

PART – III
(To be filled by the concerned Conservator of Forests)

14	Whether site, where the forest land involved is located has been inspected by concerned Conservator of Forests (Yes/No). If yes, the date of inspection & observations made in form of inspection note to be enclosed.	Yes, the proposed site has been inspected by me on 29.07.2015
15	Whether the concerned Conservator of Forests agree with the information given in Part-II and the recommendations of Deputy Conservator of Forests.	<p>Yes, agree partly with the recommendations of the Deputy Conservator of Forests, but entries made in serial no. 6 of Part II is not proper hence to be made clear.</p> <p>Under Sl No. 6 of Part-II, the DFO, Jamshedpur Forest Division has reported that work in violation of the Act has been carried out for 17 years i.e. from 16.10.97 to 17.10.2014, when under the direction of the Regional Chief Conservator of Forests, Jamshedpur all the non forestry works were stopped.</p> <p>As a matter of fact the matter stands differently, as shall be evident from the Mining lease status as well as Forest clearance status under Forest (Conservation) Act, 1980 at various stages after the expiry of original mining lease on 15-10-1987 i.e. from 16.10.1987 onwards.</p> <p>(A) Mining Lease Status</p> <ol style="list-style-type: none"> 1. Before the date of expiry of original Lease i.e. 15.10.87, the UCIL submitted application for renewal of lease on 6.10.1986 for next 20 years (1987 to 2007). This application was submitted before 12 months from the date on which the original lease was due to expire and as such the lease deemed to have been extended by a further period till the State Govt. passed any order thereon (Mineral Concession Rule, 1960, clause 24 A, Sub clause 6, read with Sub clause 1). 2. The Ministry of Steel and Mines, Department of Mines G.O.I conveyed its approval for renewal of Mining lease for 10 years i.e. from 16.10.1987 to 15.10.1997 vide its letter no.2157/88-M-IV dated. 25.4.1989. This renewal approval of the Central Government was as per the provisions of Section 8(2) of MMDR Act 1959, as it existed between 10.2.1987 to 25.1.1994. However no order was passed by the State Government Mining Department following the aforesaid lease renewal approval. 3. The above renewal of 10 years did make the UCIL automatically entitled to get benefit of renewal of the said mining lease for a further period of ten years i.e. from 16.10.97 up to 15.10.2007, as clarified and conveyed by the Govt. of India, Ministry of Mines, memo no.4/108/2005-MIV dated. 21.11.2005 (Copy enclosed). 4. As a follow up action order for renewal of Mining lease has now been issued by the Department of Mines & Geology, Jharkhand vide its letter no.2146 dated. 07.10.2014, both for first renewal for 20 years from 16.10.1987 to 15.10.2007 and 2nd renewal also for a period of 20 years, but not starting from 16.10.2007, rather counting it from the date of execution of 2nd lease deed and declaring the mining period

- from 16.10.2007 till the date of execution of lease deed unlawful.
5. The 2nd renewal of lease deed has since been executed by UCIL on 9.12.2014, making it valid from 9.12.2014 to 9.12.2034 (a period of 20 years).
 6. For consideration and obliteration of the gap from 16.10.2007 to the date of execution of lease deed i.e. 9.12.2014, the Deputy Commissioner, East Singhbhum, Jamshedpur has requested the State Govt. vide letter no.2340 dt.22.10.2014, which is awaited (Copy enclosed).
 7. This aspect, it appears shall be needed to be perused while according prior approval of Forest clearance by MOEF & CL, GOI.

