



सत्यमेव जयते

भारत सरकार / GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
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File No. 6-MPA047/2006-BHO / 330

Dated: 24 /05/2024.

To,

The Additional Director General of Forests (FC)
Ministry of Environment, Forest & Climate Change
Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi - 110 003.

Sub: Site Inspection for diversion of 354.258 ha of forest land/revenue forest land (314.743 ha of forest land +39.515 ha of revenue forest land =354.258 ha forest land) for Jhiria West Open Cast Coal Mining in favour of M/s South Eastern Coal Fields Limited, Anuppur District of Madhya Pradesh (*Online proposal No. - FP/MP/MIN/39881/2019*)-reg.

Ref: 1. MoEF&CC, (FC Division), New Delhi letter No 8-14/2020-FC dated 12 December, 2023.
2. APCCF & Nodal Officer, Govt. of MP letter dated F-1/FP/MIN/39881/2019/2585 dated 15.05.2024.

Sir,

With respect to the subject and reference cited above, the Site Inspection Report of Regional Office, Bhopal in respect of 354.258 ha forest land/revenue forest land (314.743 ha of forest land +39.515 ha of revenue forest land =354.258 ha forest land) for Jhiria West Open Cast Coal Mining in favour of M/s South Eastern Coal Fields Limited, Anuppur District in Madhya Pradesh is submitted herewith for further necessary action.

Yours faithfully

Encl : As above.

(A.K. Sinha)

Dy. Director General of Forests (C)

Copy to:

Shri Suneet Bhardwaj, AIGF, Ministry of Environment, Forest & Climate Change (FC Division), Indira Paryavaran Bhawan, Jor Bag Road, Aliganj, New Delhi.

INSPECTION OF RAJNAGAR RO UNDERGROUND MINE

Date of Inspection: 31/01/2024

Officers present:

1. Shri A. K. Sinha, DDGF (C)
2. Shri S. K. Prajapati, DFO Anuppur
3. Shri S. K. Mishra, AGM, Hasdeo area, SECL
4. Shri A. K. Nigam, FRO, Kotma
5. Shri S. K. Sinha, Chief Manager Mining, SECL

Reference: GoI, MoEF&CC (FC Division), letter No. 8-14/2020-FC, Dated-12th December, 2023.

Subject: Proposal for diversion of 354.258 ha of forest land/revenue forest land. (314.743 ha of forest land +39.515 ha of revenue forest land=354.258 ha forest land) for Jhiria West Open cast Coal Mining in favour of M/s. South Eastern Coal fields Limited, Anuppur District of Madhya Pradesh (Online No. FP/MP/MIN/39881/2019).

Vide reference cited above MoEF has instructed the DDGF RO Bhopal as follows:

1. *The Regional Office Bhopal shall carry out inspection of the area included in the forest land diversion proposal of Rajnagar RO underground mine whose Stage-II Approval has not been obtained till date and submit a report regarding the violation of FCA,1980.*
2. *The Regional Office shall examine the area proposed to be used for over burden dumps, Belt, CHP & Siding etc. in the instant case and submit a report regarding violation of FCA,1980.*
3. *The State shall revisit the Compensatory Afforestation areas keeping in view the observations raised by the Regional Office in Site Inspection Report and take corrective measures accordingly. The Regional Office shall ensure that the corrective measures as envisaged in the SIR have been taken by the State.*

Accordingly, an inspection was done on 31/01/2024 in presence of the above mentioned Officers of Rajnagar RO underground mine. It is observed that a proposal for diversion of 502.00 ha was submitted dated 18.03.2002 by SECL. The 502.00 ha forest land proposed for diversion consisted of 323.349 ha Reserved forest and 178.651 ha Protected forest.

The entire 502.00 ha Forest land proposed for diversion is required for underground mining. In addition to this, 123.56 ha forest land (a part of the 502.00 ha) is required for surface use with the following detail:

Sl. No.	Details of work	Proposed Forest Land in ha.
1	Railway Siding	18.336
2	Residential Colony	8.526
3	Construction of Magazene	0.700
4	Mining Work	43.643
5	Mining Work	36.587
6	Residential Colony	6.359
7	6A/6B Incline	3.326
8	Stadium (Fresh proposal)	6.090
Total		123.567

Background note of the proposal:

