

Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 28th March, 2022

To,

The Principal Secretary (Forests),
Government of Jharkhand,
Ranchi.

Sub: Diversion of 162.394 ha of forest land (54.365 ha Protected Forest Land and 108.029 ha Jungle-Jhadi land) in favour of Damodar Valley Corporation for Tuber Opencast Coal Mining Project in Latehar District in the State of Jharkhand – regarding.

Madam/Sir,

I am directed to refer to the Government of Jharkhand's Letter No. Van Bhumi-23/2019- 2578/V.P. dated 11.07.2019 seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the above subject proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. After careful consideration of the proposal by the Forest Advisory Committee (FAC) and after its recommendation, and approval of competent authority in the Ministry, *In-principle/Stage-I* approval was accorded vide this Ministry's letter of even number dated 13.11.2019 subject to fulfilment of certain conditions. The State Government has furnished compliance report in respect of the conditions stipulated in the approval and requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Jharkhand vide their Letters No. Van Bhoomi-23/2019-1113 dated 25.03.2021, No. Van Bhoomi -23/2019-2318 dated 16.08.2021 and letter no. Van Bhoomi -23/2019-833 dated 02.03.2022 , *approval* of the Central Government is hereby accorded under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 162.394 ha of forest land (54.365 ha Protected Forest Land and 108.029 ha Jungle-Jhadi land) in favour

of Damodar Valley Corporation for Tuber Opencast Coal Mining Project in Latehar District, Jharkhand, subject to following conditions:

A: Conditions which need to be complied prior to handing over of forest land to user agency by the State Govt.:

- i. The State Government shall ensure that the compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been completed in accordance with the relevant Rules and Guidelines issued by the MoEF&CC in this regard, before handing over of forest land to the user agency;
- ii. The State Govt. shall ensure that the User Agency will obtain necessary Environmental Clearance, Wildlife Clearance, CRZ Clearance, if required;
- iii. The State Government shall upload the KML files of the sites identified for compensatory afforestation in the E-green Watch portal, before handing over forest land to the user agency.

B: Conditions which need to be complied after handing over of forest land to the user agency by the State Govt.:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The State Govt. shall ensure that Compensatory Afforestation over the identified degraded forestland shall be raised within a period of three years with effect from the date of issue of Stage-II clearance and maintained for ten years thereafter in accordance with the approved plan by the State Forest Department from the funds provided by the user agency;
- iii. 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 and Regulation) Act, 1957, as amended in 2015 and the Rules framed there-under;
- iv. Following activities, as per approved plan / schemes, shall be implemented by the User Agency at the project cost under the supervision of the State Forest Department:
 - a. Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department.
 - b. Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;
 - c. Construction of check dams, retention / toe walls to arrest sliding down of the

- excavated material along the contour in accordance with the approved scheme;
- d. Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
 - e. Strict adherence to the prescribed top soil management.
 - v. The State Govt. shall ensure that the approved scheme for fencing, protection and regeneration of the safety zone area [7.5 meters strip all along the inner boundary of the mining lease area] shall be done within three year at the project cost from the issue of Stage-II Clearance;
 - vi.No damage shall be caused to the top-soil and the user agency will follow the top soil management plan
 - vii.The State Govt. and the user agency shall ensure that the mining may be carried out 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 Integrated Regional Office(IRO) 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 Regional Officer, IRO may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
 - viii.The State Govt. shall ensure that Afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the forest area under safety zone shall also be done by the State Forest Department from the funds provided by the user agency;
 - ix.The State Govt. shall ensure that the State Forest Department will implement the approved CAT plan for catchment of Sukri River from the funds provided by the user agency ;
 - x. The State Government and the user agency shall ensure that the large scale translocation of families from the area shall not get shifted to the adjoining forest land after their reallocation. The plan of Surveillance and Monitoring system for the forest hinterlands of the project area shall be executed at the project cost with provisions of patrolling manpower, building infrastructure (watch tower, check post etc), forest road access and vehicular resources as necessary.
 - xi.The State Govt. shall ensure that the user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department, and the User Agency will obtain permission for felling of trees as per applicable court orders/Forest Act/Rules/Guidelines;
 - xii.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;

- xiii. The State Govt. shall ensure that no labour camp shall be established on the forest land and 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;
- xiv. The State Govt. shall ensure that the boundary of the forest land being diverted shall be demarcated on ground at the project cost, using four feet high RCC pillars, each pillar inscribed with the serial number, DGPS coordinates, forward and backward bearings and distance from adjoining pillars *etc*;
- xv. The State Govt. and the user agency shall ensure that no residential or labour colony shall be constructed over forest land;
- xvi. The State Govt. shall ensure that 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 and the layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xvii. The State Govt. shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- xviii. The State Govt. shall ensure that the User Agency shall submit the Annual Compliance Report in respect of the stated conditions to the concerned Integrated Regional Office and to this Ministry every year regularly;
- xix. It may please note that violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019; and
- xx. The State Govt. shall ensure that the user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours faithfully,

(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Jharkhand, Ranchi.
2. The Regional Officer, Integrated Regional Office of MoEF&CC, Ranchi.
3. The Nodal Officer, the Forest (Conservation) Act, 1980, Government of Jharkhand,

Ranchi.

4. User Agency.

5. Monitoring Cell, FC Division, MoEF&CC, New Delhi Delhi for uploading on PARIVESH portal.