

Sub: Proposal seeking prior approval under Forest (Conservation) Act, 1980 for non-forestry use of 277.15 ha of forest land in favour of M/s Central Coalfield Limited for Rajrappa Open Cast Coal Mining Project in Bokaro Forest Division, District Bokaro (Jharkhand) –reg.

1. Detailed factsheet of the proposal may kindly be perused at <http://parivesh.nic.in>.
2. The proposal was considered by the FAC in its meetings held on 24.11.2015 and 26.10.2018 wherein FAC, after examination of the proposal, sought following additional detail:
 - (i) On perusal of land use plan it is learnt that 102.8 ha forest land is proposed for infrastructure component. User agency/State government shall give detail break up of this land use. State government shall explore possibility to use non forest land for non site specific activities within the mining lease
 - (ii) State government shall explore the possibility of taking up CA from the reclaimed non-forest mined out area within total mining lease of 3300.53 ha.
 - (iii) State government shall provide the detail of NPV amount paid against the forest area within total mining lease.
 - (iv) MoEF&CC may seek legal advice from MoLJ regarding payment of NPV amount for entire forest area within a mining lease as per MoEF&CC guideline no 11-599/2014 dated 1.4.2015.
 - (v) State government shall clarify the status of 59.53 ha land which is reported to be part of Block II and which is not part of present Mining plan of Rajrappa OCP block II. It may be clarified whether the patch of 59.53 ha is under management control of forest department and managed under working plan or not. Status of other part of forest area which is not diverted under the provisions of FCA 1980 may also be clarified.
 - (vi) No tree felling and mining work is to be carried out within 50 meter width along the river bank. The area is to be maintained as green belt.
 - (vii) Soil and moisture conservation plan shall be prepared in consultation with forest department to minimize adverse effect of mining over Damodar River.
 - (viii) State Government may also explore the possibility of underground mining.
3. The State Government, vide their letter dated 19.07.2019 submitted reply to the observations of the FAC. Summary of the same is given as under:

S. No.	Observation made by MoEF&CC	Reply from the State Government
i.	On perusal of land use plan it is learnt that 102.8 ha forest land is proposed for infrastructure component. User agency/State government shall give detail break up of this land use. State government shall explore possibility to use non forest land for non site specific activities within the mining lease	In this regard, the State Government informed that the user agency has submitted the area wise break up of infrastructure component in which the area proposed for infrastructure is not 102.80 ha but it is 102.80 acres (41.61 ha) in which only 1.74 ha of the forest area will be utilized for construction of conveyer belt and rest 39.87 ha land will be used as green zone. The revised break up submitted by the user agency may accept as the conveyer belt system has to carry coal from the query and cannot be shifted to non-forest area.

S. no.	Particulars in use of land	Area Required (ha)	Tenancy (ha)	Forest (ha)	Jungle-Jhari (ha)	GMK/GMA (ha)	Total required of Forest & JJ Land (ha)
1	Quarry	389.25	179.13	40.21	129.84	40.07	277.15 ha
2	Infrastructure	74.42	36.20	1.74	22.51	13.97	
3	Embankment	79.72	14.93	16.06	24.53	24.20	
4	Safety Zone	2.39	0	0.81	1.58	0	
5	Green Zone	39.87	0	39.87	0	0	
Total		585.65	230.26	98.69	178.46	78.24	
ii.	State government shall explore the possibility of taking up CA from the reclaimed non-forest mined out area within total mining lease of 3300.53 ha.	In this regard, the State Government informed that the compliance report of user agency is attached herewith at in which the user agency has handed over 24.71 ha afforested dump to DFO, Ramgarh. Out of 24.71 ha land 16.20 ha is non-forest land & 8.51 ha is GMJJ.					
iii.	State government shall provide the detail of NPV amount paid against the forest area within total mining lease.	In this regard, the State Government informed that the compliance report has been submitted by the user agency in which it has reported that the NPV amount has been deposited. DFO, Bokaro/Ramgarh have been directed to submit a verification report with respect to deposit of the NPV amounts.					
iv.	State government shall clarify the status of 59.53 ha land which is reported to be part of Block II and which is not part of present Mining plan of Rajrappa OCP block II. It may be clarified whether the patch of 59.53 ha is under management control of forest department and managed under working plan or not. Status of other part of forest area which in not diverted under the provisions of FCA 1980 may also be clarified.	In this regard, the State Government informed that the RCCF, Bokaro reported that the status of 59.53 ha forest land, which is reported to be part of block II, and which is not part of present mining plan of Rajrappa OCP, Block II, is still under management control of Forest Department and is managed as per the prescription of working plan. The status of other parts of forest area, which is not diverted under the provision of FC Act, 1980, is also under management control of forest department and is managed as per the prescription of working plan.					
v.	No tree felling and mining work is to be carried out with in 50 meter width along the river bank. The area is to be maintained as green belt.	In this regard, the State Government informed that an undertaking that no tree felling and mining within 50 m width along the river banks and area shall be maintained as green belt has been enclosed by CCL.					
vi.	Soil and moisture conservation plan shall be prepared in consultation with forest department to minimize adverse effect of mining over Damodar River.	In this regard, the State Government informed that the soil and moisture conservation plan along with the compliance report for minimizing the adverse effect of mining over Decoder River has been submitted by CCL.					
vii.	State Government may also explore the possibility of underground mining.	In this regard, the State Government informed that the user agency has reported on the basis of CMPDIL report that, underground mining is					