Rajnagar RO project has total lease area of 1848.113 ha. Out of this 791.071 ha is forest land. The underground mining in 289.071 ha forest land has already been completed and is no longer required by the User Agency and the same is proposed to be returned to the State Forest Department. The remaining forest land i.e. $791.071 - 289.071 = 502.00$ ha is proposed for renewal for underground mining. Similarly, total 186.418 ha forest land (a part of the above leased area only) had been approved so far by Government of India or by Government of Madhya Pradesh. Out of 123.567 ha only 117.477 ha is proposed for renewal and the rest 6.090 ha is a fresh proposal for already constructed Stadium. Out of 186.418 ha which was approved by Govt. of India or by Govt. of Madhya Pradesh only $(186.418 - 117.477) 68.941$ ha is not proposed for renewal for surface use.

The proposal was granted Stage-I approval vide MoEF & CC letter no. 8-145/2006-FC dated 10.01.2008 (Annexure-I). The condition no. 1,2,3,4 of the said approval is as follows:

- i. Compensatory Afforestation shall be raised and maintained over non-forest land equal in extent to the forest land proposed to be diverted (i.e. over 123.56 ha). The User agency shall transfer the cost of Compensatory Afforestation and its maintenance to the State Forest Department.
- ii. The State Government shall immediately transfer and mutate the non-forest land identified for Compensatory Afforestation in favour of the State Forest Department.
- iii. The non forest land identified for raising Compensatory Afforestation shall be notified as Reserved forest under section 4/ Protected forest land section 29 of the Indian Forest Act 1927, by the State Forest immediately.
- iv. Penal Compensatory Afforestation shall be raised and maintained over degraded forest land twice in extent to the forest land worked in violation

of the forest (conservation) Act, 1980 (i.e. $(8.526+6.359+6.090) = 20.975$ ha $\times 2 = 41.950$ ha). The User Agency shall transfer the cost of penal Compensatory Afforestation and its maintenance to the State Forest Department.

The User Agency requested MoEF & CC to the letter no. CGM (HSD)/2012/Van/65 dated 20.07.2012 to modify conditions no. 2.1 and 2.4 of the Stage-I approval dated 10.01.2018 i.e. raising of CA over equivalent non forest land and Penal CA over double the area (41.950 ha) used in violation of Forest (Conservation) Act, 1980, respectively. Upon this MoEF & CC vide letter no. F. No. 8-145/2006-FC dated 19.02.2014 (Annexure-II) replied that State Government may direct the user Agency to furnish the status of compliance of rest of the conditions stipulated in the Stage-I approval as the State Government /User Agency has failed to submit compliance report even after lapse of period of 4 years.

Accordingly, the compliance report was submitted to MoEF&CC vide letter no. F-1/428/2006/10-11/2034 dated 19.08.2015 (Annexure-III). Subsequently vide letter dated 14.06.2016 (Annexure-IV) and 09.03.2017 (Annexure-V), the State Government of MP requested MoEF&CC to grant Stage-II approval as all the compliances were completed as instructed by them. In response to the same MoEF&CC conducted an FAC meeting dated 26.07.2018.

The MoEF & CC vide letter no. No. 8-145/2006-FC dated 04.09.2018 (Annexure-VI) instructed the State Govt. of MP/Chhatisgarh as follows:

- i. State Government shall submit the status of CA carried out by the State Government in lieu of the diverted forest land for which renewal proposal is under consideration of MoEF & CC. If the CA done in the past against the same land is as per MoEF& CC guideline, no CA shall be insisted upon on renewal of approval. If there is gap between the requisite CA as per the guideline and actually carried out in the field then the balance CA shall be raised over degraded forest land equivalent to double the extent of the gap. State Government shall submit the revised CA scheme accordingly.
- ii. Compensatory Afforestation, if done, shall be as per the MoEF&CC guidelines dated 08.11.2017.

Accordingly, the User Agency in its compliance stated that the cost of raising Compensatory Afforestation as per demand raised by the DFOs were paid to the respective DFOs which is evident from the compliance report submitted by the

respective DFOs. The reports on the status of CAs raised by the concerned DFOs are still pending with the State Government.

