

**Subject: Diversion of 134.424 hectares of forest land for Jadugauda Uranium Ore Mining and Uranium Ore Processing Plant Project in Village Ichra, Mechua under Jamshedpur Forest Division in Under Ground Mining for 100.681 hectares and 33.743 hectares for Open Cast Tilaitand, Tehsil Dhalbhumgarh, District East Singhbhum Jharkhand by M/s. Uranium Corporation of India Limited.**

1. The State Government of Jharkhand, Department of Environment, Forests & Climate Change, vide his letter No. Van Bhoomi – 21/2015/362 V. P. Ranchi dated 22<sup>nd</sup> January, 2016 submitted a proposal for prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 134.424 hectares of forest land for Jadugauda Uranium Ore Mining and Uranium Ore Processing Plant Project in Village Ichra, Mechua under Jamshedpur Forest Division in Under Ground Mining for 100.681 hectares and 33.743 hectares for Open Cast Tilaitand, Tehsil Dhalbhumgarh, District East Singhbhum Jharkhand by M/s. Uranium Corporation of India Limited.
2. The **proposal along with Site Inspection Report was placed in Forest Advisory Committee (FAC) in its meeting held on dated 03.05.2016.** The Committee after detailed deliberations recommended that:
  - i. State Government be asked to submit the report on violation within two weeks and submit present status of forest land in the proposed area. This should also address the discrepancy in the dates of renewal of leases and the period for which the mine was operating without any lease and in violation of the Acts / Rules in force.
  - ii. Further the State Government to examine and submit detailed report on under what authority were the User Agency allowed to carry out the operations without the approval of the Ministry and collection of Penal CA and Additional NPV.
  - iii. The Details of the compliance of Stage – II conditions in letter No. 8-49/1997-FC dated 20.04.1998.
3. The recommendation of FAC has been communicated to State Government of Jharkhand vide Ministry’s letter dated 27.05.2016 (**Pg.276/c**) for furnishing the information as sought by the FAC in its meeting held on 03.05.2016.
4. The State Govt. vide their letter no. Van Bhoomi -21/2015-4310 Ranchi dated 19.09.2016 (**Pg.280-326/c**) has submitted their response on this Ministry’s letter dated 27.05.2016 intimating **that there is a need to regularise the violation of Forest Conservation Act,1980.** The point-wise reply as given by PCCF, Govt. of Jharkhand is as under:

S. N.	Observation raised by MoEF & CC GoI	Clarification / report submitted by State Govt.
1.	State Government be asked to submit the report on violation within two weeks and submit present status of forest land in the proposed area. This should also address the discrepancy in the dates of renewal of leases and the period for which the mine was operating without any lease and in violation of the Acts / Rules in force.	<p>In this regard the State Government informed that the observation of Govt. of India, after careful consideration of all the available records and facts it is to clarify as under:</p> <p><b>I)The mining lease and operation of mine:</b></p> <ol style="list-style-type: none"><li>i. The original lease for Jaduguda mines was granted for 20 years from 16.10.1967 to 15.10.1987 for an area of 1312.62 Acres in the village of Ichra, Bhatin, Tilaitand and Mechua.</li><li>ii. An application for Ist renewal of Jadugoda Mining lease for 20 years (1987 to 2007) was submitted on 16.10.1986 by UCIL one year before the expiry of the lease as required under law.</li><li>iii. As the renewal order was not given in time, the mining was continued as per the deemed lease provision given under Sub rule 6 of Rule 24(A) of Mineral Concession Rules, 1960, which says <i>"If an application for the renewal of mining lease made within the time referred to in sub rule (1) is not disposed of by the State Govt. before the date of expiry of the lease, the period of that lease shall be deemed to have been extended by a further period till the state govt, pusses orders there on"</i></li><li>iv. The Ministry of Steel and Mines, Department of Mine, GoI conveyed its approval of renewal of Mining lease for 10 years i.e. 16.10.1987 to 15.10.1997 vide its letter no. 2/57/88-MIV dt. 25.4.1989.</li><li>v. 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 two years i.e. from 16.10.1997 to 15.10.2007, as clarified and conveyed by the Govt. of India, Ministry of Mines memo. no. 41108/2005/-MIV dated 21<sup>st</sup> Nov, 2005 (Pg. 299/c). However, no order was passed by the State Govt. following the</li></ol>

