

सेंट्रल कोलफील्ड्स लिमिटेड
परियोजना कार्यालय
परेज पूर्वी खुली खदान परियोजना
डाकघर: बंजी, ज़िला: रामगढ़
झारखण्ड - 825314



Fuelling Sustainable Growth
CENTRAL COALFIELDS LTD.

दूरभाष : (06546)232922
वेबसाइट: <http://centralcoalfields.in>
ई मेल- projectfficerparej@gmail.com
सी० आइ० एन० -U10200JH1956GOI000581

पत्रांक सं:- प. का./ परेज पूर्वी/वन एवं पर्यावरण /24-25/249

दिनांक : 17-01-2025
19.01.2025

सेवा में,
वन प्रमंडल पदाधिकारी,
रामगढ़ वन प्रमंडल
रामगढ़।

विषय :- सी०सी०एल० की परेज पूर्वी खुली खदान परियोजना के अंतर्गत अपयोजित होने वाले 101 हे० वन भूमि के संदर्भ में।

प्रसंग : वन, पर्यावरण एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार का पत्रांक संख्या: 8-209/1991-FC (Vol.) दिनांक 01.08.2023

आपके कार्यालय का ज्ञापांक सं० : 2386 दिनांक 28.12.2024

महाशय,

उपर्युक्त विषयक प्रसंगाधीन पत्र के संदर्भ में संशोधित बिन्दुवार अनुपालन/ कार्यवाई की प्रतिवेदन की प्रति संलग्न की जा रही है।

अतः उपरोक्त अनुपालन/कार्यवाई के आलोक में श्रीमान से अनुरोध है की परेज पूर्वी खुली खदान परियोजना के 101 हे० वन भूमि अपयोजन के प्रस्ताव की अनुपालन प्रतिवेदन यथाशीघ्र अग्रेसित किया जाय ताकि खदान सुचारु रूप से संचालित हो सके।

प्रतिलिपि सूचनार्थः

1. विभागाध्यक्ष (वन एवं पर्यावरण), सी०सी०एल०, दरभंगा हाउस

आपका विश्वासी


परियोजना पदाधिकारी
परेज पूर्वी खुली खदान
परियोजना, सी.सी.एल.

Subject: Proposal for diversion of 101.00 ha of forest land for Parej East Opencast mining project in favour of M/s CCL in Ramgarh District, Jharkhand (online no. FP/JH/MIN/36228/2018)-regarding.

Compliance of queries raised by AIG, Forest MoEF&CC New Delhi vide letter no. 8-209/1991-FC (vol) dated 01.08.2023

S. No.	Conditions	Compliance Remark																														
1.	The Ministry granted approval to 45.04 ha of forest land on 28.04.1993 and 7.1 ha of forest land on 17.07.2008. Status of compliance of the conditions stipulated in the said approvals is required to be furnished by the State. Further, the justification for submitting the proposals in piecemeal shall also be submitted.	Stage-II granted for the notified forest land of area 43.52 Ha Vide letter no. 8-209/1991-FCon dated 28.04.1993 in favour of Parej East OCP of M/s CCL for 10 years; however the diversion was applied for the area of 45.04 Ha At the time of application safety zone area was not provisioned along with the above forest diversion application. The additional 7.10 Ha was applied as safety zone of Stage-II granted forest land (43.52 Ha) as per the direction of DFO, Ramgarh for which Stage-II granted for the forest land of area 7.10 ha on dated 17.07.2008. The latest compliance report of Stage-II conditions of diversion proposal of 43.52 ha was also submitted to DFO, Ramgarh vide letter no. PO/PEOCP/E&F/24-25/350 on dated 01.06.2024. The compliance of Stage-II conditions of diversion proposal of 7.10 ha was submitted to DFO vide letter no. PO/PEOCP/E&F/24-25/349 on dated 01.06.2024. At the time of first forest application which was applied before 12.12.1996, the deemed forest land/GMJJ land was not considered for forest diversion proposal. Therefore, the instant proposal is applied as regularization proposal for the diversion of 98.29 Ha GMJJ land (55.20 Ha Broken before 1996 and 43.09 ha In situ land) and 2.71 Ha Notified forest land (1.65 Ha Broken before 1980 and 1.06 Ha in situ).																														
2.	Status of reclamation measures undertaken by the user agency in their lease area in case of earlier approvals as per the Progressive Mine Closure Plans and gaps if any, shall be intimated by the State. Further, in case of instant proposal, the details of proposed reclamation/back-filled area at the end of mine life has not been given in the project report. The same needs submission.	Mine closure Plan was prepared and approved on 2012. And Progressive closure plan is being implemented. Bio reclamation has been done in the area of 80.12 Ha Area. Technical Reclamation area (Under Progress): 27.21 Ha Bio reclamation area:80.12 Ha Details of Land Use at the end of mine life is as follows: <table border="1"> <thead> <tr> <th>S. No.</th><th>Activity Head</th><th>Area (In ha)</th></tr> </thead> <tbody> <tr> <td>1.</td><td>Plantation</td><td>71.0</td></tr> <tr> <td>2.</td><td>Mine void filled water</td><td>30.26</td></tr> <tr> <td>3.</td><td>External OB dump with planation</td><td>32.35</td></tr> <tr> <td>4.</td><td>Planation on old Backfilled area</td><td>101.11</td></tr> <tr> <td>5.</td><td>For CCL use</td><td>19.80</td></tr> <tr> <td>6.</td><td>Residential Area</td><td>26.37</td></tr> <tr> <td>7.</td><td>Plantation on safety zone and vacant area</td><td>65.13</td></tr> <tr> <td>8.</td><td>Not to be utilised</td><td>52.98</td></tr> <tr> <td colspan="2">Total Area</td><td>399 Ha</td></tr> </tbody> </table>	S. No.	Activity Head	Area (In ha)	1.	Plantation	71.0	2.	Mine void filled water	30.26	3.	External OB dump with planation	32.35	4.	Planation on old Backfilled area	101.11	5.	For CCL use	19.80	6.	Residential Area	26.37	7.	Plantation on safety zone and vacant area	65.13	8.	Not to be utilised	52.98	Total Area		399 Ha
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PROJECT OFFICER
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3.	The area proposed for OB dump in purpose wise breakup is a non-site specific activity, for which the State shall explore the possibilities to use the non-forest land or the already mined out areas.	The instant proposal is applied as regularization proposal for the diversion of 98.29 Ha GMJJ land (55.20Ha Broken before 1996 and 43.09 in situ land) and 2.71 Ha Notified forest land (1.57 Ha Broken before 1980 and 1.14Ha In situ). The OB will be dump internally for the purpose of backfilling only on already broken GMJJ land. Quarry of coal mining will be extended further on unbroken GMJJ land, which is site specific, as coal is deposited below earth surface, which is intended to be excavated. The quarry, infrastructure, CHP and other activities have decided keeping in view the minimum disturbance of forest land. There will be no external OB Dump.
4.	Mining Plan has not been submitted with the proposal. Duly approved Mining Plan for entire lease area along with the progressive mining closure plan shall be furnished by the State.	Mining Plan along with approval has already been uploaded in form A at M-2. iii and iv. Progressive mining closure plan has been enclosed at Additional information Details in form A.
5.	The State Govt. shall clarify whether the Green Zone proposed in the proposal is different from the Safety Zone or otherwise. Detail of safety zone of the mining leases for raising afforestation needs to be submitted along with complete detail of supporting attributes such as afforestation scheme, suitability certificate, KML files, etc.	Green belt has been provided along the non-forest surrounding areas, whereas Safety Zone has been provided along the forest land. The proposal includes area of safety zone of 7.5 m all along the project boundary where, project is adjacent to the forest land. And CA land has been provided double in extent also complying the guidelines in this regard issued on dated 21.08.2023.
6.	The KML file of earlier diverted 45.04 ha and 7.1 ha of forest land shall be furnished.	The KML file of earlier diverted 43.52 ha and 7.1 ha of forest land are enclosed in Pen Drive.
7.	Details of coal evacuation plan and involvement of forest land, if any, shall be intimated.	Details of coal evacuation plan and involvement of forest land has been shown in Land use Plan Enclosed (see M-2 vi). The same is being enclosed in Pendrive for ready reference.
8.	The details of the validity of the entire mining lease along with detailed chronology of approvals of the mining lease shall be submitted.	Since the land is acquired under CBA (A & D) Act, 1957 (copy enclosed as Annexure-7) there is no-question of lease or validity , the Act provide us right over the said land and ownership is vested to central govt. as given under section 10(1) and 11(1): Quote <i>"10. Vesting of land or rights in Central Government.—(1) On the publication in the Official Gazette of the declaration under section 9, the land or the rights in or over the land, as the case may be, shall vest absolutely in the Central Government [free from all encumbrances]. "</i> <i>11. Power of Central Government to direct vesting of land or rights in a Government company.—(1) Notwithstanding anything contained in section 10, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government may think fit to impose, direct, by order in writing, that the land or the rights in or over the land, as the</i>

case may be, shall, instead of vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction."

Unquote

Hence, it may be implied that land acquired under CBA (A&D) Act, 1957 is perpetually vested to the Central Coalfields Ltd.

The Chronology of acquisition is as follows:

1st Acquisition:

SI. No.	664 (Section 7)	222 (Section 9)	1972 (Section 11)
Date	10.01.1983	14.01.1986	11.08.2001 with effect from 25.01.1986

2nd Acquisition:

SI. No.	1785 (Section 7)	3687 (Section 9)	2139 (Section 11)
Date	28.04.1982	13.09.1983	10.08.1994

9. The State Govt. recommended the proposal subject to fulfilment of the Wildlife Management plan at the cost of user agency. However, the copy of undertaking from the user agency has not been submitted. The same needs submission.

Undertaking for Wildlife Management plan is enclosed as Annexure-1.

10. Rehabilitation and Resettlement Plan (R&R Plan) policy of the year 2012 has been uploaded by the user agency in the online Part-I. However, approved copy of the same has not been found. The same needs submission.

Approved copy of Rehabilitation and Resettlement Plan (R&R Plan) policy is enclosed as Annexure-2.

11. The Cost Benefit (CB) analysis is required to be submitted as per the format prescribed in the FCA, 1980 Handbook of guidelines dated 28.03.2019 keeping in view the revised rates of NPV dated 06.01.2022. Further, actual cost of compensatory afforestation is required to be taken while calculating CB analysis.

Revised Cost Benefit (CB) analysis is prepared as per the format prescribed in the FCA, 1980 Handbook of guidelines dated 28.03.2019 keeping in view the revised rates of NPV dated 06.01.2022 (copy enclosed as Annexure-3).

12. Out of 101 ha proposed forest land for diversion, 11.75 ha is proposed for OB Dump and 9.58 ha is for Infrastructure (workshop, office, road, colony etc.). Thus, these are non-site specific activities. Therefore, the State Govt. may examine the alternatives and

The OB will be dump internally for the purpose of backfilling only on already broken GMJJ land. Quarry of coal mining will be extended further on unbroken GMJJ land, which is site specific, as coal is deposited below earth surface, which is intended to be excavated. The quarry, infrastructure, CHP and other activities have decided keeping in view the minimum disturbance of forest land. There will be no external OB Dump.

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	accommodate these activities on the nearby Non-Forest land.	The pre-existing infrastructure (Workshop, office, road, colony etc.) has been constructed before 1996.
13	It has been reported that the 52.34 ha forest land is not to be utilized in the project. However, the reasons or justification for the same has not been provided. Therefore, the same needs clarification along with the KML file of the concerned area.	The project area of Parej East OCP is 399 Ha, out of which 52.34 ha forest land shall not be utilized because coal mining has not been planned as techno-economically not feasible by Opencast method in this area. KML file of the concerned area enclosed in Pendrive.
14	The State Govt. has reported that in patch no 3, 4, 7 & 12 some construction is seen in the 101 ha forest land proposed for diversion, because 55.20 ha GMJJ land and 1.57 Notified forest land is already broken at the time of FC application whereas in the Part-II form 'No' violation of the FCA has been reported. A detailed report in this regard needs submission.	There was no provision for obtaining approval under the FCA1980 for the Revenue Forest Land (Jungle Jhari) till 12.12.1996. The instant proposal is applied as regularization proposal for the diversion of 98.29 Ha GMJJ land (55.20Ha Broken before 1996 and 43.09 In situ land) and 2.71 Ha Notified forest land (1.57 Ha Broken before 1980 and 1.14Hain situ).Parej East OCP is in operation before 1980. The aforementioned notified forest patch of area 2.71 Ha (6.70 acre) was transferred to CCL, also demarcated in state forest plan(Forest Plan enclosed as Annexure-4). Therefore, 'No' violation of FCA has been reported.
15	The CF, Territorial Circle, Bokaro in his Site inspection reported that out of 98.29ha GMJJ land 55.20 ha forest land was broken prior to the year 1996 and the user agency has deposited the NPV in compliance to the demand of DFO, Ramgarh vide letter dated 14.05.2016. Therefore, the copies of approval under the FCA1980 for the 55.20 ha forest land needs submission.	There was no provision for obtaining approval under the FCA1980 for the Revenue Forest Land (Jungle Jhari) till 12.12.1996. The instant proposal is applied as regularization proposal for the diversion of 98.29 Ha GMJJ land (55.20Ha Broken before 1996. NPV of amount Rs. 3,53,00,140 has been paid for the area of 56.39 Ha apart from the already diverted 50.62 Ha Forest land in respect of Parej East OCP at the rate of Rs. 6,26,000 per ha vide RTGS UTR no. SBINR 52017032400036825 dated 24.03.2017 in the account of CAF, Jharkhand as per the DFO, Ramgarh Demand letter no. 1046 dated 14.05.2016. The Payment details was also communicated to concerned DFO vide letter no. HOD/Forest/2017/601 dated 27.03.2017 (Copy Enclosed as Annexure-5). The above NPV was paid in light of the MoEF&CC, New Delhi letter F. No. 11-599/2014 FC dated 01.04.2015
16	It may also be clarified that the Guideline issued by the Ministry vide its letter No.11-73/2014-FC dated 13.05.2014 have been followed by the user agency for the 55.20 ha broken forest land or not.	The Ministry vide its letter No.11-73/2014-FC dated 13.05.2014 issued guidelines for forest land for non-forest purposes under the forest (Conservation) Act, 1980- Simplified procedures to obtain approval under the forest (Conservation) Act, 1980 for diversion of forest land located in Safety Zone of existing mines-reg. The proposal includes area of safety zone of 7.5 m all along the project boundary where, project is adjacent to the forest land. And CA land has been provided double in extent also complying the guidelines in this regard issued on dated 21.08.2023.
17	The State Govt. in Part-II reported that the proposed forest land is highly vulnerable to erosion. Therefore, mitigation measures in this regard needs submission.	CCL undertakes to pay 0.5% of total project cost towards the cost of implementation of the Soil Moisture Conservation Plan (enclosed as Annexure-6), as the case may be, into the account of CAMPA and the same may be intimated to the MoEF&CC for the purpose of obtaining approval under the FC Act, 1980 in respect of Parej East Opencast Project of M/s CCL.