1) *The Regional Office Bhopal shall carry out inspection of the area included in the forest land diversion proposal of Rajnagar RO underground mine whose Stage-II Approval has not been obtained till date and submit a report regarding the violation of FCA,1980.*

1) Railway Siding: The railway siding involving diversion of 18.336 ha, was granted approval vide letter dated 01.12.1983 (Annexure-VII) from Ministry of Agriculture and cooperation, Govt. of India. Accordingly, as per the compliance report of DFO Anuppur, the cost of raising CA was deposited with DFO Shahdol and the CA target was allotted to Bilaspur Circle (Annexure-VIII). As per Stage-I condition no. (v), the payment of NPV has already been adjusted in the 350 Cr paid to CEC by the User Agency, as per instruction of the Hon'ble Supreme Court (Annexure-IX). During the inspection, the representative of SECL informed that the Part of the said railway siding (about 300 meter in length) falling in reserved forest is not required anymore and hence required to be dismantled and returned to the State Forest Department. It was further observed that the said part of the railway siding comprising of single railway track was bounded by concertina coil on both the sides. The same may cause injury to the wildlife in the area and hence it is suggested to dismantle the railway track along with concertina coil as they are no longer required and returned to the Forest Department.

Therefore, it is observed that the construction of railway siding falling in the reserve forest is as per Central Government approval and about 300 meter from tail end it is no longer in use and required to be dismantled and returned to State Forest Department.

Hence there is no violation in this case.

2) Residential Colony: There are two residential colonies in the proposed diversion area of 502.00 ha for the Rajnagar RO underground mining project. They are as follows:

- a) Residential colony (Type A):-8.526 ha
- b) Residential colony (Shanti Nagar):-6.359 ha

It is observed that the two residential colonies were constructed with the approval of MP Govt. (Annexure-X & XI) and did not have any approval of Govt. of India, though the colonies were constructed in Reserve Forest. **Hence, there is violation of FCA, 1980.** The colonies are still inhabited.

As per Stage-I condition no. (v), the payment of NPV has already been adjusted in the 350 Cr paid to CEC by the User Agency, as per instruction of the Hon'ble Supreme Court. The cost of raising CA was already paid on 28.08.1986 to the Forest Department as evident from the compliance report submitted by DFO Anuppur (copy enclosed) (Annexure-XII & XIII). As per Stage-I condition no. (iv), the payment of raising and maintaining Penal CA over DFL twice in extent to the forest land, has not yet been paid.

3) Construction of Magazene: It was observed that a Magazene was constructed in an area of 0.70 ha and was still in use. Further, it is observed that permission of Govt. of India was obtained vide letter no. 8-104/81FRY dated 18.03.1982 for construction of the said Magazene with certain conditions (Annexure-XIV). Accordingly, as compliance to the instructions contained in the approval letter, the cost of raising of CA was already paid to the Forest Department, as per the compliance report of DFO Anuppur (Annexure-XV). Also the target for raising the CA was assigned to Bilaspur Circle. As per Stage-I condition no. (v), the payment of NPV has already been adjusted in the 350 Cr paid to CEC by the User Agency, as per instruction of the Hon'ble Supreme Court. Since the same Magazene is proposed for renewal which was constructed after approval dated 18.03.1982 and there is no any further addition to the same, **there is no violation in this case.**

4) Mining Work: The proposal for renewal has been applied for two patches for mining works i.e. 43.643 ha (Sector-B) and 36.587 ha (Sector-E). It was observed that in the said two patches, the SECL had taken up open cast mining for extraction of Coal. The open cast mining in 43.643 ha (Sector-B) continued its operation up to 01.01.2008 and in 36.587 ha (Sector-E), it continued its operation up to March, 2015. On the date of inspection it was observed that the said two open cast mines were not in operation and were already reclaimed and the areas were planted. As per Stage-I condition no. (v), the payment of NPV has already been adjusted in the 350 Cr paid to CEC by the User Agency, as per instruction of the Hon'ble Supreme Court.

The mining work involving diversion of 43.643 ha which is a part of 83.083 ha, was granted approval vide letter dated 29.03.1994 from Ministry of Environment & Forest, Govt. of India (Annexure-XVI).

The mining work involving diversion of 36.587 ha which is a part of 55.030 ha, was granted approval vide letter dated 12.09.1996 from Ministry of Environment & Forest, Govt. of India (Annexure-XVII).

Accordingly, as compliance to the instructions contained in the approval letters mentioned above, the cost of raising of CA for 83.083 ha was already paid to the Forest Department, as per the compliance report of DFO Anuppur. The non forest land for raising CA was made available to DFO Tikamgarh (Annexure-XVIII).

