

DFA-II

F. No. 8-62/2018-FC  
Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan,  
Aliganj, Jor Bag Road,  
New Delhi - 110003.  
Dated: 22 August, 2019

To  
The Secretary,  
Ministry of Mines,  
Government of India,  
Shastri Bhawan, New Delhi

**Sub: Proposal for diversion of 126.72 ha (84.35 ha PF and 42.37 ha Jungle Jhari) of forest land for KDH Open Cast Mine in favour of M/s Central Coalfields Limited (CCL) in Ranchi District, Jharkhand.**

Sir,

I am directed to refer to the State Government's letter no. Van Bhumi-06/2017/3422/V.P. dated 13.08.2018 on the above subject seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 and to inform that said proposal was placed before Forest Advisory Committee (FAC) in its meeting held on 31<sup>st</sup> July, 2019. The detailed minutes of the FAC meeting held on 31<sup>st</sup> July, 2019 may kindly be accessed on the website of this Ministry ([www.parivesh.nic.in](http://www.parivesh.nic.in)).

The FAC, after thorough deliberations on the proposal and also taking note of the various provisions of the Coal Bearing Areas (Acquisition) Act, 1957 inter-alia recommended to obtain clarification of the Ministry of Mines on the following:

- (i) Is there any provision of lease area in CBA 1957?
- (ii) Can project area, for which mining plan is approved by competent authority, shall be taken as one lease area to analyse the *fait accompli* situation as referred by Hon'ble supreme court in Lafarge Umiam v/s Union of India case in 2011.
- (iii) Can Forest land be acquired under CBA 1957?
- (iv) What procedure shall be adopted legally to restore back the reclaimed forest land after completion of mining (which was acquired through CBA 1957) to forest department for uniform management.

In view of the above, I am directed to request the Ministry of Mines, Government of India to submit their comments, as per the observation of FAC, to this Ministry for further necessary action in the matter.

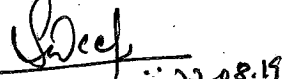
Yours faithfully,

  
(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

**Copy to:-**

1. The Principal Chief Conservator of Forests, Government of Jharkhand, Ranchi.
2. The Dy Director General of Forests (Central), Regional Office, MoEF&CC, Ranchi
3. The Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of Jharkhand, Ranchi.
4. User Agency.
5. Monitoring Cell (Forest Conservation Division).
6. Guard File.

  
(Sandeep Sharma)

Assistant Inspector General of Forests (FC)