

Sub: Proposal for diversion of 323.49 ha of forest land for Purandih OCP mine in favour of M/s Central Coalfields Limited (CCL) in Chatra District, Jharkhand.

1. The State Government of Jharkhand vide their letter No. Van Bhumi-27/2016-3612/V.P. dated 27.08.2018 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. The facts related to the proposal as contained in the State Government's letter dated 27.08.2018 are given below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Proposal for diversion of 323.49 ha of forest land for Purandih OCP mine in favour of M/s Central Coalfields Limited (CCL) in Chatra District, Jharkhand.
2.	Location (i) State (ii) District	Jharkhand Chatra
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy.No. (iii) Map	Chatra South Forest Division, Forest Land 170.89 ha GM (JJ) 152.60 ha Total 323.49 ha Notified and demarcated forest land (Protected Forest) Attached
4.	Topography of the area	-
5.	(i) Geology (ii) Vulnerability to erosion	- The forest area is highly vulnerable to soil erosion
6.	(i) Vegetation (ii) Density (iii) No. of trees to be felled	Sakhuwa, Aasan, Paras, Karam, Thotha, Singha, Mahuwa etc. (Pg. 83/c). 0.4 (Eco class 3) Total 6789 nos. of trees enumerated
7.	Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden	No
8.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No
9.	Approximate distance of the proposed site for diversion from boundary of forest.	It is an open cast coal mining project. In which part area 170.89 ha of notified forest area lies within the forest.
10.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	No

11.	Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.	Yes, Out of total area 323.49 ha for diversion of forest land 152.60 ha is GMJJ and user agency has quarried out 101.73 ha of GMJJ without prior permission from Government of India. D. C. Chatra has already been requested to act vide Office of DFO's letter no. 2380 dated 29.09.2015.
12.	Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project, if no recommended area item-wise with details of alternatives examined.	Yes, this coal mining proposal is site specific and coal lies within the applied area which includes forest land & GMJJ. Therefore it is unavoidable and barest minimum for the proposal.
13.	Whether clearance under the Environment (protection) Act, 1986 is required?	Yes, PCCF, Jharkhand vide their letter 911 dated 21.09.2016 (Pg. 3-5/c) informed that Ministry vide its letter dated J-11015/36/2007-IA.II (M) dated 19.05.2009 (Pg. 109-113/c) accorded environment clearance for 751.74 ha while total lease area proposed for the instant project is 832.94 ha.
14.	Compensatory Afforestation	
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	Compensatory afforestation has been proposed over 650 ha degraded forest land in 11 patches.
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	Given
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	(Pg. 29-71/c)
	(iv) Total financial outlay for CA	Rs. 94261262.00 as reported in part-ii of Form A
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	Certificate regarding suitability of area for CA has been given by DFO, Chatra South Division but it is not reported that the area is free from encroachment and encumbrances (Pg. 28/c).
15.	Catchment Area Treatment	NA
16.	Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan	182 Schedule Caste – 108, Schedule Tribe – 74 R&R plan is given (Pg. 299-317/c)
17.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	Certificate for Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 for area of 170.91 ha issued by District Collector, Chatra (Pg. 259-298/c) Hence, FRA certificate of entire 323.49 ha of forest land is not given.
18.	Cost Benefit Ratio	1:4.79 (Pg. 144-145/c) In SIR, Regional Office mentioned cost benefit ratio is 1:15.39