Accordingly, as compliance to the instructions contained in the approval letters mentioned above, the cost of raising of CA for 55.030 ha was already paid to the DFO South Shahdol vide DD no. 649499000002000-16 dated 23.11.1996, as per the compliance report of DFO Anuppur. The CA was taken up on 110.00 ha DFL (Annexure-XIX).

As per earlier permission granted in the year 1994 and 1996, the period of working permission was coterminous with mining lease which was up to 30.04.2003. Accordingly, the SECL has applied for renewal under FC Act, 1980 in the year 2001. As per judgment of Hon'ble Supreme Court dated 08.09.2006, the SECL authority were directed to continue mining subject to deposition of Rs.100 crore within one week and another Rs. 200 crore within two months from the date of the order. Subsequently, MoEF&CC also issued an order dated 28.09.2006 to this effect (Annexure-XX). **Therefore, there is no violation in the instant case.**

- 5) **6A/6B Incline:** The area proposed for renewal of mouth of incline is 3.326 ha. It is observed that permission of Govt. of India was obtained vide letter no. 8-387/82FRY dated 21.05.1983 for digging incline mouth with certain conditions (Annexure-XXI). Accordingly, as a compliance to the instructions contained in the approval letter, the cost of raising of CA was already paid to the Forest Department and raising of CA was carried out in double the area i.e. 6.652 ha in degraded forest land in Bilaspur Circle, as per letter dated 24.06.1997 of DFO Shahdol South and letter dated 29.03.2004 of DFO Anuppur to CCF(LM) Bhopal (Annexure-XXII & Annexure-XXIII). As per Stage-I condition no. (v), the payment of NPV has already been adjusted in the 350 Cr paid to CEC by the User Agency, as per instruction of the Hon'ble Supreme Court. **However, the 6A/6B incline is not in operation since 2007 and the same can be handed over to the State Forest Department.**

As per judgment of Hon'ble Supreme Court dated 08.09.2006, the SECL authority were directed to continue mining subject to deposition of Rs.100 crore within one week and another Rs. 200 crore within two months from the date of the order. Subsequently, MoEF&CC also issued an order dated 28.09.2006 to this effect (Annexure-XX). **Therefore, there is no violation in the instant case.**

6) Stadium (Fresh proposal): A stadium spread over 6.090 ha was observed to be constructed without the approval Govt. of India. As per the letter no. machi/2006/1757 dated 03.11.2006 of CF Shahdol Circle to PCCF (LM), the said stadium is shown to be constructed before 1980 (Annexure-XXIV). As per observation made in the field, the stadium has facility like visitors gallery covered with shade on the main entrance and also some construction on the opposite side. There is also black top approach road laid on three sides of the stadium. It was also observed that the stadium was in use. From the looks of the construction, it is observed that the same is not so old and might have been renovated after 1980 as the same structures are observed in Google Imagery of 2010. As per Stage-I condition no. (v), the payment of NPV has already been adjusted in the 350 Cr paid to CEC by the User Agency, as per instruction of the Hon'ble Supreme Court. As per Stage-I condition no. (iv), the payment of raising and maintaining Penal CA over DFL twice in extent to the forest land, has not yet been paid. The records pertaining to renovation and addition of structures to the stadium could not be presented by the SECL authorities. Therefore, it is very difficult to ascertain the date of renovation/addition of any structures to the stadium to conclude the date from which the violation has taken place.

2) The Regional Office shall examine the area proposed to be used for over burden dumps, Belt, CHP & Siding etc. in the instant case and submit a report regarding violation of FCA,1980.

The User Agency i.e SECL has submitted proposal for Jhiriya West Open Cast Coal Mine Project in Anuppur Forest Division for diversion of 354.258 ha. The SIR of RO, Bhopal for the same has already been submitted to MoEF&CC, New Delhi. Under this proposal the proposed diversion area has breakup as follows:

- | | |
|-----------------------|--------------|
| a) Quarry Area | : 280.399 ha |
| b) Mining Safety Zone | : 70.618 ha |
| c) Road | : 3.241 ha |

As per the approved mining plan of Jhiriya West Open Cast Coal mining project (FP/MP/MIN/39881/2019), the dumping of over burden has to be done internally in the proposed diversion area itself. The same is proposed to be rehandled at the time of extraction of Coal beneath the over burden dump. While rehandling the OB, the same would be dumped in de-coaled area of the quarry.