		<p>aforesaid lease renewal approval by GoI and the user agency continued as deemed lessee.</p> <p>vi. As the 1st renewal or 20 years was about to expire in the year 2007, another application was given by the UCIL for renewal of Mining lease for another 20 years in the year 2006 to the Govt. of Jharkhand. Since the 2nd renewal application also remain pending for consideration by the State Govt., the UCIL continued to operate the mines under Deemed lease clause provided under Rule 24A of MCR, 1960.</p> <p>vii. Later on the mining activities were stopped by the order of the State Govt. conveyed by the District Mining Officer vide letter no. 2276 dt. 6.9.2014 as per the amended Sub rule 6 of Rule 24 A of Mineral Concession Rules, 1960 as amended in the Year 2014, which says " <i>If an application for the first renewal of mining lease made within the time referred to in sub rule (1) is not disposed of by (lie state govt before the day of expiry of the lease, the period of that lease shall be deemed to have been extended by a further period of two years or till the state govt. passes orders there on, whichever is earlier.</i> "</p> <p>viii. The State Mining Dept., thereafter issued renewal orders of Mining lease vide its letter no. 2146 dated 07.10.14 (<b>Pg.300-305/c</b>) which stated that the 1st renewal was for a period of 20 years from 16.10.1987 to 15.10.2007 and the 2nd renewal was for a further period of 20 years from the date of execution of mining lease which would obviously be after 7.10.2014 (the date of State Govt.'s renewal letter) and <b>the same resulted in a confusion and questioning the validity of the period of mining from 16.10.2007 to 6.9.2014.</b></p> <p>ix. <b>The above confusion was resolved by the Mining Deptt's revised renewal letter No. BM-06-1030/90/2577/M. dated 07.12.2015 (Pg.306-307/c) which clearly says that:</b></p> <p>a) <b>1st renewal for 20 years from 16.10.1987 to 15.10.2007.</b></p> <p>b) <b>2nd renewal for 20 years from 16.10.2007 to 15.10.2027.</b></p> <p>x. Thus it appears that the mine was operating on deemed lease basis from the date of 1st renewal i.e. from 16.10.87 to till the date, when its activities were got stopped by the District Mining Officer vide letter no. 2276 dt. 6.9.2014 and since then the it is hot in operation.</p> <p>xi. As such, there appears no violation of the Act/Rules in force in the matter as mining operation being carried out as deemed lessee from 16.10.1987 to 6.9.2014.</p> <p><b>II)Forest clearance and operation of Mine:</b></p> <p><b>A. 1st renewal for 16.10.1987 to 15.10.2007.</b></p> <p>i. The User Agency UCIL applied for the approval under FC Act 1980, with effect from the date of 1st renewal i.e. 16.10.1987, which remained under examination at various levels till 17.10.1996, when RCCF, 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. The MoFF, GoI vide its letter no. 8-49/97-FC dt. 21.3.1997 granted temporary working permission to continue working in already broken up area and subsequently vide its letter no.8-48/97-FC dt. 24.7.1997 allowed the User Agency to work for a period of nine months up to 23.4.1988 pending final approval.</p> <p>ii. Finally, before the expiry of the aforesaid nine months temporary permission period, the MOEF. GOI conveyed its final approval vide letter no.8-49/97-FC dt. 20.04.1988 under Forest Conservation Act. 1980. This approval did not have any time limit and therefore can be said to be valid for the full period besides being co-terminous with mining lease.</p> <p>iii. After the grant of this final approval, operation of the mine under the authority of deemed lease clause does not constitute any irregularity or violation of FC Act.1980.</p> <p><b>B. 2nd renewal for 16.10.2007 to 15.10.2027</b></p> <p>i. From the records it is seen that while applying for 2nd renewal of mining lease, the User Agency UCIL submitted simultaneously its application for renewal under FC Act. Against the 2nd renewal of lease. on 7.9.2006 to the nodal officer. The</p>
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2.	Further the State Government to examine and submit detailed report on under what authority	<p><b>A. <u>Mining Lease</u></b></p> <p>The User Agency UCIL carried out the mining activities as deemed lessee as per Rule 24(A), clause no. 6 of Mineral Concession Rule,</p>

	were the User Agency allowed to carry out the operations without the approval of the Ministry and collection of Penal CA and Additional NPV.	<p>1960 till its amendment in 2014, when the activities were got stopped. As of now the lease has been renewed retrospectively from the expiry of the original lease i.e. from 16.10.1987 up to 15.10.2027 and therefore no violation appears to be done in the matter of mining lease.</p> <p><b><u>B. Forest clearance under FC Act 1980.</u></b></p> <p>During the period of 1st renewal i.e. for 16.10.1987 to 15.10.2007, the FC clearance was accorded vide letter no.8-49/97-FC dt.20.4.1998 and as such the mining operation was with the approval of the MoEF.</p> <p>During the period of 2nd renewal i.e. for the period from 16.10.2007 till 6 9.2014, as the mining was carried out under deemed lease clause of MCR, 1960 until its amendment in 2014, the FC clearance accorded as per the MoEF letter no. 8-49/97-FC dated 20.4.1998 holds good as the same was without any time limit and as such relevant for the period of 2nd renewal also, as interpreted by the Principal Chief Conservator of Forests-Cum-Executive Director, Waste Land Development Board, Jharkhand, Ranchi. This contention of the Principal Chief Conservator of Forests is also in agreement with the recent directives issued by the MoEF &amp; CC circular F.No. 11-51/2015-FC dt.1st May, 2015.</p> <p>As such the mining operation carried out by the User Agency UCII was under the Authority of the Ministry of Environment &amp; Forests / Principal Chief Conservator of Forests-Cum-Executive Director, Waste Land Development Board-cum-Nodal Officer, Jharkhand, Ranchi.</p>
3.	The Details of the compliance of Stage – II conditions in letter No. 8-49/1997-FC dated 20.04.1998.	In this regard, the Stated Government informed that the compliance of conditions of Stage II approval dated 20.4.1998 was already communicated vide PCC1. Bihar Lt. 06364, Dated 12.11.98 (( <b>Pg.278-279/c</b> ).

