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साउथ ईस्टर्न कोलफील्ड्स लिमिटेड
SOUTH EASTERN COAL FIELDS LIMITED

एक मिनी रत्न कंपनी-A MINIRATNA COMPANY

(A Subsidiary of Coal India Limited)

CIN: U10102CT1985GOI003161

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दिनांक 07.08.2020

प्रति,
वनमण्डलाधिकारी,
वनमण्डल धरमजयगढ़,
जिला-रायगढ़ (छ.ग.)।

विषय:- Diversion of Forest land for non-forest purpose under Forest Conservation Act 1980. Proposal for Chhal Opencast Seam III 6 MTY (SUPPLEMENTARY PROPOSAL FOR DIVERSION OF 55.850 HA OF DEEMED FOREST LAND IN ADDITION TO EARLIER PROPOSAL FOR DIVERSION OF 185.017 HA FOREST LAND PROPOSAL No. FP/CG/MIN/16237/2015) – 55.850 Ha regarding.

पंजीयन क्रमांक - FP/CG/MIN/39334/2019

संदर्भ:- आपका EDS क्रम दिनांक 12.06 2020 का पत्र क्रमांक 966

महोदय,

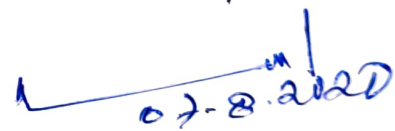
उपरोक्त संदर्भित पत्र के माध्यम से विषयांकित प्रकरण में मांगी गई अतिरिक्त जानकारी का पालन निम्नानुसार है।

1. प्रकरण में पूर्व में प्रस्तावित क्षतिपूर्ति क्षेत्र, नारंगी वनखण्ड हाटी एवं जोगड़ा के बदले वनखण्ड छाल के कक्ष क्रमांक 498 एवं 500 आरएफ में रकबा 43.000 हे. DGPS सर्वे कराकर उसकी रिपोर्ट हमारे पत्र क्रमांक SECL/RGH/CSA/SAM/2020/2110 DTD. 28.07.2020 के माध्यम से जमा किया गया है। उप वनमण्डलाधिकारी छाल से सम्पर्क कर क्षतिपूर्ति वृक्षारोपण योजना बनाकर जमा किया गया है। साथ ही 44 बिन्दु चेक लिस्ट के अनुसार अन्य जानकारी भी आपके कार्यालय में प्रस्तुत कर दी गई है।
2. 55.85 हे. का यह प्रस्ताव, इस भूमि जा कि शासकीय भूमि है, को Deemed Forest मानते हुए 185.017 हे. के मुल प्रस्ताव के पूरक प्रस्ताव के रुप में प्रस्तुत किया गया है। 185.017 हे. का प्रस्ताव दिसम्बर 2015 में जमा किया गया था। पूर्ण प्रक्रिया के उपरांत शासन कि अनुसंशा हेतु प्रक्रिया के दौरान खसरा क्रमांक 410 क्षेत्र 55.85 हे. की स्थिती पर जानकारी मांगी गई।

तत्पश्चात् जुलाई 2018 में 55.85 हे. शासकीय भूमि को Deemed Forest मानते हुए आवेदन करने कहा गया। 185.017 हे. के प्रकरण में कलेक्टर का FRA 2006 का प्रमाण पत्र प्रस्ताव के बिन्दु "K" में अपलोड किया गया है। 55.85 हे. के कलेक्टर के FRA 2006 प्रमाण पत्र हेतु आवेदन 15.09.2018 को ही किया गया है जो कि प्रस्ताव के अतिरिक्त जानकारी में अपलोड किया गया है। MoEF & CC द्वारा जारी पत्र दिनांक 26.02.2019 की गाईड लाईन के अनुसार "..... Hence for the purpose of the MoEF & CC, as per the provisions under Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Govt. for consideration of the proposal by the ministry for final approval." (guidelines की प्रति संलग्न है)। इस अनुसार FRA प्रमाण पत्र प्रथम चरण स्वीकृति के पालन प्रतिवेदन के साथ प्रस्तुत किया जायेगा।

अतः अनुरोध है कि प्रस्ताव को जल्द से जल्द अग्रिम कार्यवाही हेतु प्रेषित करें।

भवदीय,



उप महाप्रबंधक(खनन)/उपक्षेत्रीय प्रबंधक
छाल उपक्षेत्र

सादर सूचनार्थ :-

1. महाप्रबंधक, एसईसीएल, रायगढ़ क्षेत्र
2. महाप्रबंधक/ विभागाध्यक्ष(वन), एसईसीएल, बिलासपुर

Government of India
Ministry of Environment, Forest and Climate Change
(FC Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi-110003

Dated: *26th February*
~~January~~, 2019

To,
The Principal Secretary/Secretary (Forests)
All States/UTs Governments

**Sub: Compliance of the Schedule Tribes and Other Traditional Forest Dwellers
(Recognition of Forest Rights) Act, 2006-regarding**

Sir,

I am directed to refer to Forest (Conservation) amendment Rules 2016 as amended on 06th March, 2017 wherein inter-alia it has been provided that:

(e) the District Collector shall

(i) complete the process of recognition and vesting of forest rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal.

(ii) obtain consent of each Gram Sabha having jurisdiction over the whole or a part of the forest land indicated in the proposal for the diversion of such forest land and compensatory and ameliorative measures, if any, having understood the purposes and details of diversion, wherever required; and

(iii) forward his findings in this regard to the Conservator of Forests

(f) the entire process referred to in clause (e) shall be completed by the District Collector within the time period stipulated in these rules for grant of in-principle approval under the Act to the proposal.

(g) the Conservator of Forests shall examine the factual details and feasibility of the proposal, carry out site inspection in case the area of forest land proposed to be diverted is more than forty hectares, and forward the proposal along with his recommendations to the Nodal Office.

I am also directed to refer to references/communications received from various State Governments seeking clarification on whether FRA certificate is to be submitted before Stage-II compliance or it has been submitted along-with proposal for seeking Stage-I approval.

It is clarified that within the time period stipulated for compliance of stage-I

condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to the concerned CF). Hence for the purpose of the MoEF&CC, as per the provision under Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the state Govt. for consideration of the proposal by the ministry for final approval.

In view of the above, the State Governments are requested to adhere the provisions contained in Forest (Conservation) Amendment Rules, 2016 for FRA purpose while forwarding the proposal for seeking prior approval under Section 2 of Forest(Conservation) Act,1980 to this Ministry for consideration.

Yours faithfully,

(Shrawan Kumar Verma)
Dy. Inspector General of Forests

Copy to:

1. Prime Minister's Office
2. Secretary, Ministry of Mines, Government of India
3. Secretary, Ministry of Coal, Government of India
4. Secretary, Ministry of Petroleum and Natural Gas, Government of India
5. Principal Chief Conservator of Forests, all State/UT Governments
6. Nodal Officer, the Forest (Conservation) Act, 1980, all State/ UT Governments
7. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEF&CC), GoI.
8. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, GoI
9. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEF&CC, GoI/Director, ROHQ, MoEF&CC, GoI/TO(FC)/TO(RoHQ).
10. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
11. Sr. PPS to the Secretary, MoEF&CC
12. Sr. PPS to the Director General of Forest & Special Secretary, MoEF&CC, GoI
13. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEF&CC, GoI.

Yours faithfully,

(Shrawan Kumar Verma)
Dy. Inspector General of Forests

O/C

12/13/19