19.	Total Cost of the Project	Rs. 2109.8 lakhs
20.	Employment likely to be generated a) Whether the project is likely to generate employment b) Permanent/ Regular Employment (Number of person) c) Temporary Employment (Number of person-days)	Yes 523 13075
21.	Recommendation i. DFO ii. CF iii. Nodal Officer iv Stage Government	Coal lies within the proposed area which includes forest area also and it is site specific proposal. Hence permission may be granted for coal mining activities if CCL pays all previous outstanding amount of revised NPV, CA and PCA with interests and also pay PCA or any other amount for mining out 101.73 ha of GMJJ without prior permission from MoEF&CC, New Delhi and furnish revised E. C. of 832.94 ha instead of 751.74 ha. (pg-25/c) Proposal has been recommended by the DFO, Chatra South Division with five conditions. It has also been that user agency has violated FCA, 1980. On the basis of recommendation of DFO, in-principle approval may be granted taking care of five conditions (pg-14/c) Recommended (pg-20/c) Recommended subject to following conditions (pg-2/c) i. Legal status of the diverted forest land shall remain unchanged. ii. The User Agency shall pay, NPV of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India; iii. The Agency shall pay the cost of maintaining the compensatory afforestation at the current wage rate for proposed double degraded forest land. iv. Any violation of conditions by the user agency will be consider under the provisions of guidelines issue by MoEF&CC no. 11-42/2017-FC dated 29.01.2018. v. All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.
22.	District Profile (i) Total Geographical area of the district (ii) Total Forest area/Divisional Forest area (iii) Total area diverted since 1980 (iv) Total CA stipulated since 1980 a. Forest land including penal CA b. Non Forest Land.	3732 Km ² 2013.7 Km ² 1184.207 ha. (18 proposals, upto stage-II) 1347.57 ha 53.79 ha

(v) Progress of Compensatory Afforestation	1157.17 ha
a. Forest land	Nil
b. Non Forest land	

3. Divisional Forest Officer, Chatra South Forest Division has recommended the proposal (Pg. 26/c) with following five conditions:

- i. User agency has attached letter no. 3-11015/36/2007.IA.II (M) dated 19.05.2009 of MoEF regarding E.C. for 751.74 ha comprising 136.00 ha Agricultural Land, 112.88 ha forest land, 242.86 ha wasteland, 6.68 ha surface water bodies and 253.22 ha settlement land. But this mining proposal is having 170.89 ha notified forest, 152.60 ha GMJJ and 509.45 non-forest land total 832.94 ha, CCL authority has submitted an undertaking to submit the rectified E.C. soon.
- ii. PCA or suitable punitive measure may be imposed for mining in 101.73 ha GMJJ land without prior permission from MoEF&CC, New Delhi.
- iii. CCL authority has to pay long pending amount of various collieries for revised NPV, CA and PCA. The details are as follows:

S. No	Name of project	Diverted forest area	Stage-II	NPV amount deposited earlier	Increment in NPV with rate (Rs.)	Amount of NPV payable	Year since amount pending	Amount of compound Interest @12%	Total payable amount
	Piparwar OCP	13.11	8-172/89-FC dt. 01.01.92	1900950.00 145000.00/ha	2091045.00 159500.00/ha	190095.00	18	1271728.00	1461823.00
	Piparwar Rilway Siding	79.29	8-24/94-FC dt. 25.01.95	11497050.00 145000.00/ha	16813764.00 212299.00/ha	5316714.00	18	35568604.00	40885318.00
	Piparwar OCP	28.22	8-48/98-FC dt. 30.07.98	4091900.00 145000.00/ha	8771407.00 310822.38/ha	4679507.00	18	31305715.00	35985222.00
	Piparwar OCP	101.87	8-54/09-FC dt. 01.10.03	59084600.00 580000.00/ha	79866080.00 784000.00/ha	20781480.00	12	60182667.00	80964147.00

Compensatory afforestation & Penal Compensatory Afforestation

S. No	Name of project	Diverted forest area	Stage-II	CA/PCA amount deposited earlier	Amount of additional CA/PCA payable	Year since amount pending	Amount of compound Interest @12%	Total payable amount	Remarks
	Piparwar OCP	101.87	8-54/03-FC dt. 01.10.03	6117272.13	464849.09	12	1346189.00	1811038.09	
	Piparwar OCP	43.30	-		PCA-14800000.00	3	5992934.00	20792934.00	

- iv. Compound interest @12% is imposed by audit team of Account General, Jharkhand in the year 2014-15. Hence amount of revised NPV, CA and PCA is calculated accordingly and Rs. 181900482.10 is yet not deposited by CCL even after several letters and reminders.