(B) Forest Clearance Status

1. As per Forest (Conservation) Act, 1980 prior approval of the Central Govt. was to be obtained from the date of 1st renewal of lease i.e. 16.10.1987 for which application was submitted to the Divisional Forest Officer on 19.6.1989, which remained under examination at various level till 17.10.1996, when Regional Chief Conservator of Forests, Jamshedpur did send it to the Nodal Officer. Thereafter the proposal was submitted to the MOEF, GOI on 3.3.1997 by the Secretary, Forest, Govt. of Bihar. Thereafter, the MOEF, GOI, vide its letter no.8-49/97-FC dt.21.3.1997 (Copy enclosed) granted temporary working permission to continue working in already broken up area for nine months.
2. In the meantime Principal Chief Conservator of Forests, Bihar vide letter no.05 dt.6.01.1997 had ordered UCIL to stop all the Mining activities with immediate effects in light and as a follow up action of the Hon'ble Supreme Court's order dated.12.12.1996 passed in PIL no.202/95.
3. As such all the mining activities remained suspended from 6.1.1997 till 21.03.1997, when temporary working permission to continue work was granted by MOEF, GOI under FC Act, 1980.
4. Subsequently, MOEF, GOI vide its letter no.8-48/97-FC dt.24.7.1997 again while agreeing in principle for diversion of the Forest land, did allow to work in already broken area for a period of nine months (for compliance of certain laid out conditions) and ultimately before the expiry of the aforesaid nine months period i.e. on dt.20.4.1998 (Copy enclosed) conveyed its final approval under Forest (Conservation) Act, 1980 against the application for renewal made by UCIL for 20 years.
5. After the grant of this final approval by the Central Govt. under Forest Conservation Act, 1980, in continuation of Mining lease from the date of 1st renewal of lease i.e. 16.10.1987 till 15.10.2007, there remained no more any irregularity in violation of the FC Act, 1980, though an interim violation can be said to have occurred from 16.10.1987 to 5.1.1997, which since appeared to be regularized under MOEF GOI order dt.20.04.1988.
6. It may be mentioned that UCIL, during this entire period up to 15.10.2007 remained a deemed lessee.
7. The Divisional Forest Officer, Jamshedpur misinterpreting the first 10 years (16.10.1987 to 15.10.1997) approval of Mining lease conveyed by the Dept. of Mines, GOI order dt.25.4.1989 as orders made under FC Act 1980 and ignoring/ not considering the interim approval of MOEF, GOI dt.21.3.1997, 24.7.1997 and subsequent final approval dt.20.4.1998 under FC Act, 1980, has erroneously

		<p>concluded about the period of violation under FC Act, 1980 from 16.10.1997 to 15.10.2007.</p> <p>8. As such contention of the DFO, Jamshedpur, regarding FC Act violation from 16.10.1997 to 15.10.2007 shall appear not to hold good in the light of the facts/documents enumerated in the foregoing paragraphs.</p> <p>9. However, the mining activities from 16.10.2007 to 6.9.2014 i.e. about 7 years continued by UCIL as deemed lessee may be regarded as unlawful for the time being under FC Act 1980 also.</p> <p>10. The mining activities were got stopped first by the order of the State Govt. conveyed by the District Mining Officer vide his letter no.2276 dt.6.9.2014 as per the amended Mineral Concession Rules 1960 in 2014, rule 24 A, sub rule 6, and afterwards only, by the RCCF, Jamshedpur under FC Act, 1980 vide his letter no.1618 dt.17.10.2014 (Copy of both letters enclosed).</p> <p>11. The mining activities still remains suspended in the absence of prior approval under FC Act, 1980 though after the order of 2nd renewal of mining lease, lease deed has already been executed by UCIL on 9.12.2014.</p> <p>12. The present proposal for the 2nd renewal of Forest diversion for mining of 20 years, Co-terminus with the renewal mining lease under FC Act has been submitted by UCIL as late as in the year 2015, where as the 1st renewal expired on 15.10.2007. M/s. UCIL, though has submitted this application, but has always been reiterating that this 2nd renewal of forest diversion is not required quoting the minutes of the proceedings of the review meeting on UCIL proposals held under the Chairmanship of PCCF-cum-ED, Waste Land Development Board, Jharkhand, Ranchi dt.7.8.2008 (Copy enclosed) in which it was viewed that in the light of the forest diversion approval accorded without any time limit mention by MOEF, GOI in its letter no.8-49/97-FC dt.20.4.1998, the 2nd renewal proposal does not require processing under FC Act, 1980.</p> <p>13. This aspect of the matter, it appears, also needs to be perused, both while declaring the period from 16.10.2007 onward unlawful as well as while processing this application for renewal under FC Act.</p>
16	Specific recommendation of concerned Conservator of Forests for acceptance or otherwise of the proposal with detailed reasons.	<p>This project for Uranium, Corporation of India Ltd. is an on-going project. Proposal consists of for renewal of 100.681 ha land for under ground mining and 33.743 ha for surface infrastructure developments.</p> <p>This proposal is concerned with the extraction of strategic mineral which is of national importance.</p> <p>Hence renewal for 134.42 ha of forest land may be considered.</p>

Name:-(SATYAJIT SINGH, IFS)

Designation :-

Date:- 21.08.15

Conservator of Forests
Territorial Circle, Jamshedpur