As per the approved mining plan of Jhiriya West Open Cast Coal mining project (FP/MP/MIN/39881/2019), the transport of extracted Coal is proposed to be done by Tippers from Coal face to Rajnagar Railway siding by road. A portion of the said road is falling in reserved forest for which diversion of 3.241 ha has already been proposed in the said proposal.

The Coal Handling Plant (CHP) is located in the railway siding at Rajnagar. The CHP is composed of bunker, conveyer belt, Coal dump yard and Railway line. All these structures were found to be outside the RF/PF/Revenue Forest. Hence, belt, CHP & siding do not attract provisions of Forest Conservation Act.

Taking into consideration the facts as mentioned above, the proposal for Jhiriya West Open Cast Coal mining project (FP/MP/MIN/39881/2019) seems to be not linked with any Forest Conservation issues in the existing Rajnagar RO underground mine project and its Coal handling plant in the railway siding at Rajnagar.

3) The State shall revisit the Compensatory Afforestation areas keeping in view the observations raised by the Regional Office in Site Inspection Report and take corrective measures accordingly. The Regional Office shall ensure that the corrective measures as envisaged in the SIR have been taken by the State.

The Site Inspection of RO, Bhopal for Jhiriya West Open Cast Coal mining project (FP/MP/MIN/39881/2019) was done on 08.12.2022. During the site inspection of following CA areas were taken up-

1) Bijuri-RF-536, Area: 45.00 ha

The area as seen from the Google Imagery shows that there exists one pre plantation. During inspection of the said area it was found that digging of staggered contour trenching was done by the State Forest Department as soil and moisture conservation measure. These structures were perceived to be a pre plantation activity. However, there was no any semblance of pre plantation activity. Moreover such SMC works will only help the CA plantation which will be carried out in future. The State Govt. has proposed **only 30.00** ha plantation CA scheme in the patch of 45.00 ha due to existence of certain unplatable area. Hence, the area is suitable for raising CA as proposed by the State Govt.

2) Bijuri-PF-562, Area: 50.00 ha

During the inspection, it was found that the area is having several Bamboo clumps and sporadic rocky outcrops which cannot be planted. In view of this it was suggested in the SIR that the CA area may be increased to accommodate requisite no. of plants i.e. 50,000. Accordingly, the State Govt. vide letter no. F-1/FP/MP/MIN/39881/2019/2585 dated 15.05.2024 has

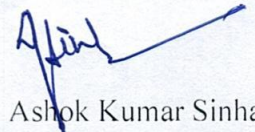
reported that the required adjustment has been made in the CA by increasing the area from 50.00 to 60.00 ha. The KML of the same has also been submitted and found to be satisfactory. The area is now found to be suitable for raising CA.

3) Bijuri-PF-566, Area: 50.00 ha

The area as seen from the Google Imagery shows that there exists one pre plantation. During inspection of the said area it was found that digging of staggered contour trenching was done by the State Forest Department as soil and moisture conservation measure. These structures were perceived to be a pre plantation activity. However, there was no any semblance of pre plantation activity. Moreover such SMC works will only help the CA plantation which will be carried out in future. The State Govt. has proposed scheme for 50.00 ha plantation in a patch of 55.00 ha as about 5.00 ha area is unplatable in nature. Hence, the area is suitable for raising CA as proposed by the State Govt.

4) Kotma-PF-430, Area: 50.00 ha

During inspection, it was observed that the area included a hillock with steep slope and good vegetation cover all around. An open PF area was observed to be lying vacant with moderate slope without any vegetation. In view of this, it was suggested to include the vacant PF lying on the side in the CA area instead of already forested hillock with steep slope. Accordingly, the State Govt. vide letter no. F-1/FP/MP/MIN/39881/2019/2585 dated 15.05.2024 has reported that the required adjustment has been made in the CA by increasing the area from 50.00 to 84.00 ha by including the vacant PF area lying on the side and as suggested. However, plantation scheme of only 50.00 ha has been submitted in 84.00 ha patch as 34.00 ha area is unplatable in nature. The KML of the same has also been submitted and found to be satisfactory. The area is now found to be suitable for raising CA.



Ashok Kumar Sinha
Dy. Director General of Forests (C)
Regional Office, Bhopal

FIELD PHOTOGRAPHS