PROJECT OFFICER
Parej East OCP

18	The KML files of 2.71 ha Protected Forest and 98.29 ha jungle-jhari land involved in the project shall be uploaded/ provided on the PARIVESH.	KML of all forest land is to be diverted has already been uploaded. (see 2.a)
19	The KML files indicating different components of the project, including those proposed to be undertaken on non-forest land shall be submitted.	The Land Use Plan indicating different components of the project including those proposed to be undertaken on non-forest land has been submitted. The same is being uploaded as Land Use Plan & is being enclosed in Pendrive for ready reference.
20	Satellite imagery shows that the user agency has done the mining in the past within the proposed 101 ha forest for diversion. It also appears that, the said area has been back-filled. In case the area has been back-filled, justification for seeking diversion at this stage needs submission along with a detailed report in this regard.	The instant proposal is applied as regularization proposal for the diversion of 98.29 Ha GMJJ land (55.20Ha Broken before 1996 and 43.09 In situ land) and 2.71 Ha Notified forest land (1.65 Ha Broken before 1980 and 1.06 Ha in situ).
21	Satellite imagery shows the presence of Houses, Roads, buildings, mined out area, villages etc. within the mining lease. This needs clarification.	The Parej East opencast Project is operating before 1980, the instant proposal is applied as regularization proposal for the diversion of 98.29 Ha GMJJ land (55.20 Ha Broken before 1996 and 43.09 In situ land) and 2.71 Ha Notified forest land (1.57 Ha Broken before 1980 and 1.14Ha in situ).
22	Bokaro Nadi is flowing adjacent to the proposed forest land for diversion and part of the River is coming under the Mining lease. Therefore, comments of the water resource department on the proposed measures and impact of the project on the hydrological regimes are required to be submitted.	Bokaro Nadi is flowing at minimum 200m distance from proposed project area. No river or nala impacted due to this project.
23	The State has submitted that as per the revised land schedule the approved area is 399 ha, whereas the user agency has mentioned the same as 922.17 ha in the online Part-I. which needs correction. Moreover, the justification and details regarding reduction in the total mining lease area from 922.17 ha to 399 ha shall be submitted.	922.17 Ha Land has been acquired under CBA, Act, 1957. But, the Project report was proposed only for 399 Ha Out of which, 50.62 Ha Has been diverted, 101 Ha has been applied and 52.34 Ha Forest land will never be utilized because coal mining has not been planned as techno-economically not feasible by Opencast method in this area.
24	DSS analysis reported the presence of 681.92 ha forest land in the 922.17 ha mining lease area out of which approval under the FCA, 1980 had already been taken for an area of 50.62 ha land and instant forest diversion proposal comprises an area of 101 ha Therefore, the status of balance 530.30 ha Recorded forest (RF/PF) land along with kml files is required to be submitted including	922.17 Ha Land has been acquired under CBA, Act, 1957. But, the Project report was proposed only for 399 Ha Out of which, 50.62 Ha has been diverted, 101 Ha has been applied and 52.34Ha Forest land will never be utilized because coal mining has not been planned as techno-economically not feasible by Opencast method in this area. Most of the revenue forest (Jungle Jhari) land has been settled to villagers before 1996 and being used as agriculture or habitation area. KML file of the concerned area enclosed in Pendrive.

PROJECT OFFICER
Parej East OCP

the status of revenue forest land (jungle jhari) if any located within the lease.

- | | | |
|----|--|---|
| 25 | DSS analysis revealed that the CA patches namely Compartment No. 523P, 113P, 198P, 629 are having encroachment of Agriculture land and presence of settlement etc. Further, in the compartment No. 301P, a construction of Road is going on. Therefore, the revised CA patches free from all sorts of encroachment & encumbrances shall be uploaded/ provided. | The Matter has been apprised with DFO, Giridih East, he categorically mentioned that encroachment affected areas are given preferences for proposing as CA land as this is seen as an opportunity to get encroachment evicted from forest land. He also explained that if infested forests land are free from encroachments and left unplanted, they again fall prey to encroachment in no time in absence of adequate human and material resources available with State Forest Department. Area of Road has been truncated from the patch and additional CA land has been identified free from all sorts of encroachment & encumbrances. |
| 26 | The legible copies of the Survey of India Toposheet map clearly showing the proposed CA sites shall be uploaded on the PARIVESH. | Legible copies of the Survey of India Toposheet map clearly showing the proposed CA site is being uploaded. |
| 27 | As per report "There is regular movement of herd of elephants in villages located within 10 km of the area proposed for diversion i.e. Laiyo, Basantpur, Rauta, Pindra etc. Wide spread destruction of habitat of wild animal is common in mining areas. Blasting at mining site caused migration of animal from nearby areas. Therefore, it is suggested that a comprehensive wildlife management plan should be prepared". Therefore recommendation of CWLW along with the data of Human-Elephant conflict in the district and in the adjoining districts of last 3 years should also be provided. | CCL undertakes to pay 2.0% of total project cost towards the cost of implementation of the Wildlife Management Plan (enclosed as Annexure-1), as the case may be, into the account of CAMPA and the same may be intimated to the MoEF&CC for the purpose of obtaining approval under the FC Act, 1980 in respect of Parej East Opencast Project of M/s CCL. |


17.01.25
Project Officer
Parej East OCP

CENTRAL COALFIELDS LIMITED
(A Miniratna Subsidiary Company of CIL)
OFFICE OF THE PROJECT OFFICER
PAREJ EAST OPENCASE PROJECT
P.O.: Banji, DIST:-RAMGARH
JHARKHAND-825314



Fuelling Sustainable Growth
CENTRAL COALFIELDS LTD.

Phone No.: (06546)232922
<http://centralcoalfields.in/>
Email-
projectofficerparej@gmail.com
CIN-U10200JH1956GOI000581

Annexure -I

Ref. No.: *P0/PEOCP/24/1415*

Date: *12/12/24*

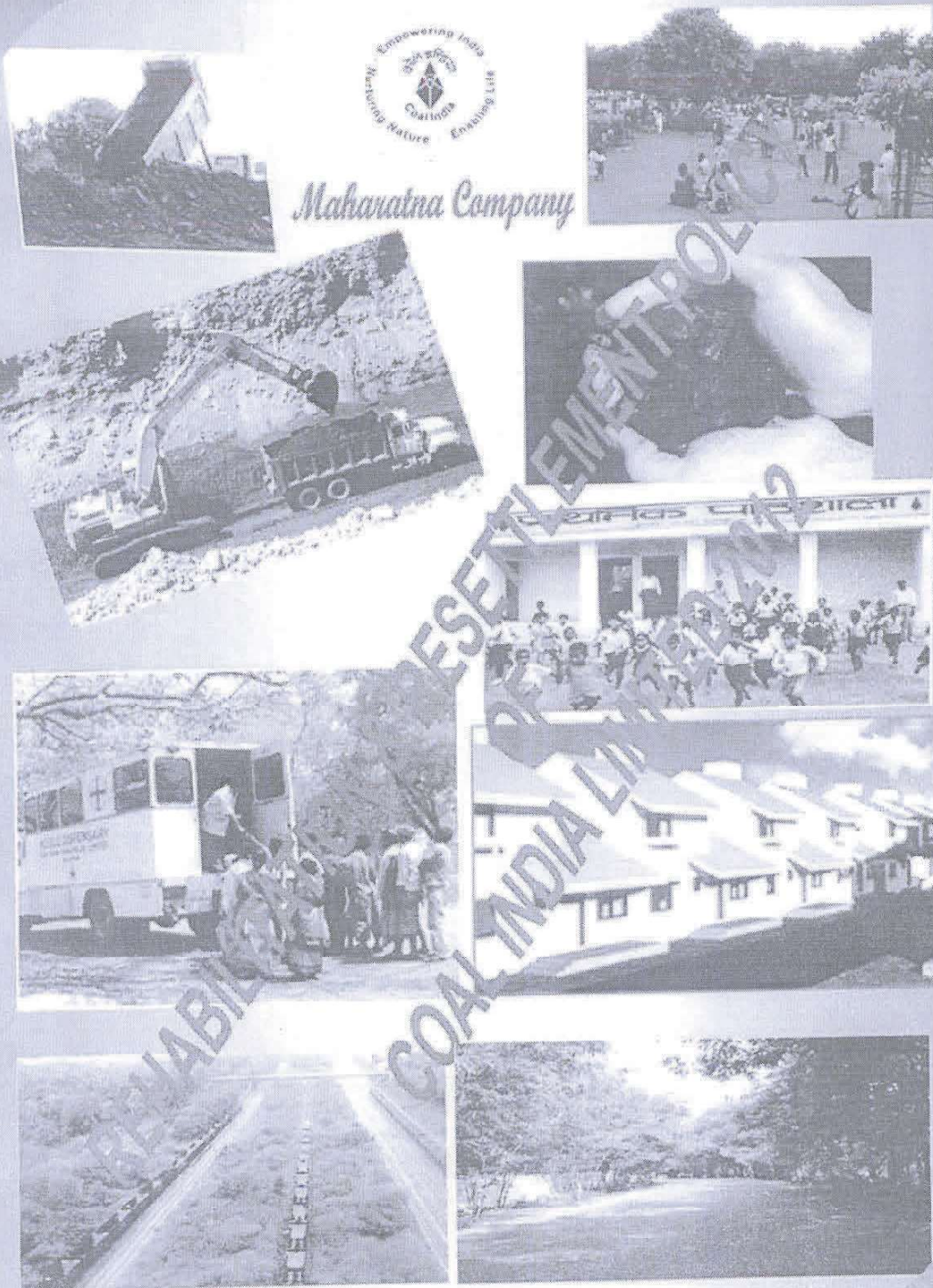
UNDERTAKING FOR WILDLIFE MANAGEMENT PLAN

The project proponent hereby undertakes to pay 2.0% of the total project cost towards the implementation of the Wildlife Management Plan, as applicable, to the CAMPA account, in accordance with the Ministry of Environment, Forest and Climate Change (MoEF&CC) Guidelines dated 07.06.2022. The same will be communicated to the MoEF&CC for the purpose of obtaining approval under the Forest (Conservation) Act, 1980, in favour of Parej East Opencast Project of M/s CCL.

Additionally, the project proponent further undertakes to pay any deficit amount, if applicable, following the final approval of the Wildlife Management Plan by the competent authority in the State, prior to commencement of any activities in the forest area.

Project Officer
Parej East Opencast Project
PROJECT OFFICER
Parej East OCP

Annexure -2



11/12/24
PROJECT OFFICER
Parej East OCP

श्रीप्रकाश जायसवाल
SRIPRAKASH JAISWAL



कोयला मंत्री
आगत सरकार
शास्त्री भवन, नई दिल्ली 110001
MINISTER OF COAL
GOVERNMENT OF INDIA
SHASTRI BHAVAN, NEW DELHI-110001

26th March, 2012

MESSAGE

Land acquisition has been identified as a major bottleneck coming in the way of Coal India's plans for augmenting coal production. I am of the firm view that Coal India has to have a generous relief and rehabilitation policy which can earn the confidence and goodwill of the project affected people to enable it to meet its ambitious production targets.

