

OFFICE OF THE DIVISIONAL FOREST OFFICER: RAYAGADA DIVISION.

Memo No. 5083 /4F(Misc) 1539 /2017

Dated, Rayagada the 26 th September'2017.

To

The Regional Chief Conservator of Forests,
Koraput Circle, Koraput.

Sub: -

Proposal for diversion of 44.038 ha including 9.286 ha in Safety Zone within total ML area of 58.704 ha in Bainibasa Graphite Mining lease of M/S Pradhan Industries located in Bainibasa village under Muniguda Tahasil of Rayagada district, Odisha for graphite mining (Proposal No. FP/OR/MIN/24824/2017) (State SI No.010 dt.15.03.2017).

Ref:

1. Your memo No.3643 dated 13.09.2017.
2. Memo No.19621 dated 06.09.2017 of Pr.C.C.F. Odisha to your address.

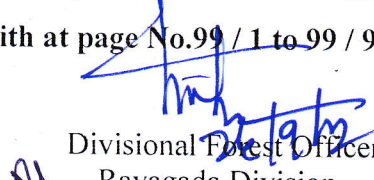
In inviting a kind reference to the above cited correspondence on the subject the point wise compliance report on each points observed by the Govt. of Odisha, F & E Department in their letter No.17053/F&E dated 17.08.2017 is submitted herewith for favour of kind information and onward transmission.

Sl. No.	Deficiencies pointed out.	Compliance report submitted by the User Agency.
(i)	FRA compliance for 44.038 ha. of forest land proposed for diversion has not been furnished.	A certificate on complete process of settlement of right under the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for 44.038 ha of forest land proposed for diversion has been issued by the Collector, Rayagada in prescribed FORM-II vide his letter No.3501/XI-46/2017 dated 15.09.2017 along with the Resolution copy of Gram Sabha both in Odiya and English which is furnished in the diversion proposal at page no.248/1 to 248 / 43.
(ii)	Phased reclamation scheme has not been provided in the DP.	The phased reclamation scheme i.e. the Progressive Mine Closer Plan(PMCP) for Bainibasa Graphite Mines has been prepared & approved by the IBM, Regional Controller of Mines, Bhubaneswar vide letter No.MP/OTFM/20-ORI/BHU/2016-17/7097 dated 17. 11.2016. The copy of the same has been furnished in the diversion proposal at page no. 178 to 195 (Chapter-11 of Approved Mining Plan).
(iii)	Proposed land use plan indicted at para 4 of forwarding letter does not mention about exact nature of use of private land in the ML area	The user agency has submitted in their letter no.89 dated 16.09.2017 that the ML area is 58.704 ha out of which 44.038 ha is Govt. Forest land (Revenue Forest land), 0.081 ha is Govt. of Non-forest land and rest 14.585 ha is of Private land out of which 2.167 ha of private land comes under Safety Zone and the rest 12.418 ha private land is not going to be utilized in any manner during mining and related ancillary activities and it will remain untouched. A copy of the letter No.89 dated 16.09.2017 of User agency is enclosed as Annexure-A to this memo.

(iv)	Although there is mention about having a beneficiation Plant in the ML area in Part-I of application form, yet there is no specific mention of the same in the proposed land use plan.	The user agency has submitted in their letter no.89 dated 16.09.2017 that there will be a beneficiation plant within the ML area and in the land utilization pattern furnished at Para-4 there is a mention about Mineral separation plant which is termed as Beneficiation plant . The area earmarked under para-4 of the letter no.17400/9F (MG)-367/2017 dated 31.07.2017 of Pr.C.C.F. Odisha, Bhubaneswar is 2.136 ha . The land use pattern is available at Mining Plan at page 154 of DP .
(v)	An extent of 12.69 ha of land is proposed for future exploration and utilization. However, there is no tree enumeration report over such land which needs to be protected at present at the cost of lessee. This may be mentioned clearly.	The total land proposed for use is 44.119 ha. Out of which 44.038 ha Revenue Forest Land and 0.081 ha Govt. non-forest land. Tree enumeration has been carried out in all forest land including those coming under safety zone. There are 54 trees on safety zone area of 9.286 ha and 218 on revenue forest land over 34.752 ha. and there is 1(one) mango tree which has been enumerated in Plot No.60 over an area of 0.081 ha in Bainibasa mouza. A copy of supplementary enumeration list of Govt. non-forest land coming within the ML area in Plot No.60 over an area of 0.081 ha in Bainibasa mouza is furnished at page 290 & 291 of DP duly countersigned by the undersigned.
(vi)	There is confusion over no. of persons getting indirect employment from this project i.e. whether it is 300 as mentioned at page 26/DP or 12000 (as mentioned in Part-I of online application).	The number of persons getting indirect employment is 300 no. In online application, the number of Person-day has been mentioned i.e. on an average 300 persons will be engaged for 40 days in a year. Hence number of person days = 300 x 40 = 12000 person – day.

In addition to the above the **revised** cost Benefit Analysis for the diversion of forest land measuring 44.038 ha has been recalculated with effect from 01.08.2017 as per the guideline issued by the Govt. of India, MoEF & CC, New Delhi in their letter No.7-69/2011-FC(Pt) dated 01.08.2017 and **furnished herewith at page No.99 / 1 to 99 / 9 of DP**.

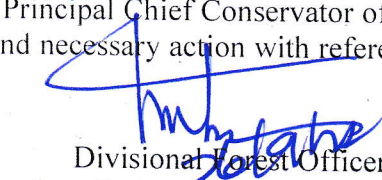
Encl: As above.


Divisional Forest Officer,
Rayagada Division.

