

F. No. 8-06/2018-FC  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

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Indira Paryavaran Bhawan  
Aliganj, Jorbagh Road  
New Delhi - 110 003  
Dated: 31 October, 2018

02<sup>nd</sup> November

To,  
The Principal Secretary (Forests),  
Department of Forests & Environment,  
Government of Madhya Pradesh,  
Bhopal

**Sub: Diversion of 107.816 (Forest block No. RF-340, RF-341, RF-342 and RF-343) ha of forest land in favour of Western Coalfield Ltd, for Tawa underground coal mining project under Forest Division and District Betul, Madhya Pradesh (Online proposal No. FP/MP/MIN/20921/2016) regd.**

Sir,

I am directed to refer to APCCF (Land Management) and Nodal Officer (FCA), Department of Forest, Govt. of Madhya Pradesh letter No. F-1/FP/MP/MIN/20921/2016/10-11/90 dated 09.01.2018, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Madhya Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord *"In-principle"* approval under the Forest (Conservation) Act, 1980 for the diversion of 107.816 (Forest block No. RF-340, RF-341, RF-342 and RF-343) ha of forest land in favour of Western Coalfield Ltd, for Tawa underground coal mining project under Forest Division and District Betul, Madhya Pradesh, subject to the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) *The user agency shall pay the NPV and Penal NPV for entire area (50% NPV for underground mining + 50% Penal NPV = 100% NPV) as per the Ministry's guidelines dated 29.01.2018;*
- (iii) *Appropriate action may be initiated by the State Government against the concerned officers responsible for violation;*
- (iv) The User Agency shall be deposited, the 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 deposited in the account of Ad-hoc CAMPA of the concerned State through **online e-portal only;**



- (v) 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;
- (vi) WCL should submit the compliance report of 'in-principle' approval granted by this Ministry's letter No. 8-102/2004-FC dated 30.01.2012, in favour of WCL for diversion of another parcel of 90.00 ha of forest land, and deposit the compensatory levies of Rs.25,54,62,766/- with interest rate of 12% per annum;
- (vii) **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;**
- (viii) 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, and the Rules framed there-under, subject to a maximum period of **30 years**. The State Government will submit the lease agreement document specified in the lease agreement;
- (ix) Area on surface of the mining lease shall be fenced and afforested;
- (x) The State Government and user agency shall monitor the mining induced subsidence and take appropriate mitigative measures to ensure that it remains within the permissible limit;
- (xi) The User agency and the State Government shall implement the Wildlife Conservation Plan for area located within 10 kilo meter distance from the forest land proposed to be diverted from the funds to be provided by the user agency;
- (xii) The user agency shall implement the following activities under the supervision of the State Forest Department at the project cost;
  - (a) Mitigative measures to minimize soil erosion and choking of stream shall be initiated to be implemented within a period of three years with effect from the date of 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) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan;
- (xiii) 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



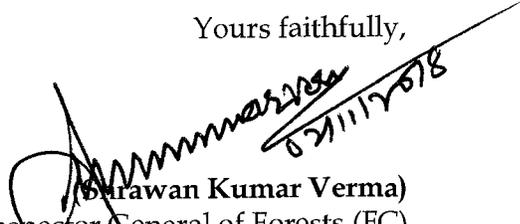
- concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Addl. Pr. Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
- (xiv) 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. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
- (xv) 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. Birds' 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;
- (xvi) 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;
- (xvii) The ground area over the mine shall not be allowed to be used for construction of residential buildings or labour camps;
- (xviii) The 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;
- (xix) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xx) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxi) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxii) No construction of Buildings/labour camps/huts shall be allowed on the forest land;
- (xxiii) 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;
- (xxiv) The State Government and the User agency shall ensure 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 preferably within five years from the date of approval of Stage-II Clearance;
- (xxv) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxvi) 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;
- (xxvii) No damage to the flora and fauna of the adjoining area shall be caused;



- (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; and
- (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;

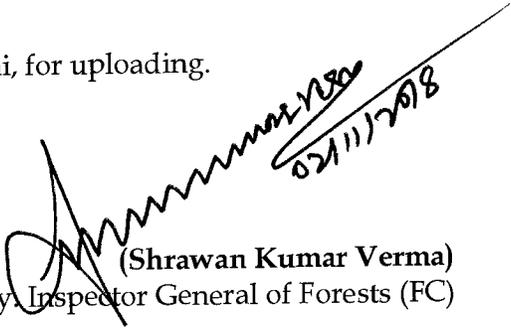
3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Madhya Pradesh, final/ stage-II approval for diversion of the proposed forest land under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the said forest land to the user agency shall not be effected by the State Government of Madhya Pradesh till final/ stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,

  
(Shrawan Kumar Verma)  
Dy. Inspector General of Forests (FC)

**Copy to:-**

1. The Principal Chief Conservator of Forests, Government of Madhya Pradesh, Forest Department, Satpuda Bhawan, 1st Floor, Bhopal-462003.
2. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Western Zone), Kendriya Paryavaran Bhawan, E-5 Arera Colony, Link Road-3, Ravishankar Nagar, Bhopal-462016.
3. The Nodal Officer, under the forest (Conservation) Act, 1980, Forest Department, Satpuda Bhawan, 1st Floor, Bhopal-462003.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.
6. Guard File.

  
(Shrawan Kumar Verma)  
Dy. Inspector General of Forests (FC)