I have been deeply concerned about the issue and therefore constituted a Committee at Government level to take the process forward quickly. I am glad that the Committee could meet under the Chairmanship of Shri Alok Perti, Secretary (Coal) and Smt. Zohra Chatterji, Additional Secretary & CMD, Coal India Ltd. and decided the broad principles of the policy.

I congratulate the Board of Coal India for approving a progressive Rehabilitation & Resettlement Policy 2012 and look forward to its successful implementation.

(SRIPRAKASH JAISWAL)

आलोक परती
ALOK PERTI

सचिव
Secretary

Tel No : 23384884
: 23385504
Fax No : 23381678
E-mail : secy.moc@nic.in



भारत सरकार
कोयला मंत्रालय
GOVERNMENT OF INDIA
MINISTRY OF COAL
शास्त्री भवन/ SHASTRI BHAWAN

MESSAGE

I am very happy to learn that Coal India Ltd. has revised its Rehabilitation & Resettlement Policy and come up with a liberal policy which enables the land loser to choose between various options and adopt the package which best suits his needs. The focus on development of community facilities and skill development is also a positive feature.

The Ministry has held several meetings on the subject in view of the criticality of getting more land quickly for enhancing coal production. I am glad that the Policy has now been finalized and approved by the Coal India Board. I look forward to seeing much better progress in Coal India's efforts to acquire land as a result of this policy and wish them every success.


26/3

(Alok Perti)

New Delhi
26th March, 2012


11/12/24
PROJECT OFFICER
Parej East OCP

जोहरा चटर्जी

Zohra Chatterji, IAS

Additional Secretary to Govt

Ministry of Coal

&

Chairman-cum-Managing Director



कोल इण्डिया लिमिटेड

COAL INDIA LIMITED

(A Maharatna Company)

(A Govt. of India Enterprise)

"COAL BHAWAN"

10, NETAJI SUBHAS ROAD,

KOLKATA - 700 001



MESSAGE

I feel privileged to present the Rehabilitation and Resettlement Policy 2012 of Coal India Limited which has been approved by the Board of Directors in its 279th Meeting held on 12th March, 2012.

I could well appreciate the urgent need to liberalize the policy and after chairing a meeting of the Committee constituted for the purpose by the Ministry of Coal, I seized upon the opportunity to fast track it when I was given additional charge of CMD, Coal India on 1st February, 2012.

I must appreciate the painstaking efforts of Director (P&IR), Shri R. Mohan Das and his team including Shri Bhagwan Pandey, General Manager (MP&IR) and Shri T.B. Raju, Chief Manager (IR) for drafting and redrafting the policy after extensive deliberations at the level of the Functional Directors and the CMDs of subsidiary companies and the Board of Coal India.

I am hopeful that the R&R Policy 2012 which incorporates the collective wisdom of all levels from the Ministry to the field and provides sufficient flexibility to the subsidiary companies will prove to be a well conceived one which will facilitate land acquisition by Coal India in the years to come.

Chatterji

(Zohra Chatterji)

Kolkata

26th March, 2012

[Signature]
11/2/24
PROJECT OFFICER
Parej East OCP

आर मोहन दास

निदेशक (कार्मिक एवं औ. सं.)

R Mohan Das

Director (Personnel & IR)



कोल इण्डिया लिमिटेड

COAL INDIA LIMITED

(A MAHARATNA COMPANY)

A Govt. of India Enterprise

"COAL BHAWAN"

10, NETAJI SUBHAS ROAD

KOLKATA - 700 001



MESSAGE

I feel proud to place the liberalized new redrafted "R&R policy of Coal India-2012" before the 279th meeting of the Board of Directors of Coal India Limited held on 12th and 13th March 2012 at New Delhi and got approval of the Board.

Though there was an existing R&R policy of CIL-2008, but there was an urgent need of redrafting the new policy in view of changing aspirations of the project affected persons in the competitive market and to redress the unique problems of the subsidiary companies of Coal India Limited for fast acquiring of land.

I would like to extend my personal congratulations to the tireless effort of Sri Bhagwan Pandey, General Manager (MP&IR), CIL and Sri T.B.Raju, Chief Manager (MP&IR), CIL and their team for their fast and prompt action in drafting the modification of the existing policy keeping in view the aspirations of the people and the difficulties encountered by the subsidiaries in acquiring land. They are of great value to the company.

I am very much hopeful that after implementation of this new policy of Coal India Limited, the subsidiary companies will feel relaxed with greater flexibility in redressing the R&R issues and this will help in faster acquisition of land at all level.


(R Mohan Das)
Director (P&IR)


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REHABILITATION AND RESETTLEMENT POLICY OF COAL INDIA LTD 2012.

Preamble

The location and quality of coal reserves, and their distance from major consumers determines to a great extent the selection of mine sites. For reserves that are close to the surface, opencast mining has proven to be the most efficient mining method. Opencast mines require relatively large areas of land. Population growth, particularly in India's eastern region, has made it increasingly difficult for the subsidiary coal companies to acquire the land they need for expanding their operations under the present Resettlement and Rehabilitation policy, 2008 of Coal India.

The resettlement and rehabilitation policies followed by the subsidiary companies have evolved over time and undergone numerous changes in response to changing circumstances. As and when the Central or State Governments enact amendments to the Land Acquisition Act, issue new guidelines for resettlement and rehabilitation, as per its requirement Coal India reviews and modifies its resettlement and rehabilitation policy taking into account the changing conditions in coal producing areas.

In addition to compensation for land coal companies provide Rehabilitation and Resettlement (R&R) package for project affected persons to compensate for loss of livelihood. Apart from compensation for house site, house, trees, cow shed, cost of shifting etc., employment is also provided to land oustees. In addition to this, efforts are made to rehabilitate them by construction of houses, building roads, streets, schools, providing water etc. wherever feasible. However, demand for both more land compensation and better R&R package has been raised by project affected persons and has been highlighted in various Parliamentary Committees. Coal Companies often have to face representations and agitations by these land oustees who obstruct the smooth working of existing mines and come in the way of expansion of new projects.

In the past, subsidiaries found it relatively easy to acquire land, if they were able to offer employment. Partly because of this practice, subsidiaries have built up a largely unskilled labour force beyond their needs. This has contributed to the heavy losses and many mines are incurring and has also affected their efficiency and viability. The subsidiaries may still need to hire people in selected locations and continue to give preference to those whose livelihood will be affected by coal mining operations. However, increasingly subsidiaries will need to develop other ways and means to compensate land owners and others adversely affected by their projects and give them the option to choose which method of compensation best suits their needs. Greater emphasis will also need to be given to community requirements like schools, hospitals etc. Only proper resettlement and rehabilitation will elicit the required cooperation of project affected people, and make it possible for Coal India to acquire the land it needs to fulfill the ever increasing demand of coal for the economic development of the Country.

The purpose of the Resettlement and Rehabilitation Policy 2012 is to revise and provide greater flexibility to the basic principles for the resettlement and rehabilitation of people affected by coal mining projects i.e. Project Affect People (PAPs). It attempts to consolidate the different resettlement and rehabilitation practices that are being followed by subsidiaries as per the different State land Acquisition Acts and various decisions of the Coal India Board and to modify the Policy of 2008 so as to give the Board of the subsidiary Companies greater flexibility to deal more effectively with resettlement and rehabilitation issues and determine the rehabilitation packages best suited to local needs in line with this policy. The provisions of the National Rehabilitation and Resettlement Policy, 2007 and the Land Acquisition, Rehabilitation & Resettlement Bill, 2011 have also been kept in mind while framing the policy.

While Coal India's basic philosophy for compensating land-losers and other project-affected people remains substantially unchanged, the revised policy emphasizes the need to cultivate and maintain good relationships with the people affected by Coal India's projects starting as early as possible; it also underscores that the subsidiaries have a responsibility towards the land oustees whose livelihood is often taken away. On the other hand, subsidiaries need to protect themselves more effectively against unjustified claims, redundant manpower and swelling Wage Bills. To this end, the statement proposes that subsidiaries prepare detailed resettlement and rehabilitation action plans (RAPs) that clearly identify, at an early stage, the entitlements of the people affected by coal projects and enables them to exercise a choice between various options. The concept of Annuity in lieu of compensation/employment is also being introduced to mitigate, if not eliminate the ever dependence of Project Affected Families (PAFs) on CIL for provision of employment.

(1) The revised Resettlement & Rehabilitation Policy, 2012 is based on the deliberations of the inter Ministerial Committee set up vide O.M. 490191/2011-PRIW-I dated 01-07-2011 of Ministry of Coal, deliberations of the CMDs meet held on 05/03/2012 at New Delhi and has been approved by the CIL Board in its 279th meeting held on 12th and 13th March, 2012.

(2) Objectives and general principles of Coal India's Resettlement and Rehabilitation Policy- 2012

- A. To re-visit CIL's existing R&R policy 2008 and evolve a PAP friendly policy by incorporating such provisions of the National Policy and The Draft Land Acquisition, Rehabilitation and Resettlement Bill-2011 as considered suitable in light of the growing difficulties many subsidiaries face in land acquisition.
- B. To accord the highest priority for avoiding or minimizing disturbance of the local population while taking decisions to open new mines or expand existing ones too (exploring alternative sites and project designs) and to ensure that wherever people are likely to be adversely affected by a project, the subsidiaries will prepare resettlement and rehabilitation action plans for the project.
- C. To ensure a humane, participatory, informed consultative and transparent process for land acquisition for coal mining and allied activities with the least disturbance to the owners of the land and other affected families.
- D. To provide just and fair compensation to the affected families whose land has been acquired or proposed to be acquired or are affected by such acquisition and make


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adequate provisions for loss of livelihood of such affected persons including their rehabilitation and resettlement.

- E. To ensure that the cumulative outcome of compulsory acquisition should be that the affected persons become partners in development leading to an improvement in their post acquisition social and economic status and matters connected therewith or incidental thereto.
- F. Through the preparation of resettlement and rehabilitation action plans, subsidiaries will safeguard that project-affected people improve or at least regain their former standard of living and earning capacity after a reasonable transition period. The transition period is to be kept to a minimum. However, the involvement of subsidiaries in resettlement and rehabilitation activities may continue until all the actions specified in the rehabilitation plan have been completed.
- G. Involuntary resettlement is conceived and executed as a development programme with project-affected people being provided sufficient resources and opportunities to share in a project's benefits. The efforts of subsidiaries are complementary to the Government's schemes in rural development and the concurrence, approvals and support from concerned Government authorities will be sought.
- H. In parallel, subsidiaries will work closely with non-governmental organizations of proven repute which are legally constituted and recognized and also have the confidence of the project-affected people, in the preparation and implementation of rehabilitation plans.
- I. Corporate Social Responsibility (CSR) : Activities shall be intensified in and around the villages where land is being acquired in accordance with the CSR Policy of Coal India.
- J. Actual implementation of R&R package must follow a detailed survey of the project-affected villages to formulate the list of persons/families affected by the project, nature of the affect, the likely loss of income, etc. For this purpose, if necessary, the services of a reputed NGO with an impressive record of integrity and performance may be engaged.

3. SCOPE:

This Policy may be called "Rehabilitation and Resettlement Policy of Coal India Limited-2012". It extends to the Coal India Limited and its subsidiary companies in India. It shall come into force from the date of its approval by the CIL Board and is applicable to all cases in which land is taken after the date of approval by the CIL Board. While implementing the policy it is to be ensured that the provisions of the concerned Acts applicable and Rules mentioned there under shall not be violated .

4. Definitions

(a) "affected family" means:

- (i) a family whose primary place of residence or other property or source of livelihood is adversely affected by the acquisition of land (including direct negotiation) for a project or involuntary displacement for any other reason; or

- (ii) any tenure holder, tenant, lessee or owner of other property, who on account of acquisition of land (including plot in the *abadi* or other property) in the affected area or other wise, has been involuntarily displaced from such land or other property; or
 - (iii) any agricultural or non-agricultural labourer, landless person (not having homestead land, agricultural land, or either homestead or agricultural land), rural artisan, small trader or self-employed person, who has been residing or engaged in any trade, business, occupation or vocation continuously for a period of not less than three years preceding the date of declaration of the affected area, and who has been deprived of earning his livelihood or alienated wholly or substantially from the main source of his trade, business, occupation or vocation because of the acquisition of land in the affected area or being involuntarily displaced for any other reason.
- (b) "**family**" includes a person, his/her spouse, son including minor sons, dependant daughters, minor brothers, unmarried sisters, father, mother residing with him or her and dependent on him/her for their livelihood; and includes "**nuclear family**" consisting of a person, his/her spouse and minor children. Provided that where there are no male dependants, the benefit due to a land loser may devolve on dependent daughter nominated by the land loser.
- (c) "**land owner**" includes any person—
- (i) whose name is recorded as the owner of the land or part thereof, in the records of the concerned authority; or
 - (ii) who is entitled to be granted Patta rights on the land under any law of the State including assigned lands; or
 - (iii) who has been declared as such by an order of the court or District Collector;
- (d) **Displaced person** - means and includes any person who is deprived of his homestead on account of acquisition. Provided that the person/family who does not ordinarily reside in the homestead land acquired for the project can be termed "Displaced" but he will be eligible for compensation only for homestead and not for livelihood.
- (e) **Ordinarily resides**" shall mean residing in the homestead / acquired land for a period more than 6 months every year for at least the preceding 5 years.

