

Agenda: 4

File No. 8-75/2008-FC

1. Government of Odisha in their letter dated 8th October 2010 submitted a report on compliance to conditions stipulated in the stage-I approval under the Forest (Conservation) Act, 1980 of 168.232 hectares of forest land in Angul district of Odisha for establishment of an Integrated Steel Complex with Captive Power Plant by M/s. Jindal Steel and Power Limited.
2. The Government of Odisha In their said letter dated 8th October 2010 *inter-alia* informed that it has also been reported by the Divisional Forest Officer, Angul that the project proponent has undertaken construction activities in the non-forest land which is a violation of the provisions made at para 4.4.of the FC Act guidelines. However, no activities have taken place over forest land applied for diversion. The nature and extent of the activities undertaken in the non-forest land were however, not indicated by the State Government of Odisha in their said letter.
3. It was therefore; proposed that in respect of said violation, appropriate penalty say, penal compensatory afforestation over an appropriate area or any other penalty may be stipulated in the stage-II approval.
4. However, competent authority in the Central Government to accord stage-II approval under the Forest (Conservation) Act, 1980 for diversion of the said forest land [*i.e.* the then Inspector General of Forests (Forest Conservation)], after examination of the matter observed as below:

"As the work has been done on non-forest land, there is no penalty possible to be imposed. Further, in the preceding meeting of the FAC it has been decided to modify the para 4.4 of the guidelines to make them as advisory only.

Approval order may be issued as all the other conditions imposed look to have been satisfied by the user agency...."

5. The stage-II approval under the Forest (Conservation) Act, 1980 for diversion of the said forest land was therefore issued without stipulating any conditions pertaining to execution of work on non-forest land, pending approval under the Forest (Conservation) Act, 1980 for diversion of forest land required for the project.
6. Later on, Ministry received representation highlighting above violations of the para 4.4 of guidelines issued under the Forest (Conservation) Act, 1980.
7. The MoEF examination of these representations, vide letter dated 20th May 2013 requested the Government of Odisha to provide details, such as nature and area utilized for works executed in the non-forest land, pending grant of State-I approval under Forest Conservation Act, 1980 for diversion of 168.232 ha of forest land in Angul district for establishment of an Integrated Steel Complex with Captive Power Plant By M/s Jindal Steel & Power Limited.
8. In reply, the Government of Odisha vide their letter dated placed along with annexure at page ... to ... informed that the Addl. PCCF (Forest Diversion) & Nodal Officer, FC Act

vide his letter No. 13330 dt. 18.09.2013, has reported the following details, which indicates that 11.21 ha. of non-forest land was used by the Project Proponent for various Project related activities prior to getting Stage-I forest clearance of MoEF, Government of India:

SI. No.	Purpose for which non-forest land has been utilized	Area used in violation in ha.
1.	Road development inside the project area of about 2.5 Km having width of 5 Mts.	1.25
2.	5 nos. of storage sheds of 50mt. X 40mts each	7.60
3.	Shed for watch and ward of equipment	1.20
4.	Equipment stores.	1.00
5.	Fencing over 800 mts length	0.16
Total		11.21

9. The matter is placed before the Forest Advisory Committee for their examination and appropriate recommendations.
