

Subject: Diversion of 1283.570 hectares of forest land for Coal Mining in Amelia Coal Block by M.P. State Mining Corporation in Singrauli District of Madhya Pradesh.

1. The Nominating Authority, Ministry of Coal vide their letter no. 103/04/2016-NA dated 15.09.2016 informed that the Ministry of Coal vide its OM No. 13016/9/2014-CA-III (Pt. II) dated 29.08.2016 that the Amelia Coal Mine has been allotted M/s. THDC India Limited Under Section 5 (1) of Coal Mines (Special Provisions) Act, 2015 read with Rule to 11 (10) of the coal mines (Special Provisions) Rules, 2014.
2. It is imperative to mention here that the Addl. Principal Chief Conservator of Forests (Land Management) & Nodal Officer, Forest (Conservation) Act, 1980, Madhya Pradesh vide his letters dated 01.02.2007 and dated 02.03.2007 had submitted two separate proposals to obtain prior approval of the Central Government under the Forest (Conservation) Act, 1980, for diversion of 1283.57 hectares of forest land in Amelia Coal Blocks and 728.750 hectares of forest land in Amelia (North) coal block respectively, in favour of Madhya Pradesh State Mining Corporation Limited (MPSMCL).
3. The said proposal for diversion of 1,283.570 hectares of forest land **in favour of Madhya Pradesh State Mining Corporation Ltd.** for coal mining in Amelia Coal Block located in Singrauli District, Madhya Pradesh was discussed in **FAC on 9th August 2007** and FAC recommended the proposal. The said proposal was again placed in **FAC in its meeting held on 29-30 April, 2014 and the Committee**, after examination of the proposal and interaction with representatives of user agency, observed as below:
 - (i) Legal status of forest land proposed to be diverted was 1,063 hectares of Reserved Forest, 119.21 hectares of Protected Forest, 2.00 hectares of Private Revenue Forest and 99.36 hectares of Government Revenue Forest;
 - (ii) Crown density of vegetation available in the forest land proposed to be diverted varies from 0.20 to 0.60. **Forest land proposed to be diverted contains 10, 87,347 trees. Important species available** therein are *Shorea robusta*, *Terminalia tomentosa*, *Anogeissus latifolia*, *Madhuca indica*, *Butea monosperma*, *Dalbergia paniculata*, *Lagerstroemia spp. etc.*
 - (iii) As per guidelines issued under the FC Act, user agency is required to provide non-forest land equal in extent to the area of forest land proposed to be diverted, along with funds for afforestation of such non-forest land to raise compensatory afforestation in lieu of forest land proposed to be diverted in their favour. However, as per the proposal received from the State Government compensatory afforestation is proposed to be raised over degraded forest land twice in extent to the area of forest land proposed to be diverted;
 - (iv) **Project involves displacement of about 120 families.** Project received from the State Government however, does not contain a copy of plan for Resettlement and Rehabilitation of project affected families;
 - (v) In compliance with the Hon'ble Supreme Court's Order dated 27th April 2007 in IA No. 1413, 1414 etc. in Writ Petition (Civil) No. 202/1995 in the matter of T.N. Godavarman Thirumulpad *versus* Union of India and others, wherein the Hon'ble Supreme Court directed *inter-alia* that "...fresh cases may be cleared Project-wise by the FAC and thereafter such clearances shall be placed before this Court for approval....", the proposal along with recommendation of the FAC was placed before the Hon'ble Supreme Court. The Hon'ble Supreme Court referred the said proposal to the Central Empowered Committee (CEC) for their examination and appropriate recommendations;
 - (vi) CEC after examination of the above proposal and another proposal seeking prior approval of Central government under the FC Act for diversion of 728.750 hectares of forest land in favour of the Madhya Pradesh State Mining Corporation (MPSMCL) for coal mining at Amelia (North) coal block, made following observation/recommendation in their fourth report:

