

F. No. 8-67/2002-FC (Pt.)
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110003
Dated: 06th February, 2018

To,

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

Sub: Renewal of the approval accorded under the Forest (Conservation) Act, 1980 for diversion of 100 hectares of forest land for Jayant Project of the Northern Coalfields Limited (NCL).

Sir,

I am directed to refer to the Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, the Forest (Conservation) Act, 1980, Government of Madhya Pradesh's letter No. F-1/201/89/10-11/1962 dated 07.06.2013 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 (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

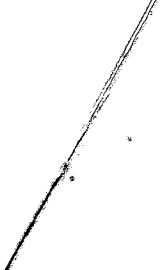
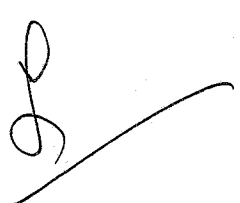
2. After careful consideration of the proposal of the State Government of Madhya Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to **accord stage-I / In-principle** approval under the Forest (Conservation) Act, 1980 for Renewal of the approval accorded under the Forest (Conservation) Act, 1980 for diversion of 100 hectares of forest land for Jayant Project of the Northern Coalfields Limited (NCL), subject to the following conditions:-

- (i) Legal Status of forest land proposed to be diverted is Protected Forest;
- (ii) 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;
- (iii) The Status of Compensatory Afforestation over an area of 220.278 ha. Carried out in lieu of the forest land admeasuring 100 ha. diverted vide letter dated 20.03.1992 shall be ascertained by Regional Office, Bhopal after making field inspection and intimated to this Ministry;
- (iv) The user agency will provide the certified copy of approved 3D modelling for the project depicting the maximum tensile strength as per the approved 3D modeling and the width of surface cracks as per the approved 3D modelling;



- (v) The ground area over the mine shall not be allowed to be used for construction of residential buildings;
- (vi) State Government shall ensure that green cover on the ground over the underground part of mine shall be maintained as forest and enriched by plantations in gaps at the cost of user agency;
- (vii) The User Agency shall transfer online 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;
- (viii) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (ix) Fencing, protection and regeneration of the safety zone area [7.5 meters strip shall be kept within the mining lease boundary and area of the safety zone shall be part of the total area of mining lease as per the Ministry's guidelines dated 27.05.2015] shall be done within three year at the project cost from the issue of Stage-II Clearance;
- (x) Period of diversion for diverted forest area shall be 20 years from the date of issue of Stage-II Clearance;
- (xi) Any fund received from the user agency under the project and deposited in the State Forest Department account, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;
- (xii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (xiii) No labour camp shall be established on the forest land;
- (xiv) 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;
- (xv) 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;
- (xvi) 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;
- (xvii) The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
- (xviii) Following activities shall be undertaken by the User Agency under the supervision of the State Forest Department:



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- (a) Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three years 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
- (xix) 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 0.40), if any, located in the area within 100 m. from outer perimeter of the mining lease. The plan for plantation and SMC activities will be prepared and submitted to MoEF &CC before Stage-II Clearance;
 - (xx) No damage shall be caused to the top-soil and the user agency will follow the top soil management plan
 - (xxi) The forest land shall not be used for any purpose other than that specified in the proposal;
 - (xxii) 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) No damage to the flora and fauna of the adjoining area shall be caused;
 - (xxiv) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost;
 - (xxv) The user agency shall take up protection and conservation measures for wildlife found in the areas in consultation with State Forest department;
 - (xxvi) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 - (xxvii) The user agency will abide by the applicable recommendations of the State Government;
 - (xxviii) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
 - (xxix) 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 ponds and water bodies to be prepared in
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consultation with forest department and shall be submitted to MoEF & CC before Stage-II approval;

- (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;
- (xxxi) 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;
- (xxxii) 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; and
- (xxxiii) **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;**

After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Madhya Pradesh, final / stage-II approval for diversion of the said forest land under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the said forest land to the user agency shall not be effected by the State Government of Madhya Pradesh till final/stage-II approval for its diversion is issued by this Ministry.

Yours faithfully,

(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

Copy to:-

1. The PCCF, Government of Madhya Pradesh, Bhopal.
2. The Addl. PCCF (Central), Regional Office, 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.

(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)