

F. No. 8-08/2013 - FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110510

Date: 18th December, 2013

To

The Principal Secretary (Forests),
Government of Chhattisgarh,
Raipur.

Sub: Diversion of 251.646 ha of forest land for mining of coal from Jampali OCP in Raigarh District in favour of S.E.C.L in the State of Chhattisgarh –regarding.

Sir,

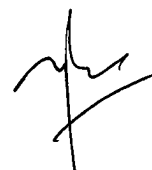
I am directed to refer to the State Government's letter no. F-5-28/2012/10-2 dated 07.01.2013 on above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and their letter no. Bhu-Prabandh/Khanij/331-01/1922 dated 8.11.2013 furnishing clarification/information sought by the Ministry and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under section-3 of the said Act.

After careful examination of the proposal of the State Government and on the basis of the recommendation of the Forest Advisory Committee, the Central Government hereby conveys the 'in-principle' approval for diversion of 251.646 ha of forest land for mining of coal from Jampali OCP in Raigarh District in favour of S.E.C.L in the State of Chhattisgarh subject to fulfillment of the following conditions:

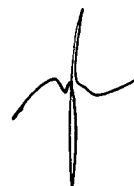
- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the degraded forest land, twice in extent to the forest land being diverted, shall be raised and maintained by the State Forest Department at the cost of the User Agency;
- (iii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- (iv) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, 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 Ad-hoc CAMPA 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, or Rules framed there under, subject to a maximum period of 30 years;
- (x) The 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 either himself or through the State Forest Department shall undertake fencing, protection and afforestation of the safety zone area (7.5 meter strip all along the outer boundary of the mining lease or mining cluster, as applicable, and such other areas as specified in the approved mining plan) at the project cost;
- (xiii) The User Agency either himself or through the State Forest Department shall undertake afforestation on degraded forest land, one and half time in extent to the area used for safety zone;
- (xiv) The boundary of safety zone 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;
- (xv) In case of under-ground mines, areas on surface shall be fenced and afforested from the funds to be provided by the user agency.
- (xvi) 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. 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.



- (xvii) 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;
- (xviii) 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.
- (xix) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xx) No labour camp shall be established on the forest land;
- (xxi) 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;
- (xxii) The boundary of the diverted forest land, mining lease and safety zone, as applicable, 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 user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- (xxviii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
- (xxix) The staff and labourers should be provided pipe gas supply to avoid pressure on forest for fuel wood.



- (xxx) The construction of temporary accommodation outside the forest land must be ensured to avoid pressure on forests.
- (xxxi) To protect the adjoining forest land from encroachment and illicit felling, a provision of Rs.1.56 crores must be made in the project in accordance with the plan prepared by the DCF.
- (xxxii) The safety zone must be fenced with 6 ft high recoil barbed wire fence.
- (xxxiii) A monitoring committee with forest officers as members should be made to monitor the conditions of operation, approval by Government of India and reclamation.
- (xxxiv) 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;
- (xxxv) 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.
- (xxxvi) 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
- (xxxvii) 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

(Priya Ranjan)

Sr. Assistant Inspector General of forests

Copy for favour of information to:

1. The Principal Chief Conservator of Forest, Govt. of Chhattisgarh, Raipur.
2. The Addl. PCCF (Central), Regional Office Bhopal, MoEF
3. The Nodal Officer (FCA), O/o the PCCF, Govt. of Chhattisgarh, Raipur.
4. The Adviser, Coal India Limited, 5th Floor, Core-I & II, Scope Minar, Laxmi Nagar District Centre, Laxmi Nagar, New Delhi- 110092.
5. The User Agency (Chief General Manager, Raigarh area, South Eastern Coalfield Limited, Post Bag No. 27, PO & District Raigad- 496001, Chattisgarh) .
6. Monitoring Cell, FC Division, MoEF, New Delhi.
7. Guard File.

(Priya Ranjan)

Sr. Assistant Inspector General of forests