	not feasible in the area in question due to presence of 25 nos of faults and the steep gradient of coal seam (1:3).
--	---

4. Examination of the said additional information submitted by the State Government revealed certain shortcomings, which were conveyed to the State Government vide Ministry's letter dated 1.10.2019 (Page 871/c).
5. Government of Jharkhand, vide their letter dated 9.06.2020 received through email dated 6.07.2020, submitted the reply to the observations of the MoEF&CC. Summary of the same is given as under:

S. No.	Particulars of information sought	Status of compliance
(i)	<p>With regards to requirement of the area for the infrastructure, the State Government had informed that area required for the same is 102.80 acres (41.61 ha) and out of the total area proposed for infrastructure, only 1.74 ha of forest land has been reported to be used for conveyor belt while remaining area of 39.87 ha has proposed to kept as green zone. There seems discrepancy in the area mentioned under infrastructure as the revised component wise breakup provided by the State Government mention the total area under the infrastructure as 74.42 ha, comprising of 36.20 ha of tenancy land, 1.74 of forest land, 22.51 ha of Jungle Jhari land and 13.97 ha of Gair Mumkin land. Figure of 41.61 ha does not match with the revised component wise breakup provided by the State Government.</p>	<p>It is mentioned that initially total area required for infrastructure was submitted as 41.61 ha of notified forest. Subsequently, while replying to the observations of FAC dated 26.10.2018, requirement of notified forest land earmarked for infrastructure was reduced from 41.61 ha to 1.74 ha only and the remaining area of 39.8 ha (41.61 ha - 1.74 ha) is proposed to be kept as a green zone. Also, total area under infrastructure is 74.42 ha only comprising of 36.20 Ha Tenancy Land, 1.74 Ha of notified forest land, 22.51 Ha of Jungle Jhari Land and 13.97 Ha of GMK/GMA Land.</p> <p>Citing the above justification, the State Government has re-iterated the component wise breakup of area required for the proposal. However, a view needs to be taken on the inclusion of 35.8 ha of notified forest land in the project, not in the diversion proposal (though proposed to be remain under the possession of User Agency) which is currently not required by the User Agency and is proposed to be kept intact as green belt and is included as infrastructure are under the project.</p>
(ii)	<p>With regards to raising CA over mined out and reclaimed non-forest land, it is reported by the State Government that the User Agency has handed over an afforested area of 24.71 ha, comprising of 16.20 ha of non-forest land and 8.51 ha of Jungle Jhari land to the DFO. Detail of the land handed over by the User Agency may kindly be seen at page 901/c. However, detail pertaining to the possession of the same by the State Forest Department has not been submitted along with the compliance. Further, as the land is proposed for CA, corresponding details viz.</p>	<p>It is mentioned that an area of 24.71 ha of land has already been reclaimed, afforested and handed over to DFO Ramgarh. The inspection of said land was done by DFO Ramgarh in July, 18. The plot-wise details along with part plan have been submitted to State Forest Department. Details of lands handed over to the DFO has been submitted and the same is available at page 889/c. However, supporting detail of possession of such lands by the Forest Department have not been submitted along with compliance.</p> <p>It is further mentioned by the User Agency that</p>