5. The Uranium Corporation of India Limited (UCIL) vide their letter dated 18.08.2016 (**Pg.278-279**) has also requested to extend the existing approvals issued under FCA, 1980 till the ore body is exhausted for the minerals listed in Part-B (Atomic Minerals) of the first schedule of MMDR Act, 1957 and the proposals of UCIL which are pending at various stages for clearance under FC Act may be disposed off. **In this regard, it is to mention here that the Ministry has issued a guidelines on 23.02.2017 stating that in case of existing mining leases in respect of Atomic Minerals specified in Part B of the First Schedule of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act 1957), period of validity of approvals Mineral Concessions Rules, 2016 accorded under the Section- 2 of the FC Act shall be extended, and shall be deemed to have been extended upto a period co-terminus with the period of mining lease or a period of 50 years, whichever is earlier, from the date of notification of the Atomic Mineral Concessions Rules, 2016 on 11<sup>th</sup> July 2016, subject to certain conditions prescribed therein.**
6. Since the State Govt. was forwarded the comments given by the PCCF only, therefore, the State Govt. was requested vide Ministry's letter dated 27.10.2016 (**Pg.327/c**) to submit complete para-wise report specifying the violation committed with period of continued violation of Forest (Conservation) Act, 1980 and who allowed violation as referred in para (i), (ii) and (iii) of the PCCF's letter no.794 dated 10.08.2016, so that responsibility may be fixed and appropriate decision may be taken by this Ministry as per the existing guidelines and rules.
7. Now, the State Government of Jharkhand, Department of Environment, Forests & Climate Change, vide his letter No. Van Bhoomi – 21/2015/958 V. P. Ranchi dated 03<sup>rd</sup> March, 2017 (**Pg. 341-378/c**) has submitted the information / documents in respect of Ministry's letter dated 27.10.2016 (**Pg. 327/c**). Information given by the State Government is as given below:
  - (i) The Validity of mining lease is not mentioned in the in-principal approval given by Ministry during the year of 1997 and the same is not mentioned in the Stage –II approval 1998.
  - (ii) With regard to validity of mining lease, para 4.16 of the MoEF & CC's Guidelines under the Forest (Conservation) Act, 1880 states the following :

*“The approval under the Forest (Conservation) Act, 1980 for diversion of forest land for grant/renewal of mining leases shall normally be granted for a period co-terminus with period of mining lease proposed to be granted under MMDR Act, 1957 or Rules framed thereunder, but not exceeding – 30 years.”*
  - (iii) As per the receipt representation of the PCCF, the doubt/ confusion has arisen due to non-mentioning of validity period in Stage-I/ Stage-II Clearance as stated in para 7(i) above and

non- clarity of validity of mining lease as mentioned at para 7(ii) above, and therefore, there was no need to consider the instant proposal in the meeting taken by PCCF on 07.08.2008 taking into consideration that M/s UCIL being a deemed lease in accordance with the provisions of MC Rules. Further, no decision is taken.

- (iv) In the background of the proposal for diversion of forestland for second renewal on as a deemed lease, the UCIL has continued the mining after 16.10.2007 till the Amendment in Mineral Concession Rules 1960 under section -24 (A) Act (6) in year 2014 dated 06/07.09.2014 and expiry of deemed lease of the project proponent i.e. UCIL and the work stopped.
  - (v) The project proponent has again submitted the proposal for diversion of forestland under the Forest (Conservation) Act, 1980 In the light of second renewal of mining lease for 20 years from 16.10.2007, which is under consideration.
8. The State Government further reported that thr position has arisen due to non-clarity in the sanctioned orders and guideline and requested that the Govt. of India at their level may take a decision in the light of present position.

In view of above, it is proposed that the above facts of the proposal may be placed before FAC for examination and appropriate recommendation in its forthcoming meeting to be held on 30.03.2017.

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