



CIN-L27101OR1984PLC001354

Ref: BAL/2015/ 2335

Dt: 18/05/2015

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To
The Divisional Forest Officer
Cuttack Forest Division,
Ghatkia, Nuapada

Sub:- Guidelines regarding prior approval of Central Government under Forest [Conservation] Act, 1980 (FC Act) for areas falling in the mining leases which were or are recorded as 'forest' in the Government record on or after the day the FC Act came into force, but while processing and/or approving the proposals under the FC Act for use of forest land falling in such mining leases for mining purposes, such areas were treated as 'non-forest'-reg -**Identification of Non-forest government land of 64.463 hectares for compensatory Afforestation purpose for Kaliapani Chromite Mines of M/s Balasore Alloys Ltd.**

Ref :-

- 1) Your Letter No.3391/5F/2015 dated 09.04.2015
- 2) Memo No.5417 dated 30.03.2015 of Govt.of Odisha, F & E Dept.
- 3) F.No.8-78/1996-F/C (Pt.), GOI, MOEF & CC dated 10.03.2015

Sir,

With reference to the above, we request your good office to kindly recommend to the Collector, Jajpur for providing non-forest land free from encroachment and encumbrances measuring 64.463 hectares for purpose of compensatory afforestation.

This is required in connection with approval of Diversion Proposal (DP) with respect to our Kaliapani Chromite mines.

Kindly note that Government has allowed us with time limit for the approval of FDP up to 9/3/2016.

Thanks & Regards,

Yours faithfully,
For BALASORE ALLOYS LTD.

Received
18/5/15
Head Clerk
Cuttack Mr. S. Gangopadhyay
V.P. - Mines

Enclosures: As above

Copy forwarded to Collector & district Magistrate, Jajpur for kind information.

Copy forwarded to Addl. P.C.C.F. for kind information.

Copy forwarded to Tahasildar – Sukinda for kind information and necessary action.

OFFICE OF THE
DIVISIONAL FOREST OFFICER: CUTTACK FOREST DIVISION
AT:- GHATAKULA, NUAPADA, CUTTACK 753010
E-Mail: dfb.cuttackforesdivision@yahoo.com

Letter No. 3391 /SF/2015
Dated, Cuttack the 9th April, 2015

To

The Vice President,
ISPAT Sukinda Chromite Mines of M/s Balasore Alloys Ltd.
Jajpur Road,
Jajpur.

Sub:-

Guidelines regarding prior approval of Central Government under the Forest [Conservation] Act, 1980 (FC Act) for areas falling in the mining leases which were or are recorded as 'forest' in the Government record on or after the day the FC Act came into force, but while processing and / or approving the proposals under the FC Act for use of forest land falling in such mining leases for mining purposes, such areas were treated as 'non-forest' -reg.

Ref:-

- X
1) Memo No. 5417 dt. 30.03.2015 of Govt. of Odisha, F & E Deptt.
2) F. No. 8-78/1996-FC(pt.), Gol, MoEF & CC dt. 10.03.2015.

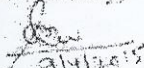
Sir,

In enclosing herewith the copies of letter cited above, I am to inform that as per observation made by the Gol, MoEF & CC that while processing and / or approving the proposals under the FC Act, substantial areas included in the mining leases which were recorded as forest in Govt. records on or after the date of enforcement of FC Act i.e. 25.10.1980, have been treated as "non-forest" prior approval of Central Govt. under FC Act is required to be obtained for use of such areas for mining and the allied non-forest activities.

As per guidelines contained therein such areas which were treated as "non-forest" require to be identified. The non-forestry activities may continue for a period not exceeding one year from the date of issue of the guideline i.e. within 09.03.2016 in such areas, which have already been broken up, provided the other statutory requirements and Rules are otherwise being complied with and the NPV of such broken up areas should have been deposited. As regards the virgin forest land regarded as non-forest can only be utilized after obtaining prior approval of Central Govt.

Hence, it is requested to submit the detail land schedule / status as on 25.10.1980 for broken up and virgin forest area separately included in the mining lease area being treated as "non forest" at time of approval of the proposal. Furthermore, you are requested to take prompt action at your end as per guidelines issued by the Gol, MoEF & CC and Govt. of Odisha, F&E Deptt. as referred to above.


Yours faithfully,


21/4/2015
Divisional Forest Officer
Cuttack Forest Division

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
Memo No. 3392 Date 9.04.2015

Copy along with the copies of guidelines forwarded to the Tehsildar, Sukinda Tehsil for information and necessary action. He is requested for joint verification as would be required for the mining projects.