- v. Further, Rs. 1.48 Crore is imposed as PCA by audit team of Accountant General, Jharkhand, Ranchi in the year 2013-14 due to continuation of coal mining activity even after expiry of lease on 17.02.2012.
4. The Regional Office, Ranchi submitted the Site Inspection Report (SIR) of the area proposed for diversion vide their letter no FP/JH/MIN/13371/2015/3273 dated 08.07.2019 (Pg. 556-562/c). Facts reported by the Regional Office in its site inspection report are given as under:

1. Legal status of the forest land proposed for diversion:

Protected Forests notified under Indian Forest Act, 1927 - 170.89 ha

Gairmajarua Jungle Jhari Forests (GMJJF) - 152.60 ha

Non-Forest land required - 509.45 ha

Total area under lease - 832.94 ha

* Revised to 428.25 ha non-forest land and 751.74 ha aggregate area which relates to leasehold area of this project as against total acquired area.

2. Item-wise break-up details of the forest land proposed for diversion.

The item-wise break-up of the forest land and non-forest land are follows:

Sl No.	Component	Forest Land (ha)	Non-Forest Land (ha)
1	Quarry (mining work)	290.33	352.05
2	OB Dum	22.19	28.00
3	Infrastructure, office, workshop, roads etc.	1.8	21.2
4	Embankment	6.03	19.75
5	Green Belt	0.00	7.25
6	Safety Zone	3.14	0.00
Total		323.49	428.25

3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:

Except for miniscule area for operational buildings other than residential building included in item 3 of table here above, the facilities and services requiring major buildings including residential buildings in forest land are not involved in this proposal, as these facilities and services are to be operated/utilized in pre-existing buildings of North Karanpura Area Establishment (set up prior to 1980) and additional requirement 0.54 ha is located in non-forest land.

4. Total cost of the project at present rates:

The cost of project is Rs.210.98 crores. (Recorded as 21.098 Cr in Part I of FC application due to typographical error).

5. Wildlife:

Whether forest area proposed for diversion is important from wildlife point of view:

The proposed forest area for diversion does not form a part of National Park, Wildlife Sanctuary and Biosphere/Tiger Reserve. No rare/endangered species of fauna are found in the area. As per site observation, the areas (6 patches) to be diverted are adjacent or in the vicinity of broken coal mine areas (aggregate area 113 ha) working and exhausted in non-forest areas and these are not significant from wildlife point of view.

6. Vegetation:

The forests consist of tropical deciduous Sal forests (typically dominant in Chotanagpur plateau region of Jharkhand) with tree cover dominated by Sal(Sakhua) interspersed with associate species (e.g. Asan, Chilbil, Sidha, Karma, Kahua, Dhautha, Kend, Piar, Mahua, Palas, Jamun) and small pockets Mahua and Palash. The enumeration list of trees also confirms the domination of Sal in the forest plots to be diverted.

The density of vegetation is reported 0.4 which pertains to the tract in context, and a number of patches in the area proposed for diversion have density less than 0.4 also.

Total number of trees to be felled.

As per enumeration list: 6789; 5915 > 60 cm girth, 874 <or=60 cm girth

Effect of removal of trees on the general ecosystem in the area:

Removal of trees for *open cast mining* will definitely have adverse effects on the general ecosystem of the area with loss of tree and vegetation cover over 300+ hectares with negative implications for moisture regime, microclimate, soil conditions and regeneration of vegetation. These could be recompensed with progressive reclamation and well planned and technically sound re-vegetation of the mined over areas and complete eco-restoration after closure of the mine.

7. **Background note on the proposal:**

Purandih OCP is located in *North-Karanpura Coal Block Area of CCL* in Chatra district.

Purandih OCP is surrounded by Damodar River in the western and southern sides, Ashoka OCP in the northern side and Benti Coal Block in eastern side.

Village wise details of the PF and GMJJ land is given as below:

Village	PF (ha)	GMJJ (ha)	Total (ha)
Henzda	98.94	105.01	203.95
Kutki	1.73	37.41	39.14
Dembua	10.73	10.18	20.91
Koilara	59.49	0	59.49
Total	170.89	152.6	323.49

The Purnadih project commenced in 2009. Current annual capacity of this mine is 3.00 million tonnes per year with EC for maximum 3.45 mt/yr. Of the estimated reserves of 55 mt, 15.81 mt have been exhausted in the currently open areas and reaching the limits of allotted areas; for continuing the production, it is necessary to open fresh forest areas. With permission for fresh areas, the coal mine is expected to last another 20+ years.