5. **Socio-economic Survey and preparation of RAP.**

A baseline socioeconomic survey will be carried out to identify the PAPs who are enlisted to receive benefits in line with Coal India's Resettlement and Rehabilitation Policy. This survey will be conducted within two months of notification under the relevant land acquisition Acts by the subsidiaries with the help of reputed independent institutional agencies, who are well versed with the social matrix of the area.

The basic objective of the socio-economic study will be to generate baseline data on the social and economic status of the population who are likely to lose their means of livelihood or homestead due to the acquisition of the land for the project. The data base will be used to formulate a viable and practical Rehabilitation Action Plan (RAP) for the affected persons in line with their entitlements. Digital Satellite Maps would also be prepared of the project Area freezing the dwelling units and habitations existing at the time of negotiation for Land Acquisition wherever feasible. The RAP will also address the following-

(A) Implementation, Monitoring and Evaluation, Dispute Mechanism

The rehabilitation action plan will address the following:

- i) The project design, including an analysis of alternative designs aimed at avoiding or minimizing resettlement;
- ii) Socio-economic survey and activities to ensure restoration of incomes of PAPs in line with Coal India's Resettlement and Rehabilitation Policy;
- iii) Description of the institutional and other mechanisms for provision of entitlements;
- iv) Time table for the acquisition and preparation of the resettlement site(s);
- v) The cost and budgets for the resettlement and rehabilitation of PAFs;
- vi) Project-specific arrangements to deal with grievances of PAFs; and
- vii) Time tables, benchmarks and arrangements for monitoring the resettlement and rehabilitation effort.

The RAP will be formulated in consultation with PAPs and State government.

(B). Environment Impact Assessment (EIA) will be conducted as per any law, rule and regulation of the locality in which the land has been acquired.

6. Eligibility Criteria -

(A) Eligibility Criteria for Economic Rehabilitation Benefits

This benefit shall accrue only to Entitled Project Affected Person. Entitled Project Affected Person shall be one from the following categories.

- (i) Persons from whom land is acquired including tribals cultivating land under traditional rights.
- (ii) Persons whose homestead is acquired.
- (iii) Sharecroppers, land lessees, tenants & day labourers.
- (iv) Tribal dependent on forest produce as certified by the District Forest Officer/Revenue Authorities.

(B) Eligibility Criteria for Resettlement Benefits

1. Only a 'Displaced' family / person shall be eligible for resettlement benefits.
2. A family/person shall be termed 'displaced' and hence eligible for resettlement benefits if such family/person has been a permanent resident and ordinarily residing in the project area on the date of publication of notification U/S 9 of CBA(A&D) 1957 / U/S 11 of LA Act, 1894/ Or both/ on the date of the land vested with the State/ Central government as the case may be.
and
(a) on account of acquisition of his/her homestead land / structure is displaced from such areas
or
(b) He/she is a homesteadless or landless family/person who has been/is required to be displaced.

7. Census & Identification of displaced families:

1. Within two months of publication of notice U/S 4(1) of the Land Acquisition Act or U/S 7(1) of CBA (A.D) Act 1957 for acquisition of land for the project a census would be undertaken in the manner to be decided by the Collector / project authority for identification of displaced families and for preparing their socio-economic profile and list of eligible persons for the purpose of receiving Rehabilitation & Resettlement Benefits.

2. A photo identity card to each Entitled Project Affected Person shall be issued under the signature of the Collector / project authority concerned indicating the following particulars:

- (a) Name of the village/GP/PS :
- (b) Name, Father's name and address
of the head of the family :
- (c) Category of entitlement :
- (d) Whether S.C./S.T./O.B.C./General :
- (e) Age, Sex, educational qualification
of the members of the family :

8. Types of Compensation and Rehabilitation Entitlement

Option to the land losers regarding Rehabilitation & Resettlement Benefit - The land losers shall have the option for Rehabilitation and Resettlement benefits in accordance with the awards for each affected family in terms of the entitlements passed by the Concerned Collector of the State or as per this Policy with the consent of the concerned Collector.

8.1 Eligibility and Compensation

The table below shows the compensation and rehabilitation benefits will be offered by the subsidiaries for each Project Affected Person or family, affected by one of their projects. Evidence to the effect that a person is a legitimate PAP will need to be provided in the form of a written legal document, or reference to a record, such as a revenue officer certificate, electoral roll, ration card or school record.

Category of Persons affected by the Project	Compensation and Rehabilitation entitlement option
	Provisions
(i) Persons (including tribals cultivating land under traditional rights) from whom land is acquired.	All land owners with titles will receive monetary compensation for the land acquired from them. The value of the land is determined on the basis of prevailing legal norms. <i>In respect of tribals cultivating land under traditional rights, authentication of land held under traditional rights by state authorities will be necessary.</i> In addition to above the following shall apply.


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Category of Persons affected by the Project	Compensation and Rehabilitation entitlement option
	Provisions
	A). Land Compensation - Land compensation shall be paid as per the provisions of the concerned Act or State Govt. notification. Where no notification of the State Govt. is available the concerned subsidiary Board may decide on the rate of compensation keeping in view the compensation provided by the neighboring states. Authentication of land held under traditional rights by state authorities will be necessary. In addition to above Solatium will be paid as per provisions of the concerned Act / as imposed by the Concerned State Govt. Escalation of land compensation – Escalation will be paid as per provisions of the concerned Act / as imposed by the Concerned State Govt. or Escalation at the rate of 12% per annum for a maximum period of three years. (B): Employment provision: Apart from payment of the land compensation, employment may be given in the following manner – 1) The maximum total number of employments that may be provided to the land losers would be limited to the total no. of acres of land acquired divided by two. However employments will be released in proportion to the land possessed . 2) For every two acres of land one employment can be considered; 3) Subsidiaries of CIL may give an option to the Land losers having less than two acres of land to club together their land to the extent of two acres and nominate one of the land losers among the groups or their dependent for employment under package deal or employment under Descending order system by preparing the list of eligible land oustees in the descending order of land lost subject to the cut off equivalent to the total number of permissible employments or any other method with the approval of the respective Board of the subsidiary. 4) The land loser must be a domiciled resident/Mool Niwasi and the certificate to this effect shall be issued by the concerned State Authority 5) The modalities for offering employment shall be such as may be approved by the Board of the Subsidiary companies as per the unique conditions of the subsidiary provided that - a) The initial employment shall be given with pay of Category-I pay scale of NCWA, with training period of 6 months. b) In the seniority list, the seniority of the appointee should be reflected in appropriate manner in order to keep the senior most as senior. c) The land loser trainees shall be posted as per requirement, including underground duties.


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Category of Persons affected by the Project	Compensation and Rehabilitation entitlement option
	Provisions
	(C): Lumpsum Monetary Compensation – 1. All the land losers who are not eligible for employment as above shall be entitled to receive monetary compensation in lieu of employment at the rate of Rs.5,00,000/- (Five Lakhs) for each acre of land on pro-rata basis. 2. Land losers who are offered employment as per principle specified in point No (8.(i)B) above will have the option either to opt for employment or to forego employment and opt for monetary compensation at the rate of Rs.5,00,000/- (Five lakhs) for each acre of land on pro-rata basis with minimum of Rs. 50,000 (Fifty thousands) provided that the employment thus surrendered shall not be available for offer to any other person and will stand lapsed from the total sanctioned number of employments as specified in point No.(8.(i)B1). 3. The Land losers who have clubbed their land in Package Deal can claim employment for only one land loser of the clubbed two acres of land and remaining land losers of the package cannot claim either employment or lump sum monetary compensation in lieu of the land contributed by them. 4. Annuity – All land losers who are entitled to get lump sum monetary compensation may opt for payment of compensation amount in the form of annuity made payable to the land losers monthly, annually or at such intervals (not less than one year) as may be opted for by him. The annuity be paid for a maximum period extending to 60 years of age or the life of the project for which the land has been acquired, whichever is earlier. <u>Note:</u> A person receiving a job forgoes all claims to above compensation and a person receiving above compensation forgoes all claims to employment.
(ii) Person whose homestead is acquired	I. Compensation for homestead shall be paid as per the standard valuation method of the L.A Act. of the concerned State Govt. II. One time lump sum payment of Rs.3,00,000/- (three lakhs),shall be paid in lieu of alternate House site, Assistance in designing Shifting Allowance,compensation for construction of cattle shed , Monetary compensation for construction of work shed etc.The compensation shall be paid to displaced persons only after vacation and demolition of the homestead/ work shed etc. III. Subsistence allowance :Each affected displaced family will get subsistence allowance at the rate of 25 days (Minimum Agricultural Wage) per month for one year.

Category of Persons affected by the Project	Compensation and Rehabilitation entitlement option
	Provisions
(iii) Sharecroppers, land lessees, tenants and day labourers	The subsidiary will assist PAP to take-up non farm self employment through petty contracts or formation of cooperatives. If such co-operatives will not be entitled for awarding work as per Manual for lack of experience, the said co-operative will be facilitated by awarding small jobs to acquire experience after relaxation of the provisions of the Manual pertaining to experience with approval of the Subsidiary Boards. Subsequent jobs may be awarded after getting report of the timely completion / quality / of the awarded jobs from the concerned Department or contractors. Contractors will also be persuaded to give job to eligible PAPs on a preferential basis, where feasible as per terms of contract.
(iv) Landless tribals, Tribal dependent on forest produce	The subsidiary will assist PAP to establish non farm self employment through the provision of infrastructure, petty contracts or formation of cooperatives and encourage provisions of Jobs with contractors. Contractors will be persuaded to give jobs to eligible PAPs on preferential basis, where feasible. - In addition, the subsidiaries will shift the tribal community as a unit and provide facilities to meet the specific needs of the tribal community that will allow them to maintain their unique cultural identity. - Tribal affected family will be given one time financial assistance of 500 days of MAW for loss of customary right or usages of forest produce. Loss of customary rights needs to be authenticated by the district authority. - Tribal affected families resettled out of the district shall be given 25% higher rehabilitation and resettlement benefit.

9. Resettlement & Rehabilitation Committee - A Committee will be constituted at project Level under the chairmanship of the Collector to be called the Rehabilitation and Resettlement Committee with the following objectives to monitor and review the progress of implementation of the Rehabilitation and Resettlement scheme and to carry out post-implementation social audits in consultation with the village panchayat in rural areas and municipality in urban areas in the manner will be decided by the concerned State Govt.

- I. To approve the list of land losers and other PAPs;
- II. To approve the list of persons eligible to be offered employment as per R&R Policy;
- III. To approve the detailed Rehabilitation Plan for the project in consultation with the displaced persons and Gram Sabhas.
- IV. To expedite issue of domicile certificates and other necessary documentation required for State Authorities;
- V. To monitor and review the progress of the Rehabilitation Scheme, grant of benefits and handing over of possession of land in a smooth manner;
- VI. To facilitate the land acquisition process in any other manner as may be required including resolution of disputes;
- VII. To carry out post implementation social audit in consultation with the authorities.

10. Community facilities - The subsidiary will provide at the resettlement site a school, road with street light, pucca drain, pond, dugwell and/or tubewell for drinking water supply, community center, place of worship, dispensary, grazing land for cattle and play ground. Similar infrastructural facility, if necessary, will be extended to the host locality. The community facilities and services would be available to all residents of the area, including PAPs and the host population.

The approach for operation of community facilities would be flexible and all efforts will be made to involve the State and local self Government / Panchayat for operating the facilities. To achieve this, subsidiaries will pursue with these agencies to ensure the same. The planning of the community facilities and their construction should be undertaken in consultation with the affected community.

11. Corporate Social Responsibilities - This should be as per Company's Corporate Social Responsibility (CSR) Policy.

12. Monitoring and Evaluation Mechanism.

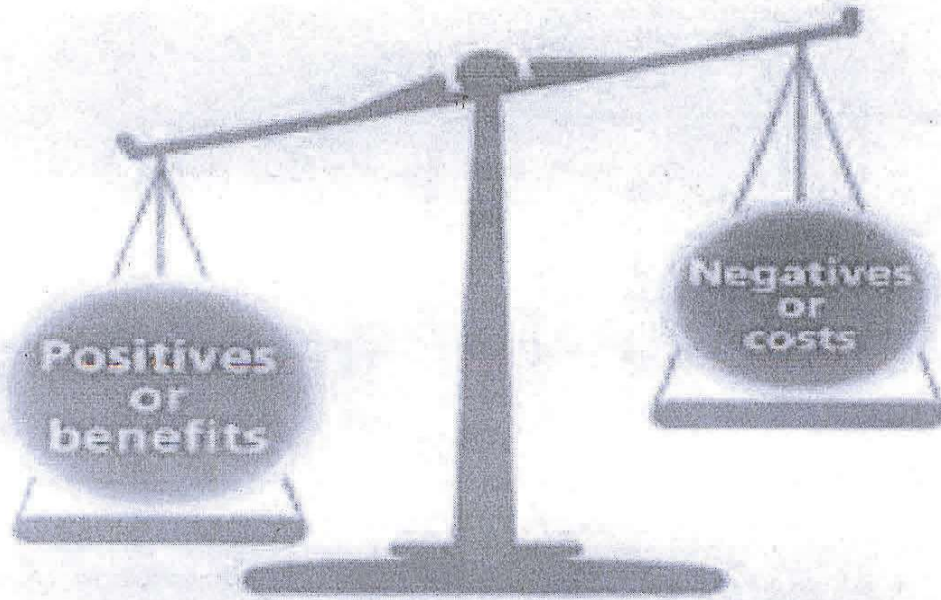
The RAP will be monitored and evaluated periodically after the completion of the land acquisition process.

