

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 1st February, 2021

2022.

To

The Principal Secretary (Forests),
Government of Chhattisgarh,
Raipur.

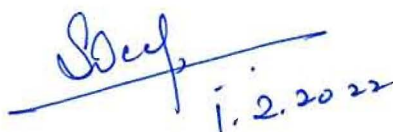
Sub: Proposal involving non-forestry use of 91 ha (out of total 192.50 ha) of forest land in favour of M/s Jayaswal Neco Industries Limited for mining of iron ore located in village Chhote Donger, District Narayanpur (Chhattisgarh) - reg.

Sir,

I am directed to refer to the State Government of Chhattisgarh (the then State of Madhya Pradesh)'s letter no. F-5/69/98/10/3 dated 5.10.1998 on the above-mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. After careful examination of the proposal by the Forest Advisory Committee, constituted under Section-3 of the said Act, 'in-principle' approval under the Forest (Conservation) Act, 1980 was granted for non-forestry use of 91 ha of forest land (out of total 192.50 ha of forest land) vide Ministry's letter of even number dated 11.08.2004 subject to fulfillment of certain conditions prescribed therein. The State Government vide their letter dated 21.12.2006 submitted compliance report in respect inter-alia stating that User Agency has sought permission for mining only in respect of 35.74 ha of forest land. Accordingly, giving due consideration to the request of State Government, Ministry had granted Stage-II approval on 18.01.2007 only for 35.74 ha of forest land out of 91 ha considered for Stage-I approval) inter-alia stipulating that Stage-II approval for balance area of 55.260 ha shall be considered after receipt of compliance report from the State and in the meantime, forest area shall be kept intact by the user agency.

The State Government vide their letter dated 28.04.2020 and letter dated 15.09.2021, requested to consider the balance area of 101.25 ha of forest land for prior approval of the Central Government under the Forest (Conservation) Act, 1980 and vide their letter dated 06.04.2021 furnished compliance report in respect of Stage-I approval dated 11.08.2004 (for 55.260 ha), granted for 91 ha of forest land. The proposal for non-forestry use of 101.25 ha of balance forest land for Stage-I approval and proposal for 55.260 ha of forest land for Stage-II approval considered by the Forest Advisory Committee (FAC) in its meeting held on 28.10.2021 and the FAC recommend the proposal for the Stage II approval for 55.260 ha (for which Stage I approval has been obtained 21.4.2004) with General and Standard conditions. The balance area of 101.25 ha will be considered on merit later on.

In this connection, I am directed to say that on the basis of compliance report furnished by the State Government vide letter dated 21.12.2006, letter no. F 5-04/2019/10-2 dated 11.02.2020, letter dated 28.04.2020, letter no. F 5-04/2019/10-


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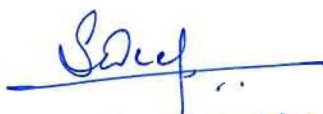
2 dated 06.04.2021 and letter no. F 5-04/2019/10-2 dated 15.09.2021, recommendation of FAC and approval of the same by the competent authority of the MoEF&CC, New Delhi, final approval of the Central Government is hereby granted under Section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of 55.260 ha of forest land in favour of M/s Jayaswal Neco Industries Limited for mining of iron ore located in village Chhote Donger, District Narayanpur (Chhattisgarh), subject to following conditions:

A. Conditions which need to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval

- i. The KML files of diverted area, the CA areas, SMC works area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to handing over forest land to user Agency;
- ii. Non-forest land/orange forest land identified for raising compensatory afforestation, in lieu of approval granted over 91 ha of forest land, shall be notified as RF/PF under the IFA before handing over forest land to the user agency;
- iii. The State Government shall realize the differential amount of NPV from the user agency, in respect of 55.260 ha of forest land being considered for Stage-II approval, in accordance with MoEF&CC's guidelines dated 6.01.2022 read with guidelines dated 19.01.2022 and deposited, through e-challan in to the CAMPA account of the State concerned.


B. Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department and undertaking in this respect shall be submitted prior to Stage-II approval

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The State Government shall ensure that compensatory afforestation over the non-forest land equal in extent to the forest land being diverted shall be raised within three years 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. At least 1000 saplings per ha shall be planted over admissible CA land. If this is not possible to plant these many seedlings in the identified NFL, the balance seedlings will be planted in degraded forest land as per the prescription of the Working Plan at the cost of the User Agency. In such cases CA cost will be revised and duly approved by the competent authority and deposited online in the CAF managed by the CAMPA;
- iii. **Net Present Value**
 - a. The State Government has realized the NPV of the forest area diverted under this proposal from the User Agency as per the Judgment of the Hon'ble Supreme Court of India dated 28.03.2008 & 09.05.2008 in IA No. 566 in WP (C) No. 202/1995 and guidelines issued by this Ministry in this regard;
 - b. 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.
- iv. Compensatory levies for this project, if any to be realized in future from the User Agency, shall be deposited to into the account of CAMPA of the State concerned through e-portal (<https://parivesh.nic.in>);
- v. The State Govt. shall ensure that the User Agency shall carry out 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

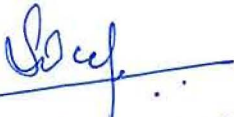

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(Conservation) Act, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Regional OChief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed.

- vi. The mining lease holder shall, after ceasing mining operations, undertake re-grassing the mining area, and any other areas which may have been disturbed due their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.
- vii. The State Govt. shall ensure that the boundary of the diverted forest land, 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, distance from pillar to pillar and GPS co-ordinates;
- viii. The State Government shall ensure that the User Agency shall implement the afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, as per approved scheme, wherever possible and technically feasible, in consultation with the State Forest Department at the project cost by involving local community;
- ix. The State Govt. and the user agency shall ensure that the 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 granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- x. The State Govt. shall ensure that user agency either himself 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 0.40), if any, located in the area within 100 m. from outer perimeter of the mining lease as per scheme submitted along with the compliance report;
- xi. **Safety Zone Management:** Following activities shall be undertaken by the user agency for the management of safety zone:
 - a. User agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its protection by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the. State Forest Department;
 - b. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
 - c. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department; and
 - d. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
 - e. The State Govt. and the user agency shall ensure that no mining shall be carried out in the land required to be maintained as safety zone all around the mining area;
 - f. Afforestation on degraded forest land to be selected elsewhere, measuring one


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- and a half times the area under safety zone, shall also be done at the project cost under the supervisions of the State Forest Department. Afforestation will be done within three years from the date of Stage-II clearance and maintained thereafter in accordance with the approved Plan in consultation with the State Forest Department;
- xiv. Following activities, as per approved plan / schemes, shall be undertaken by the User Agency at project cost under the supervision of the State Forest Department:
- a. Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the 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 topsoil and the user agency will follow the top soil management plan.
- xv. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xvi. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable in a phase wise manner and that too under the supervision of the State Forest Department;
- xvii. The State Govt. ensure that the User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xviii. The State Govt. and the user agency shall ensure that no labour camp shall be established on the forest land;
- xix. The State Govt. shall ensure that 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;
- xx. The State Govt. and the user agency shall ensure that the layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- xxi. The State Govt. and the user agency shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal;
- xxii. The State Govt. and the user agency shall ensure that 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;
- xxiii. The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
- xxiv. The State Government shall ensure that process for settlement of rights under the Forest Rights Act, 2006 has been completed as per the relevant guidelines issued by the Ministry in this regard;
- xxv. The State Govt. shall ensure that the User Agency shall submit the annual self


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compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and this Ministry by the end of March every year;

xxvi. Any other condition that the concerned Integrated Regional Office of this Ministry may stipulate with the approval of competent authority, from time to time, in the interest of conservation, protection and development of forests & wildlife;

xxvii. The State Govt. shall ensure that the user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and

xxviii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019.

Yours faithfully,


(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, Government of Chhattisgarh, Raipur.
2. The Regional Officer (Central), Integrated Regional Office, Raipur.
3. The Nodal officer, O/o the PCCF, Government of Chhattisgarh, Raipur.
4. User Agency
5. Monitoring Cell of FC Division
6. Guard File