- (a) **These projects involve felling of about 1.5 million trees – perhaps one of the few cases cleared so far under the FC Act involving such a large number of trees;**
- (b) Both the coal blocks have been allotted to MPSMCL vide letter dated 12th January 2006 by Ministry of Coal under the revised coal policy dated 12th December 2005. The Amelia Coal Block has a reserve of about 393 million tones whereas Amelia North has coal reserve of 120 million tones. The Amelia Coal Block is proposed to be worked on opencast method as well as below ground method simultaneously whereas Amelia North is proposed to be worked on open cast method. From Amelia Block and Amelia North Block extraction of 8.4 million tones and 2.8 million tones of coal respectively is planned to be mined annually. In both the cases environmental clearance is awaited;
- (c) As per the information downloaded by the CEC from the internet, Sainik Mining & Allied Services Ltd. (a company of Sainik Aryan Group) has entered into a joint-venture agreement with the MPSMCL for development of the Amelia Coal Block. This vital information has not been divulged in the proposal sent under the FC Act. The ultimate beneficiary of the diversion of the forest land will be Sainik Aryan Group. As stated in CEC's earlier report dated 16th August 2007, the Sainik Mining & Allied Services Ltd. has also entered into a joint-venture agreement with the M/s. Orissa Mining Corporation for development of a coal block allotted to M/s Orissa Mining Corporation. The CEC has also filed a report dated 11th May 2005 in the Maruti matter, listed as IA No. 1311/1335 regarding the large scale organized theft of coal from the SECL mines by Sainik Aryan Group;
- (d) It would be appropriate that before taking a decision on the proposal for the diversion of forest land, the legality, validity and the public interest involved in development and operation of the coal block through a joint-venture company wherein the Government is a minority shareholder and the day-to-day operation are to be done by the private sector company, are carefully examined; and
- (e) **The FAC has made recommendation for diversion of forest land without examining the relevant issues such as a likely adverse impact of the project on flora and fauna, whether mitigative measures are adequate to contain the adverse impact of the projects, number of labourers involved in the project and their energy needs, location of the mine vis-à-vis the forest boundary, details of approach road, number of trucks required to carry the mineral, details of the approved mining plan, necessity of the diversion of such a large block of forest area, advantage and disadvantage of opening both the mines at a time, production from existing mine vis-à-vis requirement of the existing/ proposed plants, public interest involved in the present case, checks and balances required to be put in place and other relevant factors.** It is also seen that the compensatory afforestation is proposed to be done over degraded forest and not on non-forest land. Considering that about 1.5 million naturally grown trees are required to be felled – perhaps one of the biggest so far approved under the FC Act – a very detailed and careful examination of the proposal should have been carried out and the **non-forest use of forest land should have been considered only if found absolutely necessary, in public interest and no other alternative was found feasible;**
- (vii) As per a copy of note entitled “submissions agreed to by the CEC & the MoEF’ signed by the then IGF (FC) and Member-Secretary, CEC, it was agreed to by the CEC and the MoEF that the recommendations of the FAC for diversion of 1,283.57 hectares of forest land for coal mining in **Amelia Coal Block may not be accepted.** It was also agreed that the State of Madhya Pradesh/Madhya Pradesh State Mining Corporation Ltd. may be asked to cancel the MoU entered into with M/s. Sainik Mining and Allied Services Ltd. and to invite fresh applications after giving wide publicity and laying transparent guidelines;
- (viii) After examination of the said proposal along with recommendations of the CEC, the Hon'ble Supreme Court in their order dated 20th February 2009 in I.A. No. 2167 in the W.P. (C) No. 202 of 1995 directed as below:

“CEC had made certain observations and objections regarding diversion of 1,283.57 ha of forest land for coal mining Sidhi District, M.P., diversion of 125 ha of forest land for iron ore mining

in favour of M/s. Tungbhadra Minerals Pvt. Ltd, District Bellary, Karnataka and diversion of 109.27 ha. of forest land for iron ore mining in favour of M/s. Narayan Mines (P) Ltd, District Bellary, Karnataka. They have been considered and now the MoEF has expressed his inability to accept the FAC report in all the above three projects. Union of India may take appropriate decision and communicate the same to the parties.”

