

F. No. 8-5/2015-FC
Government of India
Ministry of Environment Forests & Climate Change
(FC Division)

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

Dated: 29th September, 2016

To,

The Principal Secretary (Forests),
Department of Environment & Forests,
Government of Odisha,
Bhubaneswar.

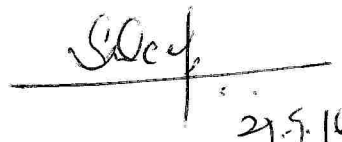
Sub.: Grant of prior approval under section 2(iii) of FC Act, 1980 concerning diversion of 199.1720 ha of forest land in favor of M/s. Tata Steel Ltd. for iron ore mining and allied activities in Katamati Mines in Deojhar & Thakurani Reserved Forest under Keonjhar Forest Division in Keonjhar district in the State of Odisha.

Sir,

I am directed to refer to the State Government's letter No. 10F (Cons)-136/2014/3390/F & E dated 20.02.2016 on the subject mentioned above seeking prior approval of the Central Government under Section-2 (iii) of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government seeking prior approval under Section-2 (iii) of the Forest (Conservation) Act, 1980 and on the basis of the recommendations of the Forest Advisory Committee, *approval* of the Central Government is hereby granted under Section 2(iii) of FC Act, 1980 concerning 199.1720 ha of forest land in favor of M/s. Tata Steel Ltd. for iron ore mining and allied activities in Katamati Mines in Deojhar & Thakurani Reserved Forest under Keonjhar Forest Division in Keonjhar district in the State of Odisha subject to the following conditions:

- (i) Legal status of the forest land shall remain unchanged;
- (ii) The State Government shall charge the Net Present Value (NPV) of entire forest land of the Mining lease for assignment of lease for the extended period of lease 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 and No. 11-599/2014-FC dated 01.04.2015 and 19.10.2015 in this regard;
- (iii) 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;
- (iv) All the funds received from the User Agency under the project shall be transferred on line to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- (v) State Government shall, within a period of 30 days from the date of issue of this letter, realize from the user agency, NPV of the entire forest land falling in the mining lease, in case NPV of such forest land has not already been realised;
- (vi) In case State Government fails to realize from the user agency, NPV of the entire forest land falling in a mining lease within a period of 30 days from the date of issue of this letter, this approval in respect of such mining lease, shall be kept in abeyance, till such time, the NPV of such forest land is realised by the State Government.
- (vii) The approval under Section 2(iii) of the Forest (Conservation) Act, 1980 shall be valid for a period co-terminus with the period of mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, as amended, and the Rules framed thereunder;


29.9.16

- (viii) This approval does not, in any manner, exempt a user agency from obtaining prior approval under section 2 (ii) of the FC Act in regard to such area of forest land which is to be used for non-forest purpose;
- (ix) Grant of this approval does not in any manner, exonerate the concerned authorities in the State Government or in any other Authority, from the proceedings under Section 3A and 3B of the FC Act, liable to be initiated for violation, if any, of the FC Act committed by them by assigning such forest land on mining lease without obtaining prior approval of Central government under Section- 2 of the FC Act.
- (x) This permission does not confer any right to Project Proponent for physical diversion/ Mining or any other activity on the Forest Land.
- (xi) The grant of permission under section 2(iii) of Forest Conservation Act 1980 will not confer any right on the project proponent for diversion under section 2(ii) of Forest Conservation Act 1980.
- (xii) The forest department will continue to manage the forest area as per normal management practices and working plan prescriptions.
- (xiii) No staff/ laborer shall be allowed to enter inside forest area without valid permission of competent local forest authority.
- (xiv) Demarcation of mining lease area will be done on the ground at project cost using 4 feet high concrete pillars with serial numbers, bearing, distance from pillar to pillar and GPS co-ordinates.
- (xv) 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;
- (xvi) 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;
- (xvii) The State Government shall ensure complete compliance on settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, as prescribed by this Ministry in its letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013, before execution of lease;
- (xviii) 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.

The above approval under Section-2 (iii) of the Forest (Conservation) Act, 1980 is subject to **verification of deposit of NPV in State CAMPA Account by Adhoc CAMPA and complete compliance of settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006**, as prescribed by this Ministry in its letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013.

Yours faithfully,


(Sandeep Sharma) 29.16

Assistant Inspector General of Forests (FC)

Copy to:

1. The PCCF, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, Office of the PCCF, Govt. of Odisha, Bhubaneswar.
3. The Add. PCCF (Central) Regional Office, Bhubaneswar.
4. User Agency (M/s Tata Steel Limited)
5. Monitoring Cell, MoEF&CC, New Delhi.
6. Guard file.


(Sandeep Sharma) 29.16

Assistant Inspector General of Forests (FC)