

F.No.8-72/2004-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhawan, C.G.O. Complex,
Lodi Road, New Delhi-110003.
New Delhi, the 26th May 2005

To

The Principal Secretary (Forests),
Government of Orissa,
Bhubaneswar.

EIC (FAMD)

Chauhan

Sub: Diversion of 145.329 ha. of forest land in village Bamebari, Jaribahal etc. in Keonjhar Forest Division for Iron and Manganese Ore mining by M/s TISCO Ltd., Orissa. 27/5

Sir,

I am directed to refer to your letter No. 10F(Cons.)79/04/9623/F&E dated: 02-07-2004 on the above mentioned subject seeking prior approval of the Central Govt. under Section-2 of Forest (Conservation) Act, 1980, and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section 3 of the aforesaid Act.

After careful consideration of the proposal of the State Government, and on the basis of recommendations of the above-mentioned Advisory Committee, the Central Government, hereby, agrees **in-principle** for diversion of 145.329 ha. of forest land in village Bamebari, Jaribahal etc. in Keonjhar Forest Division for Iron and Manganese Ore mining by M/s TISCO Ltd., Orissa, subject to fulfilment of following conditions:

1. Immediate transfer and mutation of equivalent non-forest land in lieu of fresh area (60.30 ha.) shall be carried out by the User agency in favour of the State Forest Department.
2. The user agency shall deposit the cost of raising and maintaining compensatory afforestation over non-forest land with the State Forest Department.
3. The non-forest land for compensatory afforestation shall be notified by the State Government as RF under section - 4 or PF under section - 29 of the Indian Forest Act, 1927 or the State Forest Act within a period of 6 months and Nodal Officer (Forest Conservation) shall report the compliance.
4. The user agency shall raise and maintain a Safety Zone and will also raise and maintain the plantation over an area one and half times of the extent of the safety zone, over degraded forest land elsewhere at the project cost.
5. User Agency shall deposit the Net Present Value (NPV) of the diverted forest land of 145.329 ha., with the State Forest Department as per the orders of the Hon'ble Supreme Court dated 30-10-2002 & 1-8-2003 in I.A No.566 in WP (C) No.202/1995 and the guidelines issued by this Ministry vide letter No.5-1/98-FC(Pt-II) dated 18-9-2003 and 22-9-2003 in this regard.
6. Wildlife Management Plan for the area shall be implemented in consultation with the State Forest Department at the project cost.

7. The State Government shall deposit all the above-mentioned funds in form of FDs in the name of concerned DFO/ Nodal Officer of the State, till such time the CAMPA intimates the Head of Account for deposition of funds.
8. The User Agency shall demarcate the area by erecting 4 feet high RCC pillars at the project cost indicating forward and back bearings and distance between adjacent pillars on them.
9. The user agency shall protect the top soil at the project cost.
10. Concurrent Reclamation plan shall be executed by the user agency from the very first year and an annual report shall be sent to the Nodal Officer and the Regional CCF, Bhubaneswar. If it is found from the Annual report that the annual programme mentioned in Concurrent Reclamation Plan is not being adhered to by the user agency, the mining activities shall remain suspended till such time the annual programme is completed for that year.
11. The mining lease shall be coterminus with the current lease granted under MMRD Act, 1957.
12. The State Government of Orissa shall make concrete efforts to improve its performance with regard to achievements in compensatory afforestation especially on forest land which at present is only 47% and submit quarterly progress report to the Central Government.
13. Other standard conditions as applicable in respect of mining projects shall apply in the instant case also.

After receipt of compliance report on the fulfilment of the conditions no.1,2,4,5,6,7 and 8 from the State Government, formal approval will be issued in this regard under Section 2 of the Forest (Conservation) Act, 1980. Transfer of forest land to user agency shall not be effected by the State Government till the final orders for diversion of forest land are issued by the Central Government. Further, in accordance with para 4.18 of the guidelines issued under Forest (Conservation) Act, 1980, temporary working permission shall be allowed over already broken up area of 85.029 ha. for a period of one year to comply with the conditions.

Yours faithfully,

sd/

(ANURAG BAJPAI)
Asstt. Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Orissa, Bhubaneswar.
2. The Nodal Officer, Forest Department, Government of Orissa, Bhubaneswar.
3. The Chief Conservator of Forests (Central), Regional Office(EZ), Bhubaneswar.
4. M/s TISCO Ltd., New Delhi.
5. Monitoring Cell of FC Division.
6. Guard file.

ANURAG BAJPAI
26/5/05
(ANURAG BAJPAI)
Asstt. Inspector General of Forests