

F. No. 8-21/2019-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbag Road,
New Delhi – 110003

Dated: 13th December, 2019

To

The Principal Secretary (Forests),
Government of Jharkhand,
Ranchi.

Sub: Proposal for diversion of 184.23 ha of forest land (174.39 ha encroached (ex-post facto approval) and 9.84 ha virgin land) in favour of M/s Electrosteel Steels Limited in the State of Jharkhand –reg.

Sir,

I am directed to refer to the State Government of Jharkhand's letter no. Van Bhumi-14/2019-2239/V.P. dated 20.06.2019 on the above subject seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 and letter no. Van Bhumi-14/2019-3622/VP dated 19.09.2019 forwarding additional information as sought by the Ministry, vide its letter of even number dated 22.08.2016 and to say that the said proposal has been examined by the Forest Advisory Committee constituted under Section - 3 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords *ex-post facto* 'in-principle' approval under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 184.23 ha of forest land (174.39 ha encroached (ex-post facto) and 9.84 ha virgin land) in favour of M/s Electrosteel Steels Limited in the State of Jharkhand subject to fulfilment of following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation:
 - (a) Compensatory afforestation over non forest land, equal in extent, or over Jungle Jhari land, double in extent to the forest land being diverted, shall be raised by the Forest Department at the cost of user Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
 - (b) User agency shall provide non forest land equivalent to five times the forest land encroached for the purpose of Compensatory afforestation, in addition to normal CA as proposed under 2(a) above. The CA scheme shall be prepared and approved by competent authority. The non-forestland shall be mutated and declared as RF/PF prior to stage II approval. Shape file of the area shall be submitted.
 - (c) The non-forest land/Jungle Jhari land proposed for CA and Penal CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant


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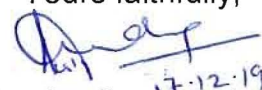
section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

- (iii) The cost of compensatory afforestation and Penal CA at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (iv) Net Present Value (NPV):
 - (a) The State Government shall charge the Net Present Value(NPV) for the 184.23 ha of forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - (b) User agency shall pay five times of applicable NPV for the area used under encroachment.
 - (c) 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.
- (v) The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- (vi) All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e-portal** (<https://parivesh.nic.in/>).
- (vii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (viii) The boundary of the diverted forest land 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 and distance from pillar to pillar;
- (ix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- (x) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xi) 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;
- (xii) The State Government, Jharkhand should get a thorough inquiry conducted into the illegitimacy of the settlement or transfer or claims to title, rights (tenancy or otherwise) or interests on the forest lands ("GM Jungle Jhari" lands and notified protected forest lands) involved in this proposal before procurement of these lands by the then User Agency M/s Electrosteel Integrated Ltd before 2010, and the ground for the encroachment over these lands vested in the State to secure the interests of State in the notified forest lands and other forest lands. A report on the findings of the enquiry, the remedial measures taken and the action taken against officials/authorities accountable in this case, despite consistent objections of the Forest Department officials, should be furnished with the compliance report of Stage I approval.

- (xiii) The issue of dispute, as held by user Agency, about legal nature of the land irrespective of title etc., being "forest land" (both the notified "Protected Forest" and the "GM Jungle Jhari") should be settled with finality and the current user agency/ Project Proponent should concede any claims to the contrary. An undertaking in this regard shall be furnished.
- (xiv) It is felt that the committee being set up by the Principal Chief Conservator of Forests (HoFF), Jharkhand may not be sufficient as the matter involves violation in respect of forest land of both categories - the Protected Forests (99.27 ha) and GM Jungle Jhari forests (84.96 ha). The identification of the erring official, regarding the violation in respect of the GM Jungle Jhari forest land (84.96 ha) should be done by competent authority of the Land Revenue Department.
- (xv) User agency shall submit approved CAT (catchment treatment Plan) plan for the area.
- (xvi) Government of Jharkhand shall ensure that such incidences of encroachment of forest land are not repeated in future.
- (xvii) User agency shall withdraw all the cases against the officials of Forest Department.
- (xviii) User agency shall ensure that compliance of provisions of FRA 2006 prior to stage II approval.
- (xix) The user agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to this office as well as to the Nodal Officer of the State;
- (xx) The State Government shall monitor compliance of conditions of Forest Clearance and shall submit a yearly report in this regard on 31st December of every year;
- (xxi) 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;
- (xxii) The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

After receipt of the compliance report on the fulfilment of the above mentioned conditions from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal orders approving the diversion of forest land are issued by the Central Government.

Yours faithfully,

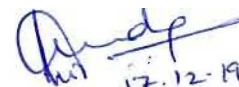


(Brijendra Swaroop)

Assistant Inspector General of Forests (FC)

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Jharkhand, Ranchi.
2. The Dy Director General of Forests (Central), Regional Office, MoEF&CC, Ranchi
3. The Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of Jharkhand, Ranchi.
4. User Agency.
5. Monitoring Cell (Forest Conservation Division).
6. Guard File.



(Brijendra Swaroop)

Assistant Inspector General of Forests (FC)