- I. The resettlement and rehabilitation activities are the responsibility of a separate group, both at the projects and corporate level, which will be constituted for planning, implementation, monitoring and evaluation of the Rehabilitation Action Plan. At the corporate level the group will be headed by a senior manager, whereas at the project, an executive of the rank of manager will head the group. The project group should have at least one member with social science qualification / experience and skills.

- II. The project group will closely interact with the state authorities during the implementation of the RAP. Although the subsidiaries will develop the plots and infrastructural facilities in the resettlement colony and actively implement the RAP, assistance of State authorities will be taken for administrative services such as allotment of land. Implementation will be planned, monitored and corrective measures will be incorporated in the RAP, if needed. In addition to the State Government, the PAPs, the village leaders including the Pradhans and NGOs will be consulted and associated with the implementation of the RAP.
 - III. The Resettlement and Rehabilitation Cell at the corporate level will evaluate the implementation of the RAP after its completion.
13. **Flexibility to the Subsidiary Companies** – The Subsidiary Companies Boards have been authorised to approve necessary modifications in the R&R Policy with reference to unique conditions prevailing at the concerned Subsidiaries as the policy is not exhaustive.

(The above list is only indicative and not exhaustive)


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COST BENEFIT ANALYSIS REPORT

[As per MoEF & CC Guideline F. No. 5-2/2017-FC dated 28.03.2019]

Parej East Opencast Project (1.75 MTY) (101.00 Ha Forest Land)



**Parej East Opencast Project
Hazaribagh Area
Central Coalfields Limited**


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Parej East OCP**

(A Miniratna Company)

1.0 Introduction:

Parej East Opencast Project (1.75 MTY) is an existing mine which occupies the southern sector of Parej East Block & is located in West Bokaro Coalfields of Jharkhand State. It is a part of Hazaribagh Area of Central Coalfields Limited. The project is targeted for a production of 1.75 MTY of coal with a project life of 20 years as per Revised Project Report (RPR) approved by competent authority and conveyed by the Director (technical), Department of Coal vide letter No. 43011/21/2000-CPAM, Govt. of India, Ministry of Coal, New Delhi dated 03.12.2001.

2.0 Communication:

Parej East Opencast Project (1.75 MTY) is approachable by 12 km long metaled road via Charhi on National Highway No. 33. Hazaribagh (25 Km), Ranchi(90km) and Dhanbad (144 Km) are well connected by road. Nearest railway station is Charhi Railway Station at a distance of 15 Km.

Name of Project Officer	Shri Nawal Kishore Dubey
Address	Office of The Project officer Parej East Opencast Project Post- Banji Dist – Ramgarh, Jharkhand-825314
Mobile no.	7991140567
Email Address	projectofficerparej@gmail.com

3.0 Purpose for Cost benefit analysis: Cost benefit report is required for making forest diversion application in Part I, G.i.a. The report has been prepared as per MoEF &CC Guideline F. No. 5-2/2017-FC dated 28.03.2019. (Copy Attached as Annexure A).

Table 1: Breakup of Land

Name of the project	Area as per Mine Plan	Total Area as per forest Application	Forest Land as per Application	Notified Forest as per Application	GMK JJ/Revenue Forest as per Application	Non Forest Land as per Application	Life of mine in Yrs
Parej East Opencast Project (1.75 MTY)	399 Ha	101 Ha	101 Ha	2.71 Ha	98.29 Ha	195.04	20

Table 1(b): Detail of Household shifting

No. of vill. to be rehabilitated	Name of village to be Rehabilitated	No. of Project affected person (Estimated)	No. of PAF to be shifted at R&R site	No. of tribal amongst PAFs	No. of Tribal PAF opting for shifting within District
1	Durukashmar, Fakodih, Agarriya	1050	690	890	890

Table 2 (a): Current NPV Rates

Eco Value Class: Class III

Forest type group: Tropical dry deciduous forest

Current NPV rates (Rs. per Ha.) as per Letter No.5-3/2011-FC(Vol-I) Dt. 06.01.2022

Eco Value Class:	VDF	MDF	OF
Class III	13,57,110	12,28,590	9,57,780
Calculation rate for NPV in respect of Parej East Opencast Project (1.75 MTY) (Rate of NPV Rs. 12,28,590 for Class III Moderately Dense Forest)			
Description	Amount in Rs.	Amount in Rs. Lakhs	
Total NPV @Rs.12,28,590/Ha for 101 Ha of the forest land proposed for diversion	12,28,590*101= 12,40,87,590.00	1240.87	
10% NPV Value	1,24,08,759.00	124.08	
30% NPV Value	3,72,26,277.00	372.26	
50% NPV Value	6,20,43,795.00	620.43	

Table 2 (b): Economic value

Table 2 (b): Economic value						
Class	Forest type group/ value of carbon Storage (Rs/ Ha)	Economic Head	VDF	MDF	OF	LDF
III	Tropical dry deciduous forest	Carbon Storage	300064	270040	95721	95721
		Soil Conservation	13,947	9,024	4,104	823
		Moisture Conservation	1,951	1,269	527	103
Source: Economic values of Carbon Storage, Soil Conservation & Moisture Conservation as applicable for different class/category of forests published by centre for ecological services management (CESM), Indian Institute of Forest Management(IIFM), Bhopal in collaboration with Forest Survey of India (FSI), Dehradun, Nov. 2014						

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CALCULATION AS PER AS PER MOEF &CC GUIDELINE F. NO. 5-2/2017-FC DATED 28.03.2019

I. Estimation of cost of forest diversion

S. No.	Parameters	Remarks
1.	Ecosystem services losses due to proposed forest diversion	Rs. 1240.87 Lakhs. Total NPV @Rs.12,28,590/Ha for 101 Ha of the forest land proposed for diversion= Rs. 12,40,87,590.00 Economic value of loss of ecosystem services due to diversion of forest = Net present value (NPV) of the forest land being diverted = Rs. 1240.87 Lakhs.
2.	Loss of animal husbandry productivity, including loss of fodder	Rs. 919.80 Lakh To be quantified and expressed in monetary terms or 10% of NPV applicable whichever is maximum. No. of PAFs=1050 Assuming no. of animal husbandry as 4 Factor=60 Loss of animal husbandry productivity, including loss of fodder= $1050 \times 4 \times 365 \times 60 = \text{Rs. 919.80 Lakh}$ 10% NPV Value= Rs. 124.08 Lakh Since Loss of animal husbandry productivity is more than 10% of NPV. Thus as per guidelines; Loss of animal husbandry productivity, including loss of fodder = Rs. 919.80 Lakh
3.	Cost of human resettlement	Rs. 5400 Lakhs a. Compensation for homestead to be acquired @ Rs.2,00,000/- for each house which are likely to be demolished: Rs. 2160 Lakh b. One time lump sum Payment of Rs. 3,00,000/- for each family in lieu of alternate house site, assistance in designing, shifting allowance, compensation for construction of cattle shed & work shed etc.: Rs. 3240 Lakh Total: a+b= Rs. 5400 Lakh
4.	Loss of public facilities and administrative infrastructure (roads, buildings, schools, dispensaries, electric line, railways, etc.) on forest land which would require forest land if these facilities were diverted due to the project.	Cost of infrastructure (Roads, buildings, schools, dispensaries, electric line, railways, etc.) on forest land which would require forest land if these facilities were diverted due to the project: 86 Lakhs
5.	Circle rate of adjoining area or Possession value of forest land diverted	Rs. 3349.24 Lakh As per MoEFCC guideline 30% of environmental cost (NPV) due to loss of forest = Rs. 372.26 Lakh or Circle rate of adjoining area in the district should be added as a cost component as possession value of forest

		land whichever is maximum. Village: Parej Type of land: Rural Agriculture Circle rate: Rs. 13420 per Dismil Therefore, Possession value= Rs. $13420 \times 100 \times 2.471 = 33.16$ Lakh per Ha. Total value for 101 Ha.= $33.16 \times 101 =$ Rs. 3349.24 Lakh
6.	Cost of suffering of oustees	Rs. 3978.24 Lakh As per MoEFCC guideline the social cost of rehabilitation of oustees (in addition to the cost likely to be incurred in providing residence, occupation and social services as per R&R plan) be worked out as 1.5 times of what oustees should have earned in two years has he not been shifted. As per letter no. 2/MW-2071/2010,L&T-684 Ranchi, dated 10.04.2023 minimum wage is Rs. 346.01 (Rs. 274.81 +71.20) w.e.f. 01.04.2023. Therefore, Total Cost of suffering of oustees= $346.01 \times 365 \times 2 \times 1050 \times 1.5 =$ Rs. 3978.24 Lakhs
7.	Habitat Fragmentation cost	Rs. 620.43 Lakhs Cost due to fragmentation has been pegged at 50% of NPV applicable as a thumb rule.
8.	Compensatory Afforestation and soil & moisture conservation cost	Rs. 397.90 Lakhs Compensatory Afforestation: 3,97,90,653.00 Note: As per Compensatory Afforestation Scheme issued by DFO Giridih East.
Total Cost of forest diversion		Rs. 15,992.48 Lakhs

II. Estimation of Benefits of forest diversion

S. No.	Parameters	Remarks
1.	Increase in productively attribute to the specific project	Rs. 21,710.46 Lakhs $204.43 \times 10.62 \times 10 =$ Rs. 21,710.46 Lakhs **Profit (Rs./Tonne)= 204.43 (At 85% Production) As per Revised Project Report of Parej East Opencast Project (1.75MTY) ***Mineable Coal Reserve (10.62 MT) as per updated reserve These are to be quantified & expressed in monetary terms avoiding double counting.
2.	Benefits to economy due to specific project	Rs 108578.70 Lakhs a. Royalty Charges (14% of basic price) = $Rs\ 2408 \times 10.62 \times 10 \times 0.14 =$ Rs 35802.14 Lakh

		b. NMET Charges (2% of royalty) = Rs 716.04 Lakh c. DMF (30% OF royalty) = Rs 10740.64 Lakh d. Forest Transit Fee (Rs. 57 per tonne) = $57 \times 10.62 \times 10 =$ Rs 6053.40 Lakh e. GST (5% of sell price) = $2408 \times 10.62 \times 10 \times 55 =$ Rs 12786.48 Lakh f. GST Compensation cess (Rs. 400 per Tonne) = $400 \times 10.62 \times 10 =$ Rs 42480 Lakh Total = Rs 108578.70 Lakhs **Revised price of raw coking coal of WIV as per letter no. CCL/HQ/M&S/F/Procing/18-19/17823-79 dated 29.12.2018 ***Mineable Coal Reserve (10.62 MT) as per updated reserve
3.	No. of population benefitted due to specific project	6744 no. Due to direct employment = 562 Due to indirect employment = $562 \times 2 = 1124$ Considering avg family size 4, the number of population will be benefitted = $1686 \times 4 = 6744$
4.	Economic benefits due to direct and indirect employment due to project	Rs. 26118.14 Lakhs Economic benefits due to direct employment = Coal reserve * wage cost/te = $10.62 \times 187.34 \times 10 =$ Rs 19,895.50 Lakh Economic benefits due to indirect employment due to project = (Total manpower = 1124×8 (Balance life of mine) * 200 (avg working days per year) * 346.01 (Min. wages/ day) = Rs. 6222.64 Lakhs i.e. total = Rs. Lakhs
5.	Economic benefits due to Compensatory Afforestation	Rs. 899.15 Lakh
a)	Due to Compensatory Afforestation	Rs. 547.03 Lakh CA Land * NPV for Class III Open Forest = $101 \times 2 \times (1228590 - 957780) / 100000 =$ Rs. 547.03 Lakh
b)	Due to Compensatory Afforestation or Carbon storage	Rs. 352.12 Lakh CA Land * Difference of Carbon Storage for MDF and OF for Tropical Dry Deciduous Forest = $101 \times 2 \times (270040 - 95721) / 100000 =$ Rs. 352.12 Lakhs

Total Benefit	Rs 164050.45 Lakhs
---------------	--------------------

The Cost to benefit ratio is the ratio of estimated cost and estimated benefits
The cost to benefit ratio for this forest proposal comes out as under:

Total estimated Cost due to diversion of forest in Rs. lakhs	Total estimated benefits due to project in Rs. Lakhs	Cost to benefit Ratio
Rs. 15992.48 Lakh	Rs.164050.45 Lakhs	1:10.25