8. Compensatory afforestation:

Compensatory afforestation has been proposed over 650 ha degraded forest land in 11 patches, details are as follows:

Sl. No.	Name of Site	Thana & Thana No.	Gross Area (ha)	Net Area (ha)
1	Salgi	Simaria-95	152.00	55.00
2	Bukru	Tandwa-08	92.46	60.00
3	Pokla	Tandwa-34	120.00	70.00
4	Balia	Itkhor-211	121.19	70.00
5	Siria	Itkhor-113	62.76	35.00
6	Gopda	Tandwa-39	110.97	70.00
7	Lohra	Tandwa-14	96.97	60.00
8	Lohra	Tandwa-14	13.59	10.00
9	Nawadih Damaul	Gidhour-52	81.77	50.00
10	Ramtunda	Chatra-138	93.55	70.00
11	Bhabney & Sajna	Chatra-173	22.52	15.00
12	Bhabney & Sajna	Chatra-191	28.03	25.00
13	Chatra & Pakaria	Chatra-175 & 174	95.46	60.00
Total				650.00

- (a) **Whether land for compensatory afforestation is suitable from plantation and management point of view or not:** Suitable as reported by DFO, Chatra South F. Div. Division.
- (b) **Whether land for compensatory afforestation is free from encroachment/other encumbrances:** Not Reported.
- (c) **Whether land for compensatory afforestation is important from Religious/Archaeological point of view:** Not reported.
- (d) **Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:**
In 11 patches. Of these 9 patches are compact and 2 patches enclose non-forest areas.
- (e) **Map with details:** Enclosed as Annexure
- (f) **Total financial outlay:** Enclosed as Annexure

9. **Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:**

Out of total 152.60 ha GMJJ forest land, the User Agency has broken and partly quarried in 112.91 ha of GMJJ forest land from 2012 onwards without prior permission of the Central Government in **violation of Forest (Conservation) Act, 1980.**

The User Agency (CCL) has claimed that the land under violation in question was acquired under CBA Act 1957 vide SO No. 1501 dated 14.05.1990. The land was already settled in favour of villagers/raiyyats between 1939-45 by the then Zamindars and also during 1980s by State Government. The land including GMK JJ was utilized by raiyyats for agriculture etc. which was construed as converted tenancy land. After acquisition under CBA Act, 1957 and providing benefits to raiyyats as per applicable policy and rules, mining was started by CCL in this patch in 2012. The incidence of violation was taken into cognizance after this matter of violation in 2014-15 was reported in a communication by Deputy Commissioner, Chatra in September 2015 and Divisional Forest Officer, Chatra South Forest Division requesting Dy Commissioner for action against the illegal mining. Thence upon the mining in the area under violation has been suspended and the current mining operations are being carried out in non-forest areas aggregating 162 ha.

In view of the facts and circumstances of the stated incidence of violation of F(C) Act 1980, and the contentions in defense by CCL, that the land having been acquired under CBA Act 1957 were purportedly settled with *raiya*s and acquired the status of tencancy non-forest land with mining done after payment of compensation etc. to the *raiya*s, the case may be considered for approval with imposition of penalty, as deemed fit.

10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not :

182 no of families (Scheduled Caste Family – 108, Schedule Tribes Family – 74) are displaced for the project. Copy of Rehabilitation and Resettlement Plan is enclosed.

11. Reclamation plan: Not applicable.

Details & Financial allocation: Not applicable

12. Details on catchment and command area under the project: Not applicable.

Catchment area treatment plan to prevent siltation of reservoir: Not applicable.

13. Cost benefit ratio:

The cost-benefit ratio is 1:15.39 (As per Ministry's guidelines dated 1.08.2017).

14. Recommendations of the Principal Chief Conservator of Forests/State Government:

Recommended by the PCCF / State Government with penal provision for violation incurred in the proposed forest land over 101.73 ha of GMJJF (actual rectified figure is 112.91 ha) without obtaining prior approval from the Central Government under Forest (Conservation) Act, 1980.

