3.2 (viii)d states that “***no compensatory afforestation shall be insisted upon in respect of the Cases of renewal of mining lease, for the forest area already broken/used for mining, dumping or overburden, construction of roads, ropeways, buildings, etc. For the balance area, compensatory afforestation shall be required to be done as stipulated, provided that no compensatory afforestation had been stipulated and done in respect of this area at the time of grant/renewal of lease earlier***”.

Decision Taken in the meeting chaired by DGF&SS

- (xvii) After thorough deliberation and discussion, it was observed that the user agency is working on broken up DLC land since 1997 without approval under FCA 1980. Initially when the proposal was consider for grant of approval of diversion of forest land of 24.446 ha out of total lease of 335.594 ha, the land in question

i.e DLC land was treated as non forest land. This permission to work over broken up DLC land with in total mining lease was given after the clarification in this regard was received from CEC on 7.7.2011. At the time of clarification the lease period was up to 2.12.2017. Now a peculiar situation had arisen in this case, as the amended provisions of MMDR Act 2015 had extended the lease period up to 2020 and it seems that this tenure of extended lease period was not envisaged by CEC at the time of clarification. The NPV for entire area has been paid. Further the special Secretary forest Odisha informed that As per the joint verification report dated 16.12.1998 by mining and forest officials, 112.73 ha land was found to be broken prior to 25.10.1980 and since the area is broken prior to 1980 so CA will not be applicable as per FCA guidelines 3.2(viii). It states that

No compensatory afforestation shall be insisted upon in respect of the following

d) Cases of renewal of mining lease, for the forest area already broken/used for mining, dumping or overburden, construction of roads, ropeways, buildings, etc. For the balance area, compensatory afforestation shall be required to be done as stipulated, provided that no compensatory afforestation had been stipulated and done in respect of this area at the time of grant/renewal of lease earlier.

During discussion it was also noted that the total mining lease also contain 34.39 ha of sabik kism forest land. The proposal for diversion of the SABIK LAND was discussed by FAC on 9th and 10th Nov 2016. FAC had recommended the proposal with general, Standard and following specific conditions

1. The user agency shall pay additional NPV at the rate 20 per cent for each year since the violation of Forest (Conservation) Act 1980 has commenced.
2. User agency shall raise penal CA equivalent to the land utilized in violation of provision of Forest (Conservation) Act 1980.

However FAC further observed that the proposal file shall be placed before Competent Authority for approval on receipt of following information:

- I. State Government shall submit original certificate of complete compliance of FRA.2006.
- II. For compensatory afforestation (CA) equivalent non forest land (NFL) is to be earmarked and plantation has to be raised @1000 plants/ha, of forest land diverted. On analysis through DSS it is found that some area of the proposed non forest land for CA is having moderately dense vegetation over it, therefore 1000 plants/ha cannot be planted. The proposed non forest land for CA shall be accepted provided the number of plants which are not possible to be planted on proposed land, shall be planted on degraded forest land (crown density upto 40 % as per Forest Survey of India report) identified by the forest department. State Government shall identify degraded forest land (DFL) within its administrative control and submit the location of area and shape file with possible number of plants to be planted in the proposed degraded forest land. The compensatory afforestation scheme shall be for 1000 plants/ha of the forest land diverted under this proposal including maintenance cost for 10 years. The State Government shall submit the revised CA scheme
- III. State Government shall submit latest status of court cases related to violations pending in different Courts.
- IV. FAC took a serious note of the observation of the State Government that the user agency has violated the provisions of FC Act and change the land use of the forest land diverted without approval of competent authority. It is observed by the FAC that the user agency had violated the conditions stipulated in the approval by MoEF&CC vide letter no. 8-17/2001-FC dated 22.04.2004, for diversion of forest area within the same mining lease. User agency had been found to deviate from the approved land use plan. This speaks about the credibility of the user agency in observing the conditions imposed by this Ministry while granting permission for diversion of the forest land under Forest Conservation Act, 1980. The MOEF&CC may request the Regional Office (Eastern Zone) Bhubaneswar to initiate proceedings in accordance with the provision of section 3A and 3B of the Forest Conservation Act, 1980 and file complaint in the court having jurisdiction in matter against officials *prime facie* found guilty for changing the land use of the diverted forest land without approval of competent authority

The above recommendations of FAC was conveyed to the state government vide letter 8-39/2016-FC dated 20th December 2016. The compliance of it is still awaited.

12. Taking all the above matter into consideration it was decided that the user agency may be allowed to work over broken up DLC land up to the end of extended lease period i.e. up to 31.3.2020 as per amended provision of MMDR Act, 2015 and MoEF&CC guideline 11-51/2015-FC dt 1.04.2015, 1.05.2015 subject to the condition that the compliance of FAC recommendations as conveyed vide letter number 8-39/2016-FC dated 20th December 2016 is submitted by the state government to MoEF&CC.

13. GIS-DSS analysis of Broken forest land in the Balda Block Iron Mines of M/s Serajuddin & Co.

1. In view of above mentioned proposal, the Shape file/ KML file of various boundaries like Forest land, DLC forest and Mining lease boundaries are not provided by the User agency/ State Government and these boundaries have been prepared by using the GIS software and DGPS map attached in the file.
2. After preparing the above mentioned boundaries, the ML area of M/s Serajuddin & Co. has been analyzed by using GIS tools and their results are as under:
 - i. The total ML area of Balda Block Iron Mines of M/s Serajuddin & Co is found 343.981 Ha. whereas in the records 335.594 ha is mentioned as ML area. Thus, there is discrepancy of 8.387 Ha. area is observed in the ML area.
 - ii. **The details of broken up Forest land in the Balda Mining lease are as under:**

S. No.	Satellite Image for the Year	Broken up Forest Area including DLC and Sabik land in Ha.
1	21/12/2010	141.7
2	29/05/2014	35.2
3	18/02/2016	9.25
Total		186.15 Ha area found broken

The file for soliciting the approval of competent authority for para (12) above was processed on which it has been decided to place the matter in FAC for appropriate examination and recommendation.