9/4/2015
Divisional Forest Officer
Cuttack Forest Division


Memo No. 3393 Date 9.04.2015

Copy along with the copies of enclosures submitted to the Collector & District Magistrate, Jaipur for favour of kind information and necessary action.


9/4/2015
Divisional Forest Officer
Cuttack Forest Division


Memo No. 3394 Date 9.04.2015

Copy along with the copies of enclosures forwarded to the Deputy Director of Mines, Jaipur Road for information and necessary action. He is requested to co-operate for the joint verification.


9/4/2015
Divisional Forest Officer
Cuttack Forest Division


Memo No. 3395 Date 9.04.2015

Copy forwarded to the Regional Chief Conservator of Forests, Angul Circle for information and necessary action with reference to Memo No 5417 dt. 30.03.2015 of the Govt. of Odisha, F & E Deptt. to his address.


9/4/2015
Divisional Forest Officer
Cuttack Forest Division


Memo No. 3396 Date 9.04.2015

Copy forwarded to the Addl. Pr. Chief Conservator of Forests, (Forest Diversion & Nodal Officer, FC Act), o/o the PCCF, Odisha, Bhubaneswar for information and necessary action with reference to Memo No 5415 dt. 30.03.2015 of the Govt. of Odisha, F & E Deptt. to his address.


9/4/2015
Divisional Forest Officer
Cuttack Forest Division

Memo No. 3397 Date 9.04.2015

Copy along with copy of the guidelines forwarded to the Range Officer, Sukinda Range and Tomka Range for information and necessary action. Further, the details of forest land diverted against each mining project and the total M.L area is also enclosed herewith for the purpose. They are instructed to verify the broken up forest land and virgin forest land separately as on 25.10.1980 which were treated as "non-forest" at the time of approval under FC Act.


9/4/2015
Divisional Forest Officer
Cuttack Forest Division

Government of Odisha
Forest & Environment Department

Memo No. 5415 /F&E, Dated: 30-3-15
No.10F (Cons) 92/2015(pt)

Copy of GoI, Ministry of Environment & Forest and Climate Change, Guideline bearing F.No. 8-78/1996-FC dt. 10.3.2015 forwarded to the PCCF, Odisha for information and necessary action

The relaxation granted by MoEF&CC vide their guidelines is valid for one year i.e. from 10.3.2015 to 9.3.2016 provided Net Present Value for such broken up forest land is deposited by the lessee at prescribed rate in the designated Adhoc-CAMPA Account and all other statutory clearances are available.

Appropriate instruction may be imparted to the Divisional Forest Officers(T&WL) for their reference and further follow up action. The DFOs(T&WL) are required to be vigilant to ensure that only broken up forest area of the lease(for which prior approval of MoEF under FC Act is not available at present) is used for non-forest purpose during this period of relaxation and no such virgin forest area is broken for mining purpose in violation of FC Act, 1980.

DFOs(T&WL) may appropriately verify the position of broken up area in the Mining lease area and instruct the lessees accordingly for compliance under intimation to the Deputy Director of Mines/Mining Officer concerned.

Violation noticed if any, may be reported by the DFOs(T&WL) appropriately through RCCFs/PCCF, Odisha for bringing it to the notice of Government of India, MoEF&CC.

Joint Secretary to Government

Memo No. 5416 /Dated. 30-3-15

Copy with copy of enclosure forwarded to the PCCF(WL)&CWLW, Odisha for information and necessary action..

Joint Secretary to Government

Memo No. 5417 /Dated. 30-3-15

Copy with copy of enclosure forwarded to the all RCCFs/all Divisional Forest Officers(T&WL) for information and immediate necessary action..

Joint Secretary to Government

Memo No. 5418 /Dated. 30-3-15

Copy with copy of enclosure forwarded to the Addl. Secretary to Government, Steel & Mines Department/Director of Mines, Odisha, Bhubaneswar for information and immediate necessary action.



F. No. 8-78/1996-FC (pt.)
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi - 110 003
Dated: 10th March, 2015

To
The Principal Secretary (Forests),
All State / Union Territory Governments

- Sub:** Guidelines regarding prior approval of Central Government under the Forest (Conservation) Act, 1980 (FC Act) for areas falling in the mining leases which were or are recorded as 'forest' in the Government record on or after the day the FC Act came into force, but while processing and/or approving the proposals under the FC Act for use of forest land falling in such mining leases for mining purposes, such areas were treated as 'non-forest' - reg.