- (ix) **The MoEF vide letter dated 2nd March 2009 communicated to the Government of Madhya Pradesh inability of the Central Government to grant approval under the FC Act for diversion of the said forest land;**
- (x) Government of Madhya Pradesh in their said letter dated 28th January 2014 also provided comments on suggestion of this Ministry **to explore feasibility to undertake only underground mining in the said project. Summary of these comments is as below:**
- (a) Total geological coal reserve in Amelia coal block is 393.59 million tonnes, out of which the open-castable coal reserve is 214.45 million tonnes in 2 seams viz. VIII & VII. The underground mineable coal reserve in 6 coal seams is 179.14 million tonnes;
 - (b) Top 2 seams viz., VIII & VII are open castable seams. Coal mining activity is to be undertaken in these seams initially. Underground coal mining operation should be carried out in the 6 seams to be worked by underground coal mining method below seam VIII & VII once these seams have been worked out by open cast method. If the top two seams are not worked then because of the underground coal mining working, there will be subsidence of all the coal lying above. Due to subsidence the coal of seam VIII & VII will be subjected to spontaneous combustion resulting in loss of entire coal available in these seams. It will also result in environmental problem in the area due to fire. This point was discussed in environmental clearance meeting in MoEF and committee agreed for mining top seams by open cast method and then bottom seam by underground method;
 - (c) Keeping in view the above, it is essential that the top two seams viz., VIII & VII should be worked out first by open cast method and then only extraction of coal by Underground method should be undertaken;
 - (d) Total 190.76 million tonnes coal is extractable by open cast method and 97.20 Million Tones is extractable by underground method. Major chunk of coal extraction is coming from the open cast method and if the coal mining operation is not taken up in the open castable patch then apart from losing open castable coal as explained above, the mining operation will not be economical.
 - (e) Sequence of seam-wise mining operation has already been approved in Mining Plan duly approved by the by Ministry of Coal for working all seams by opencast & underground method as detailed above.
4. The FAC in its meeting held on 29-30 April, 2014 after detailed deliberations recommended that the Government of Madhya Pradesh may be requested to submit following information/ documents:
- (a) Proposal for creation of compensatory afforestation over non-forest land over equal in extent to the forest land proposed to be diverted;
 - (b) Complete process for settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted and submit documentary evidence stipulated in this Ministry's letter No. 11-9/98-FC (pt.) dated 3rd August 2009 in support thereof; and
 - (c) Complete details of plan for evacuation of coal proposed to be extracted from the Amelia Coal block, along with requirement of additional forest land, if any, for the purpose.

5. Based on the above recommendation of the FAC on 29-30 April, 2014 that the Committee had recommended that the inspection of the proposed forest land shall be carry out once again from the respective Regional Office of the Ministry. Accordingly, the Regional Office (Western Zone), Bhopal was requested to carryout Site Inspection Report (SIR) again and they carry out SIR again and submitted their report vide letter No. 6-MPA008/2007-BHO/237 dated 04/07/2018. The SIR is reproduced below:

- (i) The proposal for diversion of 1283.57 ha in favour of M. P. State Mining Corporation was submitted to MoEF, New Delhi vide letter no. F.-1/437/06/10-11/281 dated 01/02/2007. The direction for site inspection was received form MoEF, New Delhi vide letter F. No. 8-6/2007-FC dated 21/02/2007. The Site Inspection report was submitted by Regional Office, Bhopal vide letter no. F. No. 6-MPA008/2007-BHO/3200 dated 30/05/2007 in which the *project was recommended for approval.*
- (ii) The MoEF letter F. No. 8-6/2007-FC dated 02/03/2009 had communicated the “ *inability of the Central Government to grant approval under section-2 of the Forest (COnservation) Act, 1980*” to the Pr. Secretary (Forest), Govt. of Madhya Pradesh. Further, MoEF letter F. No. 8-6/2007-FC dated 03/03/2009 communicated that “ *the State Govt. of M.P. / M.P. Mining Corporation shall be asked to cancel the Memorandum of Understanding entered with M/s Sainik Mining and Allied Services Ld. Further, the State / State Mining Corporation shall invite fresh application after giving wide publicity and laying transparent guidelines. The action taken in this regard may kindly be informed to this Ministry.* ”
- (iii) The direction from MoEF was received for inspection of site vide MoEF letter F. no. 8-6/2007-FC dated 16/05/2014 along with three other shortfalls in the project.
- (iv) The MoEF&CC letter dt. 02/05/2018 again directed Regional Office, Bhopal for site inspection report, other letter of MoEF&CC dt 02/05/2018 addressed Pr. Secretary (Forest), Govt. of M.P. have a mention about the Site Inspection from Regional Office, Bhopal.
- (v) It came to notice the said area was allotted to THDC India Ltd. For Khurja Super Thermal Power project (STPP), Bulandsahar, UP vide order of Ministry of Coal, Govt. of India F. No. 103/11/2016-NA dated 17/01/2017.
- (vi) The information is presented as per the available information originally submitted along with the proposal in the year 2007 by M. P. State Mining Corporation and no any fresh data was supplied by the present agency i.e. THDC India Ltd. The THDC India Ltd. Has submitted the revised area, as there was area variation. As told by the THDC representatives, the survey was carried out by team consisting of CMPDI, Forest Department and THDC survey team. Revised area maps and KML file is submitted vide APCCF(LM), Govt of MP letter dt. 02/07/2018.
- (vii) Legal Status of Forest land proposed for diversion.
 - a. Protected forest land : 119.21 ha
 - b. Reserved forest land : 1063.00 ha
 - c. Private Forest land : 2.00 ha
 - d. Govt. Revenue land : 99.36 ha