15. Recommendation of Addl. DG (Central) along with detailed reasons:

The Purnadih Coal Mine Project is part of approved coal production plan of CCL from the North Karnapura Coalfield deposits. The currently broken/open areas have almost reached exhaustion of coal deposits, and for sustaining the production and efficient utilization of the remaining 2/3rd quantity of coal deposit in this already opened mine, the expansion in fresh/unbroken forest area and extension of mining in broken area under stated violation of FC Act is unavoidable. As such the proposal is recommended for approval under Forest (Conservation) Act 1980 with imposition of penalty, as deemed fair under the circumstances and considering the defense of CCL in case of violation in respect of (112.91 ha) ha of the 152.60 ha. GMJJ forest areas included in the aggregate 323.49 ha. of forest area applied for diversion.

16. Addl. DG (Central) shall give detailed comments on whether there are any alternative routes / alignment for locating the project on the non-forest land:

This coal mining proposal being part of North Karanapura Coalfield Area deposit, is site specific proposal and the exploration or evaluation of alternate site etc. is not feasible or relevant. The decision to open new areas is factored by production plans of CCL, in the context of coal production targets and phasing of mines etc. in conformity with national priorities and contingencies.

17. Utility of the project:

The project's utility is factored by national plan of coal production mainly for use in power generation through coal-fired thermal power plants along with other uses. CCL, as a subsidiary of Coal India Limited, a Central Government undertaking aligns its production targets and phasing based on current scenario of ratio of coal-fired thermal power in the national power grid mix from different types of

sources. Besides, the operation of this coalmine is stated as per Project Report to generate total 523 no of permanent employment and temporary 13075 person-days on an annual basis.

18. Numbers of Scheduled Caste / Scheduled Tribes to be benefited by the project:

Not Reported.

(a) **Whether land being diverted has any socio-cultural/ religious value:** Not reported.

(b) **Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:** Not reported.

(c) **Whether the land under diversion forms part of any unique eco-system:** Not reported.

19. Situation with respect to any Protected Area:

The forest area proposed for diversion is not forms part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.

20.

Any other information relating to the project:

- 1) The DFO has also pointed out in his note of recommendation that there are outstanding compensatory and penal levies in respect of other CCL projects in Chatra South Forest Division. As there are 5 current running large projects of CCL in Chatra South Forest Division, and about 60 projects in Jharkhand state, the matter of outstanding recoveries on various counts should be resolved / reconciled in due course and it has been informed the process to be monitored by State Nodal Officer (FC Act), Jharkhand/SFD, Jharkhand.
- 2) The reclamation and eco-restoration component of CCL needs transformative reforms in terms of technology and process, and management or administrative regime with professionally sound engagement on sustained basis to enhance the success and quality of eco-restoration efforts yielding the best feasible end landform in respect of outcomes for soil, water and biodiversity characteristics. The works of reclamation, eco-restoration and green belt creation undertaken so far in this project are deficient with considerable scope for improvement. Although the Purnadih OCP project has a adequate Reclamation and Closure Plan with Eco-restoration component, the North Karanpura Coalfield management should work towards upgrading the eco-restoration component as an integral and equally significant part of mining project for Purnadih OCP and other projects in hand or in the pipeline. In this context, the following areas of improvement are suggested:
 - i. Provision of core dedicated work force for Eco-restoration with long-term engagement and with appropriate resources and infrastructure for such long term mining operations in hand and those to be taken up.
 - ii. The workforce to be equipped with in-house competence, expertise and capability for self-enhancement in techniques in respect of site specific customization and innovation and learning from some of their own best works and those of others.
 - iii. Project wise engagement of consultancy services and collaborative R & D association with expert institutions / organizations in the field of eco-restoration and related subject specializations.

