

F. No. 8-34/2009 - FC
Government of India
Ministry of Environment & Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110510
Date: 4th August, 2014

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

Sub: Diversion of 76.50 ha of forest land for iron ore mining in East Bhanupratapur Forest Division in Kanker district of Chhattisgarh in favour of M/s shri Bajrang Metallies & Power Limited –reg.

Sir,

I am directed to refer to the Govt. of Chhattisgarh letter no. F/5 - 9/2009/10 - 2 dated 27.05.2009 on the above subject seeking prior approval of the Central Government under section-2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal by the Forest Advisory Committee constituted under section-3 of the said Act, 'in-principle' approval was granted vide this Ministry's letter of even number dated 3.05.2013 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the 'in-principle' approval and has requested the Central Government to grant final approval.

The State Government, in the compliance report dated 19.03.2013 has proposed to raise compensatory afforestation over 580.798 ha of Revenue forest land (*Chhote bade Jhad ka Jungle*), double in extent to the area proposed for diversion. The matter was examined in the Ministry in light of Guidelines given under para 3.2 (i) read with clarifications given thereunder. As per the provisions of the said Guidelines, the revenue land (*Chhote bade jhad Ka Jungle*), on which provisions of Forest (Conservation) Act, 1980 are applicable, may be considered for the purpose of compensatory afforestation at par with non-forest land provided such lands on which compensatory afforestation is proposed shall be notified as RF under the Indian Forest Act, 1927.

In this connection, I am directed to say that on the basis of the compliance report furnished by the State Government, vide letter no. *Bhu-Prabandh Khanij/331-13/1163* dated 2.06.2014, 25.06.2014 and letter dated 17.07.2014, final approval of the Central Government is hereby granted under section-2 of the Forest (Conservation) Act, 1980 for diversion of 76.50 ha of forest land for iron ore mining in East Bhanupratapur Forest Division in Kanker district of Chhattisgarh in favour of M/s Bajrang Metallies & Power Limited subject to fulfillment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged;
2. Compensatory afforestation over the *chhote bade Jhad Ka Jungle* (revenue Forest Land), twice in extent to the forest land being diverted as proposed by the State Government shall be raised and maintained by the State Forest Department from the funds already provided by the User Agency;

3. The *chhote bade Jhaul Ka Jungle* transferred and mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927 latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record:
4. 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:
5. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India:
6. 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 & Regulation) Act, 1957, or Rules framed there under, subject to a maximum period of 30 years:
7. 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:
8. 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.
9. Following activities shall be undertaken by the user agency for the management of safety zone:
 - i. User agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the outer boundary of the mining lease area), and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPS coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.
 - ii. 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.
 - iii. 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.
 - iv. 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.



10. 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:
11. Following activities shall be undertaken by the User Agency at the project cost as per the scheme submitted by user agency and approved by the state Government:
 - i. Implementation of plan containing appropriate mitigative measures to minimize soil erosion and choking of streams:
 - ii. Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion:
 - iii. Construction of check dams, retention /toe walls along the contour to arrest sliding down of the excavated material:
 - iv. 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
 - v. Strict adherence to the prescribed top soil management.
12. No labour camp shall be established on the forest land:
13. 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:
14. 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:
15. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
16. The forest land shall not be used for any purpose other than that specified in the proposal:
17. 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:
18. No damage to the flora and fauna of the adjoining area shall be caused:
19. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.
20. Cost of benefits such as grazing, collection of tendu leave and other NTFP etc. presently accrued from the forest land proposed for diversion to the tribal and other residents of the adjoining habitations, as assessed by the State Government will be distributed among the project affected families:
21. Realistic baseline data prepared by the user agency shall be utilized for periodic monitoring and change depiction of the ecological aspects including flora and fauna in and around the lease area:
22. Recommendations of the specific study to be conducted by a group of experts/reputed organization constituted by the State Government of Chattisgarh, vide letter No.Bhu.Prabandh/Khanj/331-13/589 dt 17.07.2014 and approved by the Ministry of Environment, Forest & Climate Change vide No.8-34/2009-FC dt 01.08.2014 to assess cumulative impact of the mining in the landscape will be binding on the user agency:
23. The State Government shall ensure that the mining shall be done progressively and area shall be reclaimed successively as specified in the environmental clearance. Carefully selected endemic and pioneer species only shall be used for reclamation.
24. Only primary crushing should be allowed at mine site to facilitate ore transportation. No other ore processing unit or beneficiation activity should be allowed in and around the mining site.
25. Transportation of ore to be done in covered vehicles specially designed/ modified.



26. Proper run-off control structure to be erected to prevent damage to neighboring agricultural field and drainage leading to rivers flowing on northern and southern portion of proposed lease. Rain water harvesting to be done.
27. No mining or ancillary activities should be allowed between sun set and sun rise.
28. No housing facility to be created within lease area.
29. The corridor (Indravai-Sitanandi) falling under the jurisdiction of the East Bhanupratapur Forest Division should be restored/rejuvenated in the area as per the Plan prepared by the Forest Department in consultation with the WII, as per the NTCA Guidelines.
30. Eco-development initiatives (at least 5 village/hamlet clusters) in the notified buffer/peripheral area of the Indravati Tiger reserve, and peripheral area of the Bhamragarh Wildlife Sanctuary, as a part of an 'off site offset' measure, shall be undertaken by the project proponent as per the Plan prepared by the Forest Department in consultation with the local people.
31. 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.
32. 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
33. 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.

Yours faithfully,


(M. Rajkumar)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forest, Government of Chhattisgarh, Raipur.
2. The Addl. Principal Chief conservator of Forest (Central), Western Regional Office, Bhopal.
3. The Nodal Officer (FCA), Office of the PCCF, Government of Chhattisgarh, Raipur.
4. User Agency (M/s. Shri. Bajrang Metalics and Power limited, Village Ghondwara, Urla Industrial Complex, Raipur-493221).
5. Monitoring cell, FC Division.
6. Guard File.


(M. Rajkumar)

Assistant Inspector General of Forests