

File No. 8-69/2018-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110003
Dated: 13th January, 2020

To,

The Principal Secretary (Forests),
Department of Forest and Environment,
Government of Madhya Pradesh,
Bhopal.

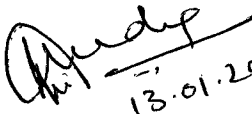
Sub: Proposal for diversion of 353.764 ha. of forest land (instead of 390.264 ha. of forest land) in favour of M/s Northern Coalfields Limited, for Bina Kakri Open Cast Coal Mining, under Forest Division and District Singaruali in the State of Madhya Pradesh-regarding.

Sir,


I am directed to refer to the Additional Principal Chief Conservator of Forests (Land Management) & Nodal officer FCA 1980, Govt. of Madhya Pradesh's letter No.F-1/FP/MP/MIN/2025/2016/3367 Bhopal Dated 30.10.2018 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *in-principle/ Stage-I* approval of the Central Government is hereby granted for diversion of 353.764 ha. of forest land (instead of 390.264 ha. of forest land) in favour of M/s Northern Coalfields Limited, for Bina Kakri Open Cast Coal Mining, under Forest Division and District Singaruali in the State of Madhya Pradesh, subject to the fulfilment of following conditions:


- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation over the degraded forest land of 353.764 ha. (twice in extent to the area of forest land proposed to be diverted ($2 \times 353.764 = 707.528$ ha.) of degraded forest land shall be raised within a period of three years with effect from the date of issue of Stage-II clearance and maintained thereafter as per approved plan by the State Forest Department at the cost of the user agency;
- (iii) *The copy of report of FSI, Nagpur regarding inability to redraw the proposal on the lines of analysis of Amelia Coal Block shall be submitted prior to Stage-II approval.*


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- (iv) *The revised KML file of 353.764 ha of the proposed forest land shall be uploaded on e-portal which will be verified by the DSS team of FSI.*
- (v) *The revised KML file of degraded forest land proposed for CA shall be uploaded on e-portal.*
- (vi) *The state Government shall furnish a certificate that the proposed CA land is free from encroachment and any encumbrance, and also that no plantation (under any scheme/programme) was taken up in any part of the proposed CA site in last ten years;*
- (vii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo-sheet of 1:50,000 scale;
- (viii) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (ix) The User Agency shall transfer the funds for the Net Present Value (NPV) for 353.764 ha. of forest land to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 through online portal of CAMPA account of the State Concerned;
- (x) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
- (xi) The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- (xii) The user agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- (xiii) Following activities shall be undertaken by the user agency under the supervision of the State Forest Department at the project cost and appropriate cost of the plan / scheme shall be **deposited in CAMPA account through online E-portal;**
 - a. A plan containing appropriate mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented;
 - b. Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion;



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- c. Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour;
 - d. Stabilize the overburden dumps by appropriate grading/benching so as to ensure that that angles of repose at any given place is less than 28°; and
 - e. Strict adherence to the prescribed top soil management;
- (xiv) All the funds received from the User Agency under the project shall be transferred/deposited to CAMPA fund only through online e-portal (<https://parivesh.nic.in/>);
 - (xv) The user agency shall prepare a land surrender schedule for surrender of the mined out and biologically reclaimed forest land in accordance with the existing mine plan and progressive mine closure plan and submit an undertaking that mined out and biologically reclaimed forest land will be surrendered to the State Forest Department as per this schedule;
 - (xvi) User agency in consultation with the State Forest Department shall create and maintain alternate habitat/ home for the avifauna, whose nesting trees are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
 - (xvii) User agency either himself or through the State Forest Department shall undertake fencing, protection and afforestation of the safety zone area at the project cost;
 - (xviii) User agency either himself or through the State Forest Department shall undertake afforestation on degraded forest land, one and half time in extent to the area used for safety zone;
 - (xix) Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, and the Rules framed there-under as amended;
 - (xx) User agency either itself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located in the area within 100 meters from outer perimeter of the mining lease;
 - (xxi) The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km. from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed plan for desilting of identified


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ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF & CC before Stage-II approval;

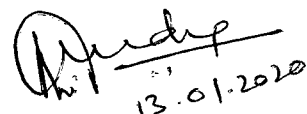
- (xxii) The User Agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF & CC along with indicators for monitoring and expected observable milestones;
- (xxiii) User agency shall undertake mining in a phased manner and take due care for reclamation of the mined over area. The concurrent reclamation plan shall be executed by the User Agency as per the approved mining plan/scheme and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, Government of Madhya Pradesh and the Addl. Principal Chief Conservator of Forests (Central), Ministry of Environment & Forests, Regional Office, Bhopal. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the user agency, the Nodal Officer or the Addl. Principal Chief Conservator of Forests (Central) may direct that the mining activities to be suspended till such time, such reclamation activities are satisfactorily executed;
- (xxiv) No labour camp shall be established on the forest land;
- (xxv) User agency shall provide firewood **preferably alternate fuel** to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas;
- (xxvi) Boundary of the mining lease and safety zone shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing, distance from pillar to pillar and GPS co-ordinates;
- (xxvii) Forest land shall not be used for any purpose **other than that specified** in the proposal;
- (xxviii) State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No. 11-9/1998-FC (pt.) dated 3rd August 2009 read with 05.07.2013, in support thereof;
- (xxix) The details of such number of trees to be felled on forest as well as non-forest area in the lease and plantation of double the number of trees in the lease area or outside will be provided to the concerned Divisional Forest Office, and the Concerned Regional Office of the Ministry who will monitor such plantation efforts by the company;
- (xxx) The User Agency shall submit the annual self - compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year;


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- (xxxi) The Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the para 1.21 of comprehensive guidelines issued vide this Ministry F. No.5-2/2017-FC dated 28th March, 2019;
- (xxxii) Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency;
- (xxxiii) The State Government and user agency shall ensure compliance to all conditions stipulated in the Stage-I approval for which undertakings have been obtained from the user agency and also the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, pertaining to this project for the time being in force, as applicable to the project;
- (xxxiv) The complete compliance report with undertakings and plans/schemes will be uploaded on the web-portal (<https://parivesh.nic.in/>);

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be effected till final approval is granted by the Central Government in this regard.

Yours faithfully,



13.01.2020

(Brijendra Swaroop)

Dy. Inspector General of Forests (FC)

Copy to:-

1. The PCCF (HoFF), Government of Madhya Pradesh, Bhopal.
2. The DDGF (Central), Regional Office (WZ), Bhopal.
3. The Nodal Officer (FCA), O/o PCCF, Government of Madhya Pradesh, Bhopal.
4. User Agency.
5. Forest Conservation Monitoring Cell, MoEF & CC, New Delhi.
6. Guard File.



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(Brijendra Swaroop)

Dy. Inspector General of Forests (FC)