Sir,

I am directed to say that the Hon'ble Supreme Court in their Judgment dated 12th December 1996 in the Writ Petition (Civil) No. 202/1995 in the matter of T.N. Godavarman Thirumulpad versus Union of India and Others *inter-alia* directed as below:

"The Forests Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2 (i) of the Forest Conservation Act. The term "Forest land", occurring in section 2, will not only include "forest" as understood in dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership."

2. The Hon'ble Supreme Court in their afore-mentioned Judgment made it clear that provisions of the Forest (Conservation) Act, 1980 (FC Act), extend to *inter-alia* all those areas which, on or after the day the FC Act came into force (i.e. 25th October 1980), were recorded as 'forest' in the Government record irrespective of ownership.

3. It has however, been observed that while processing and/or approving the proposals under the FC Act, substantial areas included in the mining leases which were recorded as forest in Government records on or after the day the FC Act came into force, have been treated as 'non-forest'. Prior approval of Central Government under the FC Act for use of such areas, for mining and the allied non-forest activities is required to be obtained.

4. After, careful examination of the matter, I am directed to say that State Governments and Union territory administrations shall ensure that mining operations in all such virgin/unbroken areas falling in the mining leases which were or are recorded as 'forest' in the Government record on or after 25th October 1980, but while processing and/or

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approving the proposals under the FC Act for use of forest land located in such mining leases for non-forest purpose, were treated as 'non-forest', is undertaken only if the prior approval of Central Government under the FC Act for use of such areas for mining purposes has been obtained or is obtained. However, keeping in view the peculiar circumstances under which while processing and/or approving the proposals under the FC Act for use of forest land falling in such mining leases for mining purpose, such areas were treated as 'non-forest', State Governments and Union territory administrations may allow the concerned user agencies to continue, for a period not-exceeding one year from the date of issue of this letter, mining in such areas, which have already been broken up, provided the other statutory requirements and Rules are otherwise being complied with and NPV of such broken up areas has already been realised from the user agency. After one year, even in such broken up areas mining shall be allowed only if the prior approval of Central Government under the FC Act for use of such areas for mining purposes has been obtained or is obtained.

This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment, Forest and Climate Change.

Yours faithfully,

(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director).
2. Secretary, Ministry of Mines, Government of India.
3. Secretary, Ministry of Steel, Government of India.
4. Principal Chief Conservator of Forests, all State/UT Governments.
5. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
6. All Regional Offices, Ministry of Environment, Forests and Climate Change (MoEFCC), GoI.
7. Joint Secretary in-charge, Impact Assessment Division, MoEFCC, GoI.
8. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEFCC, GoI.
9. Director Regional Office Headquarters Division, MoEFCC, GoI.
10. Sr. Director (Technical), NIC, MoEFCC with a request to place a copy of the letter on website of this Ministry.
11. Sr. PPS to the Secretary, Ministry of Environment, Forest and Climate Change.
12. Sr. PPS to the Director General of Forests & Special Secretary, MoEFCC, GoI.
13. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEFCC, GoI.
14. PS to the Inspector General of Forests (Forest Conservation), MoEFCC, GoI.
15. Guard File.

(H.C. Chaudhary)
Director

COLLECTORATE, JAJPUR

Ph 06728-222001(O) 222330(R) Fax -222087
E-mail: dm-jajpu@nic.in. web site: www.jajpur.nic.in
[Revenue Section]

No 3778 /Date 05/08/15

To,

The Tahasildar, Darpan/Dharmasala

Sub: Identification Govt. Non-forest land for transfer and mutilation of the same in favour of Forest & Environment Department for raising compensatory afforestation in lieu of forest land to be diverted for use of the same by M/s. Balasore Alloys Ltd. in respect of Kaliapani Chromite Mines.

Sir,

With reference to the subject cited above, I am directed to say that Vice President Mines, M/s. Balasore Alloys Ltd. has requested for identification of 64.119 ha Govt. non-forest land for alienation of the same in favour of Forest & Environment Department for raising compensatory afforestation in lieu of forest land to be diverted for use of the same by M/s. Balasore Alloys Ltd for grant of Mining lease by in respect of Kaliapani Chromite Mines . In this connection, DFO, Cuttack has also requested for alienation of the land. .

In view of the above fact, you are requested to identify an area of 64.119 ha of Govt. non forest land under your jurisdiction for raising compensatory afforstation by the M/s. Balasore Alloys Ltd. in lieu of forest land to be diverted for grant of mining lease.

Yours faithfully,

Deputy -Collector, Revenue
Collectorate, Jajpur