Email

Memo No. 5084 /4F Date. 26.09.17

Copy forwarded to the Addl Principal Chief Conservator of Forests (F.D. & Nodal Officer, FC Act), Office of the Principal Chief Conservator of Forests, Odisha, Bhubaneswar for favour of kind information and necessary action with reference to his memo No.19620 dated 06.09.2017.


Divisional Forest Officer,
Rayagada Division.

**INTEGRATED TRIBAL DEVELOPMENT AGENCY,
RAYAGADA**No. 3501 /XI-46/2017

Dated: 15-09-2017.

To

The Divisional Forest Officer,
Rayagada Division.

Sub: - Diversion of 44.038 hectares of Forest land in Village Bainibasa of Muniguda Tahasil for mining lease of Bainibasa Graphita Mines of M/s Pradhan Industries.

Ref: - You're Lr.No.7698/4F (Misc.)-1436/2016 dated 17-11-2016.

Sir,

With reference to the letter cited above on the subject, it is to furnish herewith required certificate in 06 (six) copies in prescribed Form-II along with Forest Right Committee Resolution, Special Gram Sabha Resolution in both Oriya and English, proceeding of SDLC Meeting on FRA, Gunupur and proceeding of DLC Meeting on FRA in respect of Village Bainibasa under Muniguda Tahasil for diversion of 44.038 hectares of forest land to non-forest purpose of the aforesaid village for mining lease of Bainibasa Graphite Mines of M/s Pradhan Industries.

Further necessary action in the matter may be taken at your level under intimation to the undersigned.

Enclosed: As above.

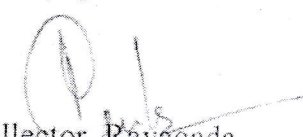
Yours faithfully,


Collector, Rayagada 15/9/2017

Dated: 15-09-2017.

Memo No 3502/2017


Copy to the Dy. Collector (Revenue), Collectorate, Rayagada for information and necessary action.


Collector, Rayagada

Dated: 15-09-2017.

Memo No 3503/2017

Copy forwarded to M/s Pradhan Industries, Telenga Bazar, Cuttack-753009 for information.


Collector, Rayagada

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Annexure-II

FORM-II

(For projects other than linear projects)

Government of Odisha

Office of the District Collector, Rayagada

No. 3472/17

Dated 14/09/2017

TO WHOMSOEVER IT MAY CONCERN

In compliance of the Ministry of Environment and Forests (MoEF), Government of India's letter No.11-9/98-FC (pt.) dated 3rd August 2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA' for short) on the forest land proposed to be diverted for non-forest purposes, it is certified that 44.038 hectares of forest land proposed to be diverted in favour of M/s Pradhan Industries, Telenga Bazar, Cuttack-753009, Odisha (name of user agency) for mining lease of Bainibasa Graphite Mine of M/s Pradhan Industries., (purpose for diversion of forest land) in Rayagada district falls within jurisdiction of Bainibasa village(s) in Muniguda Tahasil.

It is further certified that:

- (a) The complete process for identification and settlement of rights under the FRA has been carried out for the entire 44.038 hectares of forest land proposed for diversion. A copy of records of all consultation and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub-Divisional Level Committee(s) and the District Level Committee are enclosed as annexure 'A to annexure 'F.
- (b) The proposal for such diversion (with full details of the project and its implications, in vernacular/local language) has been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA.
- (c) The each of concerned Gram Sabha(s), has certified that all formalities/processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensation and ameliorative measures, if any, having understood the purpose and details of proposed diversion. A copy of certificate issued by the gram sabha of Bainibasa villages(s) is enclosed as annexure 'G to 'H.
- (d) The discussion and decisions on such proposals had taken place only when there was a quorum of minimum 50% of the members of Gram Sabha present.
- (e) The diversion of forest land for facilities managed by the Government as required under section 3(2) of the FRA have been completed and the Gram Sabhas have given their consent to it.
- (f) The rights of Primitive Tribal Groups and Pre-Agricultural Communities, where applicable have been specifically safeguarded as per section 3(1) (e) of the FRA.

Enclosed: As above.

Mrs. Guha Poonam Tapas Kumar, IAS,
Collector & District Magistrate, Rayagada

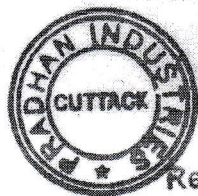
14/9/2017

**Supplementary tree enumeration list for Govt. Non Forest land
Coming within the ML area of Bainibasa Graphite Mining Lease, At:
Bainibasa, Tahsil: Muniguda, Dist: Rayagada of M/s Pradhan
Industries, Cuttack**

Sl No	Plot No.	Tree SI No.	Name of the Species (Local Name)	GBH (in cm)	Bole Height (in Meter) approximately	Sound/ Unsound
1	60/P	273	Amba (Mango)	360	5	US

ABSTRACT

ABSTRACT																
Sl No	Type of Land	No of Trees in Girth Class														
		≥ 30cm & <60cm		≥ 60cm & <90cm		≥ 90cm & <1200cm		≥ 120cm & <150cm		≥ 150cm & <180cm		≥ 180cm		Total		
		S	US	S	US	S	US	S	US	S	US	S	US	S	US	
1	Govt. Non Forest land	0	0	0	0	0	0	0	0	0	0	0	1	0	1	
	Total	0	0	0	0	0	0	0	0	0	0	0	1	0	1	



[Signature]
Revenue Supervisor
Muniguda

[Signature]
Forest Range Officer
Muniguda Range

[Signature]
Divisional Forest Officer
Rayagada Division

[Signature]
FOR PRADHAN INDUSTRIES
PARTNER