	<p>scheme for plantation or SMC works, as may be applicable, KML/shape files, etc. also needs to be submitted by the State Government.</p>	<p>after completion of mining operations, forest land will be handed over back to the Forest Department.</p> <p>State Government/User Agency also clarified that 24.71 ha of land is not a part of CA land proposed for Rajrappa OCP. CA over 554.30 ha, in lieu of extant proposal of 277.15 ha, has already been identified and relevant attributes of the same were submitted.</p>																				
(iii)	<p>As regards to NPV, it is informed that an amount of Rs. 98,4256,385/- has been deposited by the User Agency for an area of 1353.44 ha. However, the State Government did not clarify whether the NPV has been realized in respect of entire forest land or otherwise. Further, as per detail furnished in the PCCF's letter dated (Pg 21/N), total forest area (out of total project area of 3300.53) has been reported to be 1298.39 ha while NPV has been deposited in respect of 1353.44 ha of forest land. Discrepancy in the detail of forest area needs to be rectified by the State Government.</p>	<p>It is informed that as per details provided to ED cum PCCF Office, Jharkhand in the year 2013, total forest land was 1298 ha.</p> <p>However, subsequently, in accordance with the MoEF&CC guidelines dated 1.04.2015 mandating to pay NPV of the entire forest land involved in the proposal, including Jungle Jhari land, plot wise land schedule of project consisting of Block, I, IV and I & IV Extension was prepared resulting into additional area increase. As per the prepared land schedule, total forest area (notified forest + jungle jhari) comes to 1353.44.</p>																				
(iv)	<table border="1"> <thead> <tr> <th>S. No.</th> <th>Block</th> <th>Total forest area (ha)</th> <th>Protected Forest (ha)</th> <th>Jungle Jhari (ha)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Blocks I, IV and I & IV Extension</td> <td>1076.29</td> <td>777.45</td> <td>298.84</td> </tr> <tr> <td>2</td> <td>Block II</td> <td>277.15</td> <td>98.69</td> <td>178.46</td> </tr> <tr> <td></td> <td>Total (in Ha)</td> <td>1353.44</td> <td>876.14</td> <td>477.30</td> </tr> </tbody> </table>	S. No.	Block	Total forest area (ha)	Protected Forest (ha)	Jungle Jhari (ha)	1	Blocks I, IV and I & IV Extension	1076.29	777.45	298.84	2	Block II	277.15	98.69	178.46		Total (in Ha)	1353.44	876.14	477.30	
S. No.	Block	Total forest area (ha)	Protected Forest (ha)	Jungle Jhari (ha)																		
1	Blocks I, IV and I & IV Extension	1076.29	777.45	298.84																		
2	Block II	277.15	98.69	178.46																		
	Total (in Ha)	1353.44	876.14	477.30																		
(v)	<p>As per the extant guidelines of the ministry and various ruling of the Courts, proposal for entire forest land involved in the mining lease should have been submitted by the User Agency for seeking prior approval of the Central Government. So far, the user Agency has obtained approval of the Central Government under the Forest (Conservation) Act, 1980 for 510.12 ha out of the total reported forest area of 1298.39 ha, while approval in respect of remaining forest land of 788.27 ha, including 277.15 (being dealt under the extant proposal) is yet to be obtained by the User Agency. The State Government in its earlier letter dated 17.07.2015 (Pg 33/N) has reported that no proposal in respect of balance area of 510.12 ha has been submitted by the User Agency.</p>	<p>It is mentioned that land was acquired under CBA Act, 1957. Total forest area (including JJ) under Rajrappa OCP is 1353.44 ha. Stage-II approval has been obtained for 510.82 ha of forest land. The present proposal is for 277.15 ha and remaining forest land (including jungle jhari) is not required for any ongoing mining operations of Rajrappa Opencast Project.</p> <p>In future, if any forest land is required, clearance will be taken.</p> <p>NPV has already been paid for entire forest area of 1353.44 Ha as per guidelines of MoEF & CC.</p>																				

(vi)	<p>Examination of the same revealed that SMC Plan has been submitted only in respect of Block-II of the project. The Mining project of the User Agency has five Mining Blocks viz. I, II&III, II Extension, IV, II and I&IV. To ensure efficacy of the various provisions proposed for minimizing the adverse impact of mining on Damodar River SMC, comprehensive SMC Plan should be prepared for the entire Mining project covering all blocks.</p>	<p>It is mentioned that Rajrappa OCP is spread over Blocks I, II, IV and I & IV Extension only. Blocks III and Block II Extension are not a part of Rajrappa OCP. The present proposal is for 277.15 Ha forest land lying in Block II.</p> <p>It is further mentioned that all blocks are not falling in continuous stretch as River Damodar (approximate average width 270 feet) flows through the project with Block I, IV and I & IV Extension lying on the south-eastern side of River Damodar and Block II lying on the north - western side of River Damodar. Plan showing location of River Damodar and different blocks has been submitted (Pg 908/c).</p> <p>Citing the above geographical set up, it is mentioned that Block II is separated from the remaining Blocks by River Damodar and the work done in Block II will not affect the remaining Blocks.</p> <p>It is also mentioned that remaining forest land in these blocks is not required for any ongoing project. However, in future, if any new application is made, a comprehensive Soil & Moisture Conservation plan will be prepared.</p>
------	---	---

6. In view of the above information submitted by the State, it is proposed that the proposal may be submitted for the consideration of FAC, in its forthcoming meeting scheduled for 13th July, 2020.