In addition to above 335.53 ha of revenue land also involved in the project.

- (viii) How the land proposed for diversion is to be utilized? : **Opencast mining project.**
- (ix) Whether the proposal involves any construction of buildings (including residential): **No.**
- (x) Total cost of Project : **Rs. 1166.60 crores (2007), present cost not submitted.**
- (xi) Wild Life:
 - Whether the forest area proposed for : **Yes, Part-II of DFO in 2007.**
diversion is important from Wildlife **As per site inspection dt. 18th and 19th June**
point of view or not **2018, no direct or in-direct sighting of**
wildlife.
- (xii) Aerial distance from the nearest boundary of any protected area: **beyond 10 km of PA.**
- (xiii) Vegetation :
 - a. Trees to be felled: **11,80,884 trees are marked for felling as reported in Part-II of DFO of 2007 and Site Inspection report of RO, Bhopal of year 2007.**
 - b. Effect of removal on the general ecosystem in the area: **Yes, but it is Mining project. It will have effect on ecosystem.**

As per Part-II, Canopy Density is 0.2 to 0.6 & Eco-class 4. The forest reported is Mixed Sal forest.

Similar situation was observed during site inspection, forest is mixed sal forest with mahua & tendu species with canopy density 0.2 to 0.6.

- (xiv) Background note of the proposal: **It is mining project, specifically opencast mining project.**
- (xv) Compensatory Afforestation:
 - i. **Applicable, CA over 2,600 ha degraded forest land in 17 patches was submitted along with the original proposal of 2007.**
 - ii. **The CA land is revised by State Govt. vide APCCF (LM) Govt. of MP letter no. F-1/437/2006/10-11/1697 dt. 12/06/2018 and only KML file was submitted to this office.**
 - iii. **The revised CA is over 2720.00 ha of degraded forest land in 51 patches. As per DSS, the area shows MDF and agricultural encroachment.**
 - iv. **Documents supporting revised CA i.e. site suitability, free from encroachment, detail scheme and maps may be sought from the State Govt. of Madhya Pradesh.**
- (xvi) Whether proposal involves violation of Forest (Conservation) Act?: **No.**
- (xvii) Whether the proposal involves rehabilitation of displaced people? **No.**
- (xviii) Reclamation Plan details and Financial Allocation: **Applicable.**
- (xix) Cost benefit ratio: **1: 4.5 (2007) as per old guideline.**
- (xx) Utility of project: **Opencast coal extraction.**
- (xxi) Number of Scheduled Case and Scheduled Tribe involved in the Project: **No.**
- (xxii) Compliance of FRA 2006-DC Certificate: **not submitted.**
- (xxiii) Whether the land being diverted has any socio-cultural / religious value: **No.**
- (xxiv) Whether any sacred groves or very old growth of tree of forest exist in the area proposed for diversion? : **No**
- (xxv) Recommendation of Nodal officer and the State government: **Recommended.**
- (xxvi) Details of comments of the APCCF (LM), MP: **Recommended by APCCF (LM), MP.**
- (xxvii) **Observations:** The site inspection was carried out on **18th and 19th June 2018**. The RF-296 & P-317 of East Sarai, P-388 of Waidhan and RF-289 of Sarai were inspected.

