

**F. No. 8-74/2018-FC**  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

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Indira Paryavaran Bhawan,  
Aliganj, Jor Bagh Road,  
New Delhi: 110003

**Dated: 15<sup>th</sup> April, 2019**

To

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

**Sub: Diversion of 93.58 ha of Revenue Forest Land in favour of M/s South Eastern Coalfields Limited (SECL) for Opencast Coal Mining Project in Amgaon, District Surajpur (Chhattisgarh) - reg.**

Sir,

I am directed to refer to the State Government of Chhattisgarh's letter no. 5-21/2018/10-2 dated 16<sup>th</sup> October, 2018 on the above subject seeking prior approval of the Central Government under Section - 2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Forest Advisory Committee constituted under Section - 3 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords 'in-principle' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 93.58 ha of Revenue Forest Land in favour of M/s South Eastern Coalfields Limited (SECL) for Opencast Coal Mining Project in Amgaon, District Surajpur (Chhattisgarh) subject to the fulfillment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the degraded forest land, twice in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) On analysis through DSS it is observed that some small patches of revenue forests fall in the already mined area. User agency had reported in FAC that such area is 0.96 ha. State government shall verify the extent of area under violation and penalty may be imposed as per MoEF&CC guidelines in this regard.
- (iv) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation and penalties to be levied by the State Government in lieu of area used in violation of the FC Act, at the current wage rate, to the State Forest Department. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (v) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- (vi) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;



- (vii) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to CAMPA, through e-challan, in the Saving Bank Account pertaining to the State concerned;
- (viii) Wherever possible and technically feasible, the User Agency shall undertake by involving local community, the afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost;
- (ix) The period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulating) Act, 1957, as amended or Rules framed there under subject to a maximum period of 30 years.
- (x) User agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located in the area within 100 m. from outer perimeter of the mining lease;
- (xi) The user agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.
- (xii) The user agency shall prepare a schedule for surrender of the mined out and reclaimed forest land in accordance with existing mining plan and submit the same along with an undertaking to surrender the mined out and reclaimed forest land as per such schedule to the MoEF&CC before grant of Stage-II approval under the FC Act for diversion of the said forest land;
- (xiii) Following activities shall be undertaken by the user agency for the management of safety zone:
  - (a) User agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its protection by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the State Forest Department.
  - (b) In case of the mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/roads should be properly fenced by the user agency at the project cost to protect the vegetation /regeneration activities in the safety zone.
  - (c) Safety zone shall be maintained as green belt around the mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the project cost under the supervision of the State Forest Department.
  - (d) Afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under safety zone shall also be done by the user agency at the project cost under the supervision of the State Forest Department.
- (xiv) The user Agency shall implement the R & R Plan as per the R & R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. A monitoring committee comprising DFO concerned as member in accordance with Govt. policies may be constituted for implementation of Reclamation Plan.
- (xv) The said R & R Plan will be monitored by the State Government/Regional Office of MoEF along with indicators for monitoring and expected observable milestones.



- (xvi) The user agency shall undertake de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required;
- (xvii) Following activities shall be undertaken by the User Agency at the project cost:
  - (a) Preparation and implementation of a plan containing appropriate mitigative measures to minimize soil erosion and choking of streams;
  - (b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion;
  - (c) Construction of check dams, retention /toe walls along the contour to arrest sliding down of the excavated material;
  - (d) Stabilize the overburden dumps by appropriate grading/benching so as to ensure that that angles of repose at any given place is less than 28°; and
  - (e) Strict adherence to the prescribed top soil management.
- (xviii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xix) No labour camp shall be established on the forest land;
- (xx) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xxi) The protection plan which provides the provisions of gas/fuel supply to the laborers and the staff working at the site to avoid any damage and pressure on the adjacent forest areas shall be implemented
- (xxii) The boundary of the diverted forest land, mining lease shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (xxiii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (xxiv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxv) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xxvi) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxvii) The trees to be felled in the proposed area are not marked properly. Hence, tree enumeration be completed with marking before handing over of the land to user agency. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxviii) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009, in support thereof;
- (xxix) The user agency shall submit the annual self compliance report in respect of the above conditions to the State Government and to the concerned Regional Office of the Ministry regularly.
- (xxx) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxi) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.



After receipt of the compliance report on the fulfillment of the above mentioned conditions from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,

  
(Naresh Kumar)

Dy Inspector General of Forests (FC)

Copy to:

1. The PCCF (HoFF), Government of Chhattisgarh, Raipur.
2. The Addl. Director General (Central), Regional Office, MoEF&CC, Nagpur.
3. The Addl. PCCF & Nodal Officer (FCA), O/o of the PCCF, Aranya Bhawan, New Raipur.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi
6. Guard file

  
(Naresh Kumar)

Dy Inspector General of Forests (FC)