

F. No. 8-52/2017-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi – 110 003
Dated: 14th May, 2018

To,

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


Sub: Proposal for diversion of 201.079 hectares of forest land for Tawa – II underground coal mining in favour of M/ s. Western Coal Fields Limited, Pathakhera in Baitul District State of Madhya Pradesh.

Sir,

I am directed to refer to the Addl. Principal Chief conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh's letter No. F-1/FP/MP/MIN/24598/2017/10-11/2619 Bhopal dated 06.09.2017 on the above mentioned subject, seeking prior approval of 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 constituted by the Central Government under Section-3 of the aforesaid Act.

After careful consideration of the proposal of the State Government of Madhya Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees *to accord stage-I / In-principle* approval under the Forest (Conservation) Act, 1980 for the diversion of 201.079 hectares of forest land land for Tawa – II underground coal mining in favour of M/ s. Western Coal Fields Limited, Pathakhera in Baitul District State of Madhya Pradesh subject to the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) **Application for diversion of remaining forest land of 520 ha in the project (318.921 ha) be submitted by WCL for consideration;**
- (iii) **Action is required to be initiated against the authorities in WCL in accordance with the section 3(A) and 3(B) of the Forest Conservation Act, 1980 against the officials who violated the provisions of FC Act 1980. State**


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Government may also initiate legal action under Indian Forest Act 1927 for violation of their relevant law;

- (iv) The Regional office, Bhopal shall visit the underground mining project and report the status of the forest clearance and the on-going mining activities without valid Forest clearance under section 2(ii) of the FC Act along with the Nodal officer, Forest Conservation, Madhya Pradesh Forest Department. WCL will provide the copy of FC granted in past along with the details of the mining area of Tawa-II underground mining project over 520 ha which as per the EC report is forest land;
- (v) The Regional Office Bhopal should investigate along with the concerned officers of the forest department and WCL the status of entire Patherkhera coal block in Madhya Pradesh, the extent of forest land and the status of forest clearances in all such cases and submit comprehensive report on Forest clearance;
- (vi) WCL will deposit the NPV for the entire 520 ha immediately since the forest land has been used by the WCL in Tawa-II underground project in contravention of the FC Act.;
- (vii) WCL should submit the compliance report of in principle approval granted by this Ministry's letter F. No. 8-102/2004-FC dated 30.01.2012, in favour of WCL for diversion of another parcel of 90.00 ha of forest land, after expiry of the Forest clearance in 2003 and deposit the compensatory levies of Rs 255462766/ With interest of 12% per annum;
- (viii) The State Government will undertake study on impact of mining on wildlife especially tiger habitat in the entire project area and prepare the wildlife management plan for the entire reserve forest and the same will be implemented from the funds provided by the WCL. The clearance from NBWL may also be obtained because the area is populated by tigers in the surrounding tiger reserves;
- (ix) Penalty will be imposed as per the existing guidelines dated 29th January 2018;
- (x) Complete compliance of Forest Right Act 2006 in accordance with Ministry's guideline dated 03.08.2009 read with 05.07.2013 will be done by the State Government and submitted along with the compliance report;
- (xi) The in-principle approval will be for the ex-facto regularisation of the violation committed by the Western Coalfield Limited for diversion of the forest land over the forest land 201.079 ha of forest land already broken with penal NPV and penal CA for 50 years (30yrs+20yrs) w.e.f. 25.10.1980. Further the in-principle approval will be effective after the payment of NPV and other outstanding dues with WCL in CAMPA account;
- (xii) The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, 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. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;

- (xiii) The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (xiv) **The user agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank online only. Amount deposited through other mode will not be accepted as compliance of the Stage- I clearance;**
- (xv) 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, subject to a maximum period of 30 years. The State Government will submit the lease agreement document specified in the lease agreement;
- (xvi) Area on surface of the mining lease shall be fenced and afforested;
- (xvii) The State Government and user agency shall monitor the mining induced subsidence and take appropriate mitigative measures to ensure that it remains within the permissible limit;
- (xviii) The User agency and the State Government shall implement the Wildlife Conservation Plan for area located within 10 kilometer distance from the forest land proposed to be diverted from the funds to be provided by the user agency;
- (xix) The user agency shall implement the following activities under the supervision of the State Forest Department at the project cost;
 - (a) Mitigative measures to minimize soil erosion and choking of stream shall be initiated to be implemented within a period of three years with effect from the date of issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department;
 - (b) Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;
 - (c) Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - (d) Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
 - (e) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan;
- (xx) The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State

Government and the concerned Regional Office of the Ministry. 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. Pr. Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;

- (xxi) 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. 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;
- (xxii) The user agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Birds nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- (xxiii) The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- (xxiv) The ground area over the mine shall not be allowed to be used for construction of residential buildings or labour camps;
- (xxv) The State Government shall ensure that green cover on the ground over the underground part of mine shall be maintained as forest and supplemented by plantations in gaps at the cost of user agency;
- (xxvi) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xxvii) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxviii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xxix) No labour camp shall be established on the forest land;
- (xxx) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xxxi) The State Government and the User agency shall ensure de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required preferably within five years from the date of approval of Stage-II Clearance;
- (xxxii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xxxiii) The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- (xxxiv) No damage to the flora and fauna of the adjoining area shall be caused;

- (xxxv) 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;
- (xxxvi) Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxvii) The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and National Green Tribunal Order(s) pertaining to this project, if any, for the time being in force, as applicable to the project;

After receipt of Compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the central government in this regard.

Yours faithfully,


(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Madhya Pradesh, Bhopal.
2. The Addl. Principal Chief Conservator of Forests (Central), Regional Office (Western Zone), Bhopal.
3. The Nodal Officer, under the forest (Conservation) Act, 1980, Forest Department, Government of Madhya Pradesh, Bhopal.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.
6. Guard File.


(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

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