This project was submitted for diversion in 2007 and the Site Inspection report was submitted by Regional Office, Bhopal vide letter no. F. No. 6-MPA008/2007-BHO/3200 dated 30/05/2007 in which the *project was recommended for approval*. The direction from MoEFCC was received for re-inspection of site. A new agency i.e. THDC India Ltd have come, as the more than 10 years have passed, many of the ground situations have changed.

The following observations may be specifically looked in to while considering the project by FAC:

(a) Document:

- (i) Present cost of the project and C:B ratio as per revised guideline.
- (ii) FRA certificate in prescribed format from the concerned District Collector.
- (iii) Documents of CA land with scheme & total cost.
- (iv) The tree enumeration list is as per 2006-07.
- (v) Status of FRA patta holder on the proposed forest land.

(b) The APCCF (LM) Govt. of MP vide letter no. **F-1/437/06/10-11/1902 dt. 02/07/2018** had submitted the fresh KML file for **1257 ha**. The DSS analysis of KML file shows following results about forest:

Sl. No.	Area (ha)	Land	VDF	MDF	OF
1	1167.97	Forest Land (RF & PF)	207	746	140

2	87.58	Rev. Forest land	3	40	20
Total	1255.55		210	789	160

(c) Observations on CA land is give at point no 9 (above) may be seen.

(d) At one of the location, the presence of coal on the surface was observed (photographs enclosed).

The coal is important for electricity, nation development, the user agency is joint venture of Govt. of India & Govt. of UP and based on the Nation development as main goal, the site inspection report is submitted for consideration in FAC, please

Recommendation of APCCF (C), R.O. , Bhopal: Based on the observations of DCF(C) in his Site Inspection Report, especially with regard to datum line most data being 2007, the proposal for diversion of 1283.570 ha of Forest Land for Coal Mining in Amelia Coal Block of THDC India Limited (Joint Venture of Govt. of India and Govt. of UP) in Singrauli District of Madhya Pradesh under Forest (Conservation) Act, 1980 may be considered keeping in view the national perspective of the said thermal power project, for meeting the energy needs of the country.

6. The instant proposal has also been analyzed by the DSS Cell of this division and their report may kindly see at **F/X**. The major observations are as under:

(i) **In case of Forest area applied for Diversion:** Calculated area Proposed area for diversion of forest land falls under Sidhi district of Madhya Pradesh State. of Mining lease is found 1592.09 Ha and calculated area of forest land proposed for diversion is found 1209.26 ha while project proponent has applied for diversion of 1283.57 ha of forest land. **Thus, there is discrepancy of 74.31 ha area is observed.**

(ii) **Proposed ML area falls under inviolate Zone based on DSS Decision Rule No. 1 due to presence of VDF (Very Dense Forest) in the Mining lease area & it is also Inviolate based on DSS Decision Rule 2 .**

(iii) Out of total forest area for diversion, 231 ha. of land is having the canopy density of Very Dense Forest, 827 ha of land is characterized with Moderately Dense Forest, 238 ha of land classified as open forest Category and 296 ha. of land as Non Forest in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014.

(iv) **In case of sites proposed for CA:** The CA has been proposed in 51 patches spread over 11 Districts namely Morena, Sheopur, Shivpuri, Datia, Gwalior, Guna, Tikamgarh, Chhatarpur, Sagar, Damoh and West Nimar districts of Madhya Pradesh state. The calculated area of total land proposed for CA is found 2941.06 ha Out of total area for CA, **455 ha of land is characterized with Moderately Dense Forest**, 933 ha of land classified as open forest Category, 120 ha of land as Scrub and 1424 ha. of land as Non Forest in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014.

7. The said proposal was considered in the last FAC meeting in its meeting to be held on 30.08.2018. The FAC after thorough deliberation and discussion with the Nodal officer (FCA) of Madhya Pradesh and APCCF Regional office Bhopal observed that some additional information are required to be incorporated in the agenda items to have a considered view on the matter therefore it is recommended that same may be incorporated in the agenda and place it before next FAC meeting.

In view of the above facts related to the proposal, it is proposed that proposal may be submitted with Site Inspection Report (SIR) carried out by the Regional Office (Western Zone) Bhopal to the FAC, in its meeting scheduled to be held on **30.08.2018.**