Annexure - 5

Haranpur 11.11.16

कार्यालय :- वन प्रमंडल पदाधिकारी, रामगढ़ वन प्रमंडल, रामगढ़।

फोन नं०/फैक्स नं०. 06553-256157, Email id - dforamgarh@gmail.com

पत्रांक - 1046 दिनांक - 14/05/16

सेवा में,

महा प्रबंधक,
सी०सी०एल० क्षेत्र (हजारीबाग) चरही,
पोस्ट-चरही, थाना-चरही,
जिला-हजारीबाग।

विषय :-

सी०सी०एल० की परेज पूर्वी खुली खदान परियोजना लीज क्षेत्र में पड़नेवाली स्वीकृति प्रदत्त अधिसूचित वन भूमि 50.62 हे० के अलावे राजस्व अभिलेख में जंगल-झाड़ी दर्ज वन भूमि 56.39 हे० का शुद्ध वर्तमान मूल्य भुगतान के संबंध में।

प्रसंग :-

आपका पत्रांक G.M (H) E&F/FL-JJ/NPV/2016/39 दिनांक 28.03.2016

महाशय,

उपर्युक्त विषयक प्रसंगाधीन पत्र से प्राप्त प्रतिवेदन के आलोक में सी०सी०एल० की परेज पूर्वी खुली खदान परियोजना के लीज क्षेत्र में पड़ने वाली स्वीकृति प्रदत्त वन भूमि के अलावे अवशेष राजस्व अभिलेख में जंगल-झाड़ी दर्ज वन भूमि 56.39 हे० का शुद्ध वर्तमान मूल्य भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, नई दिल्ली के पत्रांक, F. No.-11-599/2014 FC दिनांक 01.04.2015 के आलोक में निम्नलिखित राशि अविलम्ब जमा किया जाय।

लीज क्षेत्र में पड़ने वाली स्वीकृति प्रदत्त अधिसूचित वन भूमि के अलावे शेष जंगल-झाड़ी दर्ज वन भूमि 56.39 हे० का शुद्ध वर्तमान मूल्य @ 626000/- प्रति हे० (वनों का घनत्व 0.1)

कुल :- 35300140.00
:- 35300140.00

अनुरोध है कि उपरोक्त मांग पत्र के अनुसार कुल राशि 35300140/- (तीन करोड़ तीरपन लाख एक सौ चालीस) रुपये का बैंक ड्राफ्ट कॉरपोरेशन बैंक, लोधी रोड, नई दिल्ली के कैम्पा लेखा संख्या S.B. A/c No.-S.B.01025212 के पक्ष में निर्गत हो तथा नई दिल्ली में भुगतान हो अधोहस्ताक्षरी के कार्यालय में जमा किया जाय या RTGS के माध्यम से उक्त राशि को जमा करते हुए प्रमाण पत्र के साथ इस कार्यालय को सूचित किया जाय।

आपका विश्वासी,

AEE(H)/Po Parej

वन प्रमंडल पदाधिकारी
रामगढ़
12/5/16

PROJECT OFFICER
Parej East OCP

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Annexure-5



CCL

Central Coalfields Limited (a Govt. Company)



एक कदम स्वच्छता की ओर

निदेशक ह.व. (यो०/परि०) सी०सी०एफ०
संख्या 483
दिनांक 28.3.17
29

सेन्ट्रल कोलफील्ड्स लिमिटेड
(भारत सरकार का एक उपक्रम)
(दरभंगा हाउस, राँची-834029)
CENTRAL COALFIELDS LIMITED
(Govt. of India Undertaking)

Darbhangra House, Ranchi- 834 029

फोन/Phone: (0651) 2360184 फैक्स/Fax: (0651) 2360184

वेबसाइट/Website: http://www.ccl.gov.in

पत्रांक : एच.ओ.डी. (Forest)/2017/601

दिनांक: 18.03.2017
27

To
The Divisional Forest Officer
Ramgarh

Sub: Payment of Rs 39,72,90,900.00, for NPV in respect of Sayal D OCP, Jharkhand OCP, Kedla OCP, Parej East OCP & kuju colliery (part payment of Rs 85,12,37,560.00 made for NPV in respect of nine different projects vide RTGS UTR no SBINR52017032400036825-CAF ACCOUNT JHARKHAND dated 24.03.2017)

Ref Your letter no. 2691 dt. 08.11.16, 875 dt. 16.4.16, 1021 dt. 9th May 16, 1046 dt. 14th May 16, 18.2.17 & dtd 31.3.16

Dear Sir,

This is to be informed that on dated 24.03.2017, an amount of RS 85,12,37,560.00 has been deposited in CAMPA account, Jharkhand vide RTGS UTR no. SBINR52017032400036825-CAF ACCOUNT JHARKHAND from SBI bank, for NPV of nine different projects of CCL. The NPV payment for Rs 39,72,90,900.00 of Sayal D OCP, Jharkhand OCP, Kedla OCP, Parej East OCP & kuju colliery projects are the part of above payment against the demand raised by above reference letter From your good office.

This payment is being made under protest.
The details are as below :

Sl.No	Name of the project	Demand of concerned DFO	Rate of NPV Rs. per ha	Area of forest land	Total NPV paid
01	Sayal D OCP	2691 dt. 08.11.16	6,26,000.00	104.31 ha	6,52,98,060.00
02	Jharkhand OCP	875 dt. 16.4.16	6,26,000.00	55.24 ha	3,45,80,240.00
03	Kedla OCP	1021 dt. 9th May 16	6,26,000.00	274.38 ha	17,17,61,880.00
04	Parej East OCP	1046 dt. 14th May 16	6,26,000.00	56.39 ha	3,53,00,140.00
05	kuju colliery	DFO's Letter dtd. 18.2.17 & dtd. 31.3.16	6,26,000.00	250.98 ha	9,03,50,580.00
TOTAL					39,72,90,900.00

Contd.. p/2

MOD (Forest)

AP Special

Discussed
A. L. Singh

PROJECT OFFICER
Parej East OCP

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Thanking you.

Yours faithfully


DGM/HOD (Forest)
CCL

Encl : Copy of RTGS for RS 85,12,37,560.00 has been deposited in CAMPA account, Jharkhand vide RTGS UTR No. SBINR52017032400036825-CAF ACCOUNT JHARKHAND from SBI bank

Copy for kind information to:

1. The PCCF, Deptt of Forest, E&CC, GOJ, Van Bhawan Ranchi
2. The PCCF Cum Nodal Office, GOJ, , Van Bhawan Ranchi
3. The Dy Secy, Deptt of Forest, E&CC, GOJ, Nepal House, Ranchi
4. The RCCF, Hazaribagh
5. The CF, Hazaribagh

Copy for kind information to:

1. ~~DE~~
- ✓ 2. D(T) (P&P)
3. TS to CMD

Copy to :

1. The GM Barka Sayal/ GM Hazaribagh/ GM Kuju
2. The Staff officer (P&P) Barka Sayal/ Hazaribagh/ Kuju
3. The Project officer (Sayal D OCP , Jharkhand OCP , Kedla OCP, Parej East OCP & kuju colliery)


11/12/24
PROJECT OFFICER
Parej East OCP

Annexure - 5



Date 27 Mar 2017
 Account Number 00000011048999753
 Description CA-GEN-PUB-IND-NONRURAL-INR
 Name CENTRAL COALFIELDS LTD
 Currency INR
 Corporate Address DARBHANGA HOUSE,
 RANCHI
 RANCHI
 JHARKHAND-834001
 Branch RANCHI(00167)
 Rate of Interest (% p a) 0.00%
 IFS Code SBIN0000167
 Book Balance 5.2788344E7
 Available Balance 50000692.00
 Hold Value 2787652.00
 MOD Balance 772581393.26
 Uncleared Amount 0.00
 Balance as on 24 Mar 20 31,27,29,175.00

33

Account Statement from 24 Mar 2017 to 24 Mar 2017

Txn Date	Value Date	Description	Ref No./Cheque No	Branch Code	Debit	Credit	Balance
24/03/2017	24/03/2017	TO TRANSFER-IND CIL Payments	C194376140 TRANSFER TO 20316184408 CENTRAL COALFIELDS LTD	99922	10,00,00,000.00		31,27,29,175.00
24/03/2017	24/03/2017	BY TRANSFER-RTGS UTR NO BKIDH426 032400972267 CENTRAL COAL FIELDS LTD	TRANSFER FROM 3199855044301 CENTRAL COAL FIELDS LTD	4430		10,00,00,000.00	1,51,27,29,175.00
24/03/2017	24/03/2017	TO TRANSFER-RTGS UTR NO SBIN0000167 032400036825 CAP ACCOUNT JHARKHAND	TRANSFER TO 4099107044300 / CAP ACCOUNT JHARKHAND	167	15,12,37,560.00		66,14,91,815.00
24/03/2017	24/03/2017	TO TRANSFER-IND RTGS UTR NO SBIN0000167 032400044354 CCLPYBS	RTGS INB CR15243675 TRANSFER TO 4599110044300 CCLPYBS	99922	40,00,00,049.00		26,14,91,669.00
24/03/2017	24/03/2017	TO TRANSFER-L FUND REMA 0 24/03/2017	TRANSFER TO 10976585920 CMPPAC NO 1	167	14,03,41,076.00		12,11,50,493.00
24/03/2017	24/03/2017	TO TRANSFER-L FUND REMA 0 24/03/2017	TRANSFER TO 10976585920 CMPPAC NO 1	167	1,12,90,163.66		10,98,60,330.00
24/03/2017	24/03/2017	TO TRANSFER-IND REMA 0 24/03/2017	19990282076368CKB9 S78037 TRANSFER TO 34782921603 JHARKHAND GOVT POOLING	99922	2,500.00		10,98,62,830.00
24/03/2017	24/03/2017	BY TRANSFER-IND COAL PAYMENT	11095CT94418162 TRANSFER FROM 102200371970 STEEL AUTHORITY OF IND	99922		15,20,00,000.00	20,98,62,830.00
24/03/2017	24/03/2017	DEBIT SWEEP	SWEEP TO 34716136444	167	15,20,00,000.00		5,27,87,830.00
24/03/2017	24/03/2017	TRANSFER CREDIT	SWEEP FROM 35072627904	167		20,00,00,000.00	25,27,87,830.00

RTGS letter of 85 crore

PROJECT OFFICER
 Parej East OCP
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Amesure - 5

Dated - 18/06/2016

Subject:-Sanction for sum of Rs. 24,16,42,260.00 (Rs Twenty four Crore Sixteen Lacs Forty two Thousand Two Hundred Sixty) for Payment of NPV of Notified Forest land and GMK-Jungle Jharee within Mine Lease Boundary of different units at Hazaribagh Area.

Demand letters from DFO Ramgarh have been received for payment of NPV of Notified Forest Land and GMK-Jungle Jharee within Mine Lease Boundary of different units at Hazaribagh Area. Details of demand letters follows:

S. No.	Name of project	Demand letter no.	Notified Forest land (In Ha)	GMK-JJ (In Ha)	Total Area (In Ha)	Rate of NPV (In Rs./ Ha)	Total Amount (In Rs/-)
1.	Jharkhand OCP	875 Dated:16.04.16	—	55.24	55.24	6,26,000	3,45,80,240.00
2.	Kedla OCP	1021 Dated:09.05.16	139.0	135.38	274.38	6,26,000	17,17,61,880.00
3.	Parej OCP	1046 Dated:14.05.16	—	56.39	56.39	6,26,000	3,53,00,140.00
Total			139.0	247.01	386.01	6,26,000	24,16,42,260.00

Submitted to GM (H) with request to forward the proposal to HOD (Forest), HQ, CCL, Ranchi for kind perusal and payment.

Enclosure: Copy of demand letters from DFO, Ramgarh and Land Schedule with plan of following projects:

- Jharkhand OCP
- Kedla OCP
- Parej OCP

24/6/16
AEE
Hazaribagh Area

General Manager
Hazaribagh Area

11/12/24
PROJECT OFFICER
Parej East OCP

Board Approved

CENTRAL COALFIELDS LIMITED
DARBHANGA HOUSE: RANCHI

Sub: Forwarding Minutes of the 440th (No.07 of 2017)
Meeting of the Board of Directors held on 25.03.2017

Extract from the minutes of the above meeting, in respect of following item, is appended

- Item No. 4(2): Proposal seeking ratification of payment of Rs. 85,12,37,560.00 against demand of NPV in respect of Sayal D OCP & 8 other mines..

After detailed deliberations, the Board ratified the subject proposal as brought out in the agenda note.

It is requested to take necessary action on the decision, wherever necessary, under intimation to this office.

[Signature]
 Asstt. Manager(Fin)
 Co Sectt.

✓ HoD(Forest)

Copy for kind information to TS to D(T/P&P), CCL

No. CS/BM/440/2017/ 387

Date: 10.04.2017

[Signature] Dr. Manoj
[Signature] 3/4/17

File
 [Board file] - ①
 [85 case file] - ② - 7

[Signature]
 11/12/24
PROJECT OFFICER
Parej East OCP

CENTRAL COALFIELDS LIMITED
(A Miniratna Subsidiary Company of CIL)
OFFICE OF THE PROJECT OFFICER
PAREJ EAST OPENCAST PROJECT
P.O.: Banji, DIST:-RAMGARH
JHARKHAND-825314



Phone No.: (06546)232922
<http://centralcoalfields.in/>
Email-
projectofficerparej@gmail.com
CIN-U10200JH1956GOI000581

Annexure - 6

Ref. No.: *PO/PEOCP/24/1414*

Date: *12/12/24*

UNDERTAKING FOR SOIL MOISTURE CONSERVATION PLAN

The project proponent hereby undertakes to pay 0.5% of the total project cost towards the implementation of the Soil Moisture Conservation Plan, as applicable, to the CAMPA account, in accordance with the Ministry of Environment, Forest and Climate Change (MoEF&CC) Guidelines dated 07.06.2022. The same will be communicated to the MoEF&CC for the purpose of obtaining approval under the Forest (Conservation) Act, 1980, in favour of Parej East Opencast Project of M/s CCL.

