

F. No. 8-47/2017-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110003
Dated: 03rd January, 2018

To,

The Principal Secretary (Forests),
Department of Forest and Environment,
Government of Madhya Pradesh,
Bhopal.

Sub: Diversion of 54.639 ha of Revenue Forest Land in favour of M/s. Western Coalfields Limited for Jamunia Pthaar Under Ground Coal Mining Project in West Chhindwara District under the Chhindwara Forest Division, Madhya Pradesh State.

Sir,

I am directed to refer to the State Government of Madhya Pradesh's letter No. F-1/FP/MP/MIN/10885/2015/10-11/1634 dated 13.06.2017 on the subject mentioned above seeking prior approval of the Central Government under Section-2 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.

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *in-principle/ Stage-I* approval of the Central Government is hereby granted for diversion of 54.639 ha of Revenue Forest Land in favour of M/s. Western Coalfields Limited for Jamunia Pthaar Under Ground Coal Mining Project in West Chhindwara District under the Chhindwara Forest Division, Madhya Pradesh State, subject to the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) No opening and breaking of land for mining will be done in Forest Area. In case of any damage to surface by way of underground work, the company shall pay all damages and recoveries;
- (iii) The forest clearance will be for 20 years from the date of issue of final stage-II clearance;
- (iv) The User Agency shall maintain the boundary of the mine with green belt of at least three rows of trees of local species;
- (v) The whole forestland in the mining lease area will be planted with local species in consultation and association with the forest department at the cost of user agency. The user agency will prepare afforestation scheme for surface area and submit before stage-II clearance and deposit the fund in compensatory afforestation fund managed by CAMPA;
- (vi) The User Agency shall take adequate protection measure not to damage any nala/ river/ small stream / dams during the underground mine and shall maintain the



mine with green belt of 50 meter with at least three rows of trees on both side of nala / river / small stream;

- (vii) The rights of the peoples allotted under FRA, 2006 shall be settled by following due procedure prescribed under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, whichever applicable. The provisions of FRA 2006 shall be complied by the State Government;
- (viii) The user agency will provide the certified copy of approved 3D modelling for the project depicting the maximum tensile strength as per the approved 3D modelling and the width of surface cracks as per the approved 3D modelling;
- (ix) The ground area over the mine shall not be allowed to be used for construction of residential buildings;
- (x) State Government shall ensure that green cover on the ground over the underground part of mine shall be maintained as forest and supplemented by plantations in gaps at the cost of user agency;
- (xi) The User Agency shall transfer online, the admissible Net Present Value (NPV) of the forest land being diverted under this proposal, 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. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (xii) 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;
- (xiii) Fencing, protection and regeneration of the safety zone area [7.5 meters strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease as per the Ministry's guidelines dated 27.05.2015] shall be done within three year at the project cost from the issue of Stage-II Clearance. Besides this afforestation on degraded forest land to be selected elsewhere measuring one & a half times the area under safety zone shall also be done at the project cost; The degraded forest land (DFL) so selected will be informed to the MoEF & CC with shape files and afforestation will be done within three years from the date of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department;
- (xiv) Any fund received from the user agency under the project and deposited in the State Forest Department account, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (xv) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xvi) No labour camp shall be established on the forest land;
- (xvii) 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;
- (xviii) 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



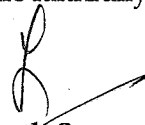
- high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (xix) The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation 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 concerned Addl. Pr. Chief Conservator of Forests (Central) of Regional Office, may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.
 - (xx) The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
 - (xxi) The forest land shall not be used for any purpose other than that specified in the proposal;
 - (xxii) 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;
 - (xxiii) No damage to the flora and fauna of the adjoining area shall be caused;
 - (xxiv) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 - (xxv) The user agency will abide by the applicable recommendations of the State Government;
 - (xxvi) 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 read with 05.07.2013, in support thereof;
 - (xxvii) The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km. from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF & CC before Stage-II approval;
 - (xxviii) The User Agency shall submit the annual self - compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;
 - (xxix) 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;
 - (xxx) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project;



- (xxxi) In compliance of the Rule 41 of the Mineral Conservation and Development Rules, 1988 the restoration of flora in the entire lease area will be done in such a manner so as:
- To cause least damage to the flora of the area held under prospecting license / mining lease and the nearby areas.
 - Take immediate measures for planting in the same area or any other area selected by the Controller General or the authorized officer not less than twice the number of trees destroyed by reason of any prospecting or mining operations.
 - Look after them during the subsistence of the licence/lease after which these trees shall be handed over to the State Forest Department or any other authority as may be nominated by the Controller General or the authorized officer; and
 - Restore, to the extent possible, other flora destroyed by prospecting or mining operations.
- (xxxii) The details of such number of trees to be felled on forest as well as non-forest area in the lease and plantation of double the number of trees in the lease area or outside will be provided to the concerned Divisional Forest Office, and the Concerned Regional Office of the Ministry who will monitor such plantation efforts by the company; and
- (xxxiii) The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance;

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be effected till final approval is granted by the Central Government in this regard.

Yours faithfully,


(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

Copy to:-

1. The PCCF, Government of Madhya Pradesh, Bhopal.
2. The Addl. PCCF (Central), Regional Office, Bhopal.
3. The Nodal Officer (FCA), O/o PCCF, Government of Madhya Pradesh, Bhopal.
4. User Agency.
5. Forest Conservation Monitoring Cell, MoEF&CC, New Delhi.
6. Guard File.


(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)