From the examination of above, following is observed:-

1. Proposal envisages diversion of 323.49 ha of forest land, comprising of 170.89 ha of Protected Forest land and 152.60 ha of Jungle-Jhari land for Purnadih Opencast Coal Mining Project of M/s CCL located in Chatra South Forest Division, District Chatra (Jharkhand).
2. Density of vegetation has been reported to be 0.4 with 6,789 project affected trees, comprising of 5915 trees of above 60 cm girth and 874 trees of below 60 cm girth.
3. Compensatory afforestation (CA) has been proposed over 650 ha of degraded forest land, double in extent to the forest land being diverted, in Chatra South Forest Division. CA has been proposed in 11 sites and the DCF concerned has certified the suitability of the area proposed for CA (Pg 28/c). CA scheme, involving financial provisions of Rs. 9,42,61,262/- has been submitted and the same is available at page 29-71/c. Examination of the CA sites, using DSS tools revealed that out of total forest area identified for raising CA, an area of 21 ha falls under very dense category, 115 ha under moderately dense forest category and 457 ha under open forest, 11 ha under Scrub/water and 494 ha as non-wooded forest land. Further, total area calculated using DSS is 1096.41 ha, out of which 650.0 has been proposed for CA. DSS report is available at F/X.
4. Proposal involves rehabilitation of 182 families, comprising of 108 SC and 74 ST families. R&R Plan for the rehabilitation and resettlement of outsee has not been submitted rather R&R policy of the CIL has been submitted along with the proposal.
5. Proposal does not form the part of any Protected Area. No rare endangered threatened species of flora and fauna have been reported in the area proposed for diversion.
6. Total area under the project is 832.94 ha while total lease area is 751.74 ha comprising of 428.25 ha of non-forest land, 170.89 ha of notified forest land, 152.60 ha Jungle Jhari land. The item-wise break-up of the forest land and non-forest land is given as under:

S. No.	Component	Forest Land (ha)	Non-Forest Land (ha)
1	Quarry (mining work)	290.33	352.05
2	OB Dum	22.19	28.00
3	Infrastructure, office, workshop, roads etc.	1.8	21.2
4	Embankment	6.03	19.75
5	Green Belt	0.00	7.25
6	Safety Zone	3.14	0.00
Total		323.49	428.25

7. Proposal involves violation of the Forest (Conservation) Act, 1980 as an area of 101.73 ha of Jungle Jhari land has been used for mining without prior approval of the Central Government under the Forest (Conservation) Act, 1980. It is mentioned by the User Agency the said land has been acquired under the CBA as *Raiyati land* which was settled in favour of villagers/raiyaats between 1939-45 by the then Zamindars and also during 1980s by State Government. The land including GMK JJ was utilized by raiyaats for agriculture etc. which was construed as converted tenancy land. After acquisition under CBA Act, 1957 and providing benefits to raiyaats as per applicable policy and rules, mining was started by CCL in this patch in 2012. The State Government has recommended penalty in accordance with the provisions provided in the MoEF&CC's guidelines dated 29.01.2019.
8. The project area of the User Agency involves forest as well non-forest area. As per guidelines given under the Handbook of the Forest (Conservation) Act, 1980, mining in non-forest land can be undertaken only after obtaining prior approval of the Central Government under the Forest (Conservation) Act, 1980 in respect of forest land involved in the project area to avoid fait accompli situations. The User Agency has undertaken mining operations since 2012 without obtaining prior approval of the Central Government under the Forest (Conservation) Act, 1980, thereby amounting to violation of the Forest (Conservation) Act, 1980.
9. The Regional Office of the Ministry at Ranchi vide their letter No. FP/JH/MIN/13371/2015/3273 dated 8th July, 2019 submitted inspection report on the area proposed for diversion. Observations and recommendations of the Regional Office may kindly be seen at page 6-10/N. Recommendations of the DY Director General Forest (Central) are given as under:

The Purnadih Coal Mine Project is part of approved coal production plan of CCL from the North Karnapura Coalfield deposits. The currently broken/open areas have almost reached exhaustion of coal deposits, and for sustaining the production and efficient utilization of the remaining 2/3rd quantity of coal deposit in this already opened mine, the expansion in fresh/unbroken forest area and extension of mining in broken area under stated violation of FC Act is unavoidable. As such the proposal is recommended for approval under Forest (Conservation) Act 1980 with imposition of penalty, as deemed fair under the circumstances and considering the defense of CCL in case of violation in respect of (112.91 ha) ha of the 152.60 ha. GMJJ forest areas included in the aggregate 323.49 ha. of forest area applied for diversion.

10. Results of the examination of the proposal using DSS tools reveals proposed area as High Conservation Value Zone as per Decision Rule 1 as it falls within a distance of 250 m of buffer of Damodar river). Further, as per Decision Rule-2 the area is not a High Conservation Value Zone.

In view of the above, it is proposed that the proposal may be submitted to the FAC in its forthcoming meeting scheduled for 31st August, 2019 for its further examination.