Additionally, the project proponent further undertakes to pay any deficit amount, if applicable, following the final approval of the Soil Moisture Conservation Plan by the competent authority in the State, prior to commencement of any activities in the forest area.


Project Officer
Parej East Opencast Project
PROJECT OFFICER
Parej East OCP



**THE COAL BEARING AREAS
(ACQUISITION AND DEVELOPMENT)
ACT, 1957**

(20 OF 1957)

(As modified upto the 1st December, 1976.)

**GOVERNMENT OF INDIA
MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**

LIST OF AMENDING ACTS

1. The Coal Bearing Areas (Acquisition and Development) Amendment Act, 1957 (51 of 1957).
 2. The Repealing and Amending Act, 1960 (58 of 1960).
 3. The Coal Bearing Areas (Acquisition and Development) Amendment Act, 1969 (23 of 1969).
 4. The Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971 (54 of 1971).
-

LIST OF ABBREVIATIONS USED

Ins.	for	Inserted
S.	„	Section.
Subs.	„	Substituted.
w.e.f.	„	with effect from.

THE COAL BEARING AREAS (ACQUISITION AND DEVELOPMENT) ACT, 1957

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title, extent and commencement.
2. Definitions.
3. Appointment of competent authority.
4. Preliminary notification respecting intention to prospect for coal in any area and powers of competent authorities thereupon.
5. Effect of notification on prospecting licences and mining leases.
6. Compensation for any necessary damage done under section 4.
7. Power to acquire land or rights in or over land notified under section 4.
8. Objections to acquisition.
9. Declaration of acquisition.
- 9A. Special powers in case of urgency.
10. Vesting of land or rights in Central Government.
11. Power of Central Government to direct vesting of land or rights in a Government company.
12. Power to take possession of land acquired.
13. Compensation for prospecting licences ceasing to have effect, rights under mining leases being acquired, etc.
14. Method of determining compensation.
15. Costs.
16. Interest on awards.
17. Payment of compensation.
18. Prospecting and mining to be done by Central Government in conformity with the Mineral Concession Rules.
- 18A. Payment to State Governments in lieu of royalty.
19. Power to delegate.
20. Appeals.
21. Power to obtain information.
22. Power to enter and inspect.
23. Penalties.
24. Service of notices and orders.

ii

Arrangement of Sections

SECTIONS

- 25. Protection of action taken in good faith.
 - 26. Jurisdiction of civil courts.
 - 27. Power to make rules.
 - 28. Notifications under Act 1 of 1894 in which proceedings are pending to be treated as notifications under this Act.
-

**THE COAL BEARING AREAS (ACQUISITION AND
DEVELOPMENT) ACT, 1957**

(20 OF 1957)

An Act to establish in the economic interest of India greater public control over the coal mining industry and its development by providing for the acquisition by the State of unworked land containing or likely to contain coal deposits or of rights in or over such land, for the extinguishment or modification of such rights accruing by virtue of any agreement, lease, licence or otherwise, and for matters connected therewith.

[8th June, 1957.]

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Coal Bearing Areas (Acquisition and Development) Act, 1957.

Short
title,
extent
and com-
mence-
ment

(2) It extends to the whole of India, except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

defini-
tions.

(a) "competent authority" means any person appointed to be a competent authority under section 3;

1 of 1956.

(b) "Government company" means a Government company as defined in section 617 of the Companies Act, 1956, in which any land or rights in or over land shall have vested under section 11;

35 of 1948.

(c) "Mineral Concession Rules" means the rules for the time being in force made under the Mines and Minerals (Regulation and Development) Act, 1948;

*[(cc) "mining lease" includes a mining sub-lease, and "lessee" shall be construed accordingly;]

¹ 12th June, 1957, S.R.O. 1931, dated 10th June, 1957, Gazette of India, Extraordinary, Pt. II, s. 3. p. 1967.

² Ins. by Act 51 of 1957, s. 2 (w. e. f. 12-6-1957).

(d) the expression "person interested" includes all persons claiming an interest in compensation to be made on account of the acquisition of land, or of the acquisition, extinguishment or modification of any rights in or over land, under this Act;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "Tribunal" means the Tribunal constituted under section 14.

Appoint-
ment of
compe-
tent
authority.

3. The Central Government may, by notification in the Official Gazette, appoint any person to be the competent authority for the purposes of this Act; and different persons may be appointed as competent authorities for different provisions of this Act and for different areas.

Prelimi-
nary noti-
fication
respecting
intention
to pros-
pect for
coal in
any area
and
powers
of com-
petent
authori-
ties
there-
upon.

4. (1) Whenever it appears to the Central Government that coal is likely to be obtained from land in any locality, it may, by notification in the Official Gazette, give notice of its intention to prospect for coal therein.

(2) Every notification under sub-section (1) shall give a brief description of the land and state its approximate area.

(3) On the issue of a notification under sub-section (1), it shall be lawful for the competent authority and for his servants and workmen—

(a) to enter upon and survey any land in such locality;

(b) to dig or bore into the sub-soil;

(c) to do all other acts necessary to prospect for coal in the land;

(d) to set out the boundaries of the land in which prospecting is proposed to be done and the intended line of the work, if any, proposed to be made thereon;

(e) to mark such boundaries and line by placing marks; and

(f) where otherwise the survey cannot be completed and the boundaries and line marked, to cut down and clear away any part of any standing crop, fence or jungle:

Provided that no person shall enter into any building or upon any enclosed court or garden attached to a dwelling house (unless with the consent of the occupier thereof) without previously giving such occupier at least seven days' notice in writing of his intention to do so.

(4) In issuing a notification under this section the Central Government shall exclude therefrom that portion of any land in which coal mining operations are actually being carried on in conformity with the provisions of any enactment, rule or order for the time being in force or any premises on which any process ancillary to the getting, dressing or preparation for sale of coal obtained as a result of such operations is being carried on are situate.

Effect
of noti-
fication
on pros-
pecting
licences
and
mining
leases.

5. On the issue of a notification under sub-section (1) of section 4 in respect of any land—

(a) any prospecting licence '[which authorises any person] to prospect for coal or any other mineral in the land shall] cease to have effect; and

¹ Subs. by Act 51 of 1957, s. 3, for certain words (W.e.f. 12-6-1957).

(b) any mining lease * * * shall, in so far as it authorises the lessee or any person claiming through him to undertake any operation in the land, cease to have effect for so long as the notification under that sub-section is in force.

6. (1) Whenever any action of the nature described in sub-section (3) of section 4 is to be taken, the competent authority shall, before or at the time such action is taken, pay or tender payment for all necessary damage which is likely to be caused, and in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it should be paid or tendered, he shall at once refer the dispute to the decision of the Central Government, and the decision of the Central Government shall be final.

Compensation for any necessary damage done under section 4.

(2) The fact that there exists any such dispute as is referred to in this section shall not be a bar to action under sub-section (3) of section 4.

7. (1) If the Central Government is satisfied that coal is obtainable in the whole or any part of the land notified under sub-section (1) of section 4, it may, within a period of two years from the date of the said notification or within such further period not exceeding one year in the aggregate as the Central Government may specify in this behalf, by notification in the Official Gazette, give notice of its intention to acquire the whole or any part of the land or of any rights in or over such land, as the case may be.

Power to acquire land or rights in or over land notified under section 4.

(2) If no notice to acquire the land or any rights in or over such land is given under sub-section (1) within the period allowed thereunder, the notification issued under sub-section (1) of section 4 shall cease to have effect on the expiration of three years from the date thereof.

8. (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Objections to acquisition.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, ¹either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government².

¹ Certain words were omitted by Act 51 of 1957, s. 3, (w.e.f. 12-6-1957).

² Subs. by Act 54 of 1971, s. 2, for certain words.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

Declara-
tion of
acquisi-
tion

9. (1) When the Central Government is satisfied, after considering the report, if any, made under section 8 that any land or any rights in or over such land should be acquired, a declaration shall be made by it to that effect¹, and different declarations may be made from time to time in respect of different parcels of any land, or of rights in or over such land, covered by the same notification under sub-section (1) of section 7, irrespective of whether one report or different reports has or have been made (wherever required) under sub-section (2) of section 8]:

²[Provided that no declaration in respect of any particular land, or rights in or over such land, covered by a notification under sub-section (1) of section 7, issued after the commencement of the Coal Bearing Areas (Acquisition and Development) Amendment and Validation Act, 1971, shall be made after the expiry of three years from the date of the said notification: 54 of 1971.

Provided further that, where a declaration] relates to any land or to any rights in or over land belonging to a State Government which has or have not been leased out, no such declaration shall be made except after previous consultation with the State Government.

(2) ³[Every declaration] shall be published in the Official Gazette, and—

(a) in any case where land is to be acquired, shall state the district or other territorial division in which the land is situate and its approximate area; and, where a plan shall have been made of the land, the place where such plan may be inspected;

(b) in any case where rights in or over such land are to be acquired, shall state the nature and extent of the rights in addition to the matters relating to the land specified in clause (a); and

a copy of every such declaration shall be sent to the State Government concerned.

Special
powers in
case of
emergency.

⁴[9A. If the Central Government is satisfied that it is necessary to acquire immediately the whole or any part of the land notified under sub-section (1) of section 4 or any rights in or over such land, the Central Government may direct that the provisions of section 8 shall not apply, and if it does so direct, a declaration may be made under section 9 in respect thereof at any time after the issue of the notification under section 7.]

¹ Ins. by Act 54 of 1971, s. 3.

² Subs. by s. 3, *ibid.*, for "Provided that, where the declaration".

³ Subs. by s. 3, *ibid.*, for "The declaration".

⁴ Ins. by Act 51 of 1957, s. 4 (W.e.f. 12-6-1957).

10. (1) On the publication in the Official Gazette of the declaration under section 9, the land or the rights in or over the land, as the case may be, shall vest absolutely in the Central Government ¹[free from all encumbrances].

Vesting of land or rights in Central Government.

(2) Where the rights under any mining lease ²[granted or deemed to have been granted by a State Government] to any person are acquired under this Act, the Central Government shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State Government to the Central Government, the period thereof being the entire period for which such a lease could have been granted by the State Government under those rules.

11. (1) Notwithstanding anything contained in section 10, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government may think fit to impose, direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction.

Power of Central Government to direct vesting of land or rights in a Government company.

(2) Where the rights under any mining lease acquired under this Act vest in a Government company under sub-section (1), the Government company shall, on and from the date of such vesting, be deemed to have become the lessee of the State Government as if a mining lease under the Mineral Concession Rules had been granted by the State Government to the Government company, the period thereof being the entire period for which such a lease could have been granted by the State Government under those rules; and all the rights and liabilities of the Central Government in relation to the lease or the land covered by it shall, on and from the date of such vesting, be deemed to have become the rights and liabilities of the Government company.

12. The competent authority may, by notice in writing, require any person in possession of any land acquired under this Act to surrender or deliver possession of the land within such period as may be specified in the notice, and if a person refuses or fails to comply with any such notice, the competent authority may enter upon and take possession of the land, and for that purpose may use or cause to be used such force as may be necessary.

Power to take possession of land acquired.

13. (1) Where a prospecting licence ceases to have effect under section 5, there shall be paid to the person interested compensation, the amount of which shall be a sum made up of all items of reasonable and bona fide expenditure actually incurred in respect of the land, that is to say,—

Compensation for prospecting licences ceasing to have effect, rights under mining leases

(i) the expenditure incurred in obtaining the licence;

(ii) the expenditure, if any, incurred in respect of the preparation of maps, charts and other documents relating to the land, the collection from the land of cores or other mineral samples and the

¹ Ins. by Act 51 of 1957, s. 5 (w.e.f. 12-6-1957).

² Subs. by s. 5, *ibid.*, for certain words (w.e.f. 12-6-1957).

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quir-
etc.

due analysis thereof and the preparation of any other relevant records or material;

(iii) the expenditure, if any, incurred in respect of the construction of roads or other essential works on the land, if such roads or works are in existence and in a usable condition;

(iv) the expenditure, if any, incurred in respect of any other operation necessary for prospecting carried out in the land.

(2) Where the rights under a mining lease are acquired under this Act, there shall be paid to the person interested compensation, the amount of which shall be a sum made up of the following items, namely,—

(i) if the lease was granted after prospecting operations had been carried out in respect of the land under a prospecting licence, the sum of all items of reasonable and *bona fide* expenditure actually incurred with respect to the matters specified in clauses (i), (ii), (iii) and (iv) of sub-section (1) before the date of the lease:

Provided that where two or more leases had been granted in relation to any land covered previously by one prospecting licence, only so much of the expenditure aforesaid as bears to the total expenditure the same proportion as the area under the mining lease in respect of which the rights have been acquired bears to the total area covered by the mining leases shall be payable under this clause;

(ii) any reasonable and *bona fide* expenditure of the nature referred to in clauses (i), (ii) and (iii) of sub-section (1) actually incurred in relation to the lease, together with the *salami*, if any, paid for obtaining the lease;

(iii) the expenditure, if any, incurred by way of payment of dead-rent or minimum royalty during any year or years when there was no production of coal;

(iv) interest on any such expenditure referred to in clauses (i), (ii) and (iii) as has actually been incurred '[up to] the year in which the rights under the lease are acquired, interest being calculated in the following manner, that is to say,—

interest at the rate of five per centum per annum in respect of the expenditure incurred during each calendar year for the first five years commencing from the year in which such expenditure was incurred plus interest at the rate of four per centum per annum in respect of each subsequent year after the expiration of the first five years and ending with the year in which the rights under the lease are acquired:

Provided that the total sum payable under this clause shall not exceed one-half of the total amount referred to in '[clauses (i), (ii) and (iii)]'.

¹ Subs. by Act 51 of 1957, s. 6 for certain words (w.e.f. 12-6-1957).

(3) Where the rights under a mining lease acquired under section 9 relate only to a part of the land covered by the mining lease, the amount of compensation payable shall be such as bears to the total compensation which would have been payable if the rights of the mining lessee in respect of the entire land had been acquired, the same proportion which the area of the land in respect of which the rights are acquired bears to the total area of the land covered by the mining lease.

(4) Where a mining lease ceases to have effect for any period under clause (b) of section 5, there shall be paid by way of compensation for the period during which the lease so ceased to have effect, a sum equivalent to five per centum of any such expenditure as is referred to in clauses (i) and (iii) of sub-section (2) for each year during which the lease remains suspended.

(5) Where any land is acquired under section 9, there shall be paid compensation to the person interested the amount of which shall be determined after taking into consideration—

(a) the market value of the land at the date of the publication of the notification under sub-section (1) of section 4;

Explanation.—The value of any minerals lying in the land shall not be taken into consideration in determining the market value of any land;

(b) the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the taking possession thereof;

(c) the damage, if any, sustained by the person interested, at the time of taking possession of the land, by reason of severing such land from other land;

(d) the damage, if any, sustained by the person interested, at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any other manner, or his earnings;

(e) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change; and

(f) the damage, if any, *bona fide* resulting from diminution of the profits of the land between the time of the publication of the notification under sub-section (1) of section 4 and the time of the publication of the declaration under sub-section (2) of section 9.

[¹(5A) In determining the amount of compensation for any land acquired under section 9, any increase to the value of the other land of the person interested, likely to accrue from the use to which the land acquired will be put shall not be taken into consideration.]

(6) Where any operation carried on by or on behalf of the Central Government in the exercise of any powers conferred by this Act causes or is likely to cause damage to the surface of any land or any works

¹ Ins. by Act 54 of 1971, s. 4.

thereon and in respect thereof no provision for compensation is made elsewhere in this Act, the competent authority shall pay or tender payment for all such damage, and, in case of dispute as to the sufficiency of the amount so paid or tendered or as to the person to whom it is to be paid or tendered, he shall refer the dispute to the decision of the Tribunal

(7) No compensation under this section in relation to maps, charts and other documents shall be paid unless the person to whom it is payable has delivered to the prescribed authority all the maps, charts and other documents.

14. (1) Where the amount of any compensation payable under this Act can be fixed by agreement, it shall be paid in accordance with such agreement.

✓ (2) Where no such agreement can be reached, the Central Government shall constitute a Tribunal consisting of a person who is or has been or is qualified to be a judge of a High Court for the purpose of determining the amount.

(3) The Central Government may in any particular case nominate a person having expert knowledge in mining to assist the Tribunal, and where such nomination is made, the person or persons interested may also nominate any other person for the same purpose.

(4) At the commencement of the proceedings before the Tribunal the Central Government and the person interested shall state what in their respective opinions is a fair amount of compensation.

(5) The Tribunal shall after hearing the dispute, make an award determining the amount of compensation which appears to it to be just, and specify the person or persons to whom the compensation shall be paid; and in making the award the Tribunal shall have regard to the circumstance of each case and to the foregoing provisions of this Act with respect to the manner in which the amount of compensation shall be determined in so far as the said provisions or any of them may be applicable.

(6) Where there is a dispute as to the person or persons entitled to compensation and the Tribunal finds that more persons than one are entitled to compensation, it shall apportion the amount thereof among such persons and in such manner as it thinks fit.

(7) Nothing in the Arbitration Act, 1940, shall apply to any proceedings under this section. 10 of 1940.

(8) The Tribunal, in the proceedings before it, shall have all the powers which a civil court has while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:— 5 of 1908.

(i) summoning and enforcing the attendance of any person and examining him on oath;

(ii) requiring the discovery and production of any document;

- (iii) reception of evidence on affidavits;
- (iv) requisitioning any public record from any court or office; and
- (v) issuing commissions for examination of witnesses.]

15. Every award made by the Tribunal shall also state the amount of costs incurred in the proceedings before it and by what persons and in what proportions they are to be paid. Costs.

16. If the sum which in the opinion of the Tribunal ought to have been awarded as compensation is in excess of the sum which the Central Government has stated to be a fair amount of compensation, the award of the Tribunal may direct that the Central Government shall pay interest on such excess at the rate of five per centum per annum from the date on which it became payable to the date of payment of such excess. Interest on awards.

17. (1) Any compensation payable under this Act may be tendered or paid to the persons interested entitled thereto, and the Central Government shall pay it to them unless prevented by some one or more of the contingencies mentioned in sub-section (2). Payment of compensation.

(2) If the persons interested entitled thereto shall not consent to receive it or if there be any dispute as to the sufficiency of the amount of compensation or the title to receive it or the apportionment thereof, the Central Government shall deposit the amount of compensation with the Tribunal:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

¹[Provided further that every person who claims to be an interested person (whether such person has been admitted to be interested or not) including the person referred to in the preceding proviso shall be entitled to prefer a claim for compensation before the Tribunal:

Provided also that no person who has received the amount otherwise than under protest shall be entitled to prefer any such claim before the Tribunal.]

(3) When the amount of compensation is not paid or deposited as required by this section, the Central Government shall be liable to pay interest thereon at the rate of five per centum per annum from the time the compensation became due until it shall have been so paid or deposited.

18. Where prospecting is done under this Act by or on behalf of the Central Government in any land situate within the jurisdiction of a State Government or where the Central Government or a Government company has become the lessee of a State Government in respect of any land under this Act, the terms and conditions under which the prospecting can be done or rights under the lease exercised shall, as far as may be, be the same as the terms and conditions applicable to prospecting licences and mining leases under the Mineral Concession Rules; and in case of doubt or dispute, shall be settled by arbitration or in such other manner as the Central Government and the State Government may decide. Prospecting and mining to be done by Central Government in conformity with the Mineral Concession Rules.

¹ Subs. by Act 54 of 1971, s. 6, for the second proviso.

Payment
to State
Govern-
ments in
lieu of
Royalty.

[18A. Notwithstanding anything contained in this Act, where any land or any rights in or over land belonging to a State Government (other than the rights under a mining lease granted or deemed to have been granted by the State Government to any person) vest in the Central Government under section 10 or in a Government Company under section 11, the Central Government or the Company, as the case may be, may pay to the State Government such sum of money as would have been payable as royalty by a lessee had such land or rights been under a mining lease granted by the State Government.]

Power to
Delegate.

19. The Central Government may, by notification in the Official Gazette, direct that all or any of the powers or duties which may be exercised or discharged by it under this Act shall, in such circumstances and under such conditions, if any, as may be specified in the notification, be exercised or discharged also by any person specified in this behalf in the notification and any such person may, with the previous approval of the Central Government, by order in writing, direct that any power or duty which has been directed to be exercised or discharged by him shall, in such circumstances and under such conditions, if any, as may be specified in the direction, be exercised or discharged by any such person subordinate to him as may be specified therein.

Appeals.

20. (1) Any person aggrieved by any award of the Tribunal under section 14 may, within thirty days from the date of such award, prefer an appeal to the High Court within whose jurisdiction the land or some portion of the land which has been acquired or the land or some portion of the land covered by a prospecting licence or by a mining lease in respect of which mining rights have been acquired is situate.

(2) Any person aggrieved by an order made by a competent authority or by any other person in virtue of any powers exercisable by him under this Act may, within twenty-one days from the date of the order, prefer an appeal to the Central Government.

(3) On receipt of an appeal under sub-section (2), the Central Government may, after calling for a report from the competent authority or person concerned, and giving an opportunity to the parties to be heard, and after making such further inquiry as may be necessary, pass such orders as it thinks fit, and the order of the Central Government shall be final.

(4) Where an appeal is preferred under sub-section (2), the Central Government may stay the enforcement of the order of the competent authority or person concerned for such period and on such conditions as it thinks fit.

Power to
obtain in-
forma-
tion.

21. The Central Government or any person authorised in writing by it in this behalf may, by order in writing, require any person to furnish to such authority as may be specified in the order such information in his possession as may be required relating to any property in respect of which action is proposed to be taken under this Act.

22. The competent authority, or any person authorised in writing by it in this behalf, by general or special order, may enter and inspect any property for the purpose of determining whether and, if so, in what manner an order under this Act should be made in relation to any property or with a view to securing compliance with any order made under this Act.

Power to enter and inspect.

23. Whoever wilfully obstructs any person in doing any of the acts authorised by sub-section (3) of section 4 or wilfully fills up, destroys, damages or displaces any mark made under section 4, or wilfully obstructs the lawful exercise of any other power conferred by or under this Act, or fails to comply with any order made or direction given under this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalties.

24. Subject to any rules that may be made under this Act, every notice or order issued or made under this Act shall—

Service of notices and orders.

(a) in the case of a notice or order of a general nature or affecting a number of persons, be notified in the Official Gazette and also published in the locality in such manner as may be prescribed; and

(b) in the case of a notice or order directed to an individual '[be served on such individual],—

(i) wherever it is practicable to do so by delivering or tendering it to that individual; or

(ii) if it cannot be so delivered or tendered, by affixing it on the door or some other conspicuous part of the residence in which that individual lives, and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood; or

(iii) failing service by these means, by post.

25. (1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

Protection of action taken in good faith.

(2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

26. Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the Central Government or the competent authority or any other person is empowered by or under this Act to determine.

Jurisdiction of civil courts.

¹Ins. by Act 58 of 1960, s. 3 and Sch. II (with retrospective effect).

Power to
make
rules.

27. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the procedure to be followed in making any inquiry under this Act;

(b) the procedure to be followed by the Tribunal in proceedings under section 14;

(c) the form and manner in which appeals to the Central Government may be made under this Act; and

(d) any other matter which has to be, or may be, prescribed.

(3) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

Notifica-
tions
under Act
of 1894
in which
proceed-
ings are
pending
to be
treated
as noti-
fications
under
this
Act.

28. (1) Every notification issued before the commencement of this Act, whether by the Central Government or by a State Government, under section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act), in which lands were stated to be needed for the prospecting of coal seams for the development of collieries to be worked by the Union of India shall be deemed to have been issued by the Central Government under section 4 of this Act as if this Act had been in force on the date of the notification.

1 of 1894.

(2) Every notification issued before the commencement of this Act, whether by the Central Government or by a State Government, under section 6 of the said Act in which lands were stated to be needed for the development of coal shall be deemed to have been issued under section 9 of this Act as if this Act had been in force on the date of the notification.

(3) Any objection preferred under section 5A of the said Act in respect of any land covered by any notification issued under section 4 of the said Act shall be deemed to be an objection preferred under section 8 of this Act to the relevant competent authority and may be ¹[disposed of by him as if the objection had been made in relation to a notification issued under section 7 of this Act ²[in respect of such land or of any rights in or over such land; and the Central Government may at any time make a declaration under section 9 of this Act in respect of the land or any part thereof or any rights in or over such land or part].]

¹Subs. by Act 51 of 1957, s. 7, for the words "disposed of by him accordingly" (w.e.f. 12-6-1957).

²Subs. by Act 23 of 1955, s. 2, for certain words (with retrospective effect).

¹[(34) Where in respect of any land covered by any notification issued under section 4 of the said Act, no objection has been preferred under section 5A thereof within the period specified in that section, then it shall be deemed that a notification had been issued under section 7 of this Act in respect of such land or of any rights in or over such land and that no objection to the acquisition of the land or any rights in or over the land had been preferred under section 8 of this Act, and accordingly the Central Government may at any time make a declaration under section 9 of this Act in respect of the land or any part thereof or any rights in or over such land or part.]

(4) Subject to the other provisions contained in this section, the provisions of this Act (including provisions relating to compensation) shall apply in relation to any such notification as is referred to in sub-section (1) or sub-section (2) as they apply in relation to any notification issued under section 4 or section 9, as the case may be, of this Act.

¹Ins. by Act 23 of 1969, s. 2, (with retrospective effect).