

AGENDA ITEM NO. 4

F. No. 8-36/2010 - FC

Diversion of 11.65 ha of forest land located in safety zone for coal mining project in Rohne Coal Block in favour of M/s Rohne Coal Company Private Limited in Hazaribagh West Forest Division of Hazaribagh district of Jharkhand.

1. This relates to diversion of 567 ha of forest land (out of total applied area of 778.23 ha) for coal mining project in Rohne Coal Block in favour of M/s Rohne Coal Company Private Limited in Hazaribagh West Forest Division of Hazaribagh district of Jharkhand for which stage-I approval was accorded by the MoEF on 23rd January, 2013 subject to certain condition prescribed therein.
2. The project proponent vide their letter dated 17.07.2013 and 7.11.2013 has now submitted a proposal for diversion of area earmarked as safety zone of the lease area in accordance with the Guidelines dated 12th July, 2012 issued by the MoEF. The details of facts related to the case are given as under:
3. Proposal for diversion of 778.23 ha of forest land for coal mining project in Rohne Coal Block in favour of M/s Rohne Coal Company Private Limited in Hazaribagh West Forest Division of Hazaribagh district of Jharkhand was submitted by the State Government vide its letter dated 18.05.2010.
4. As per the details given in the original proposal, the breakup of the requirement of the area is given as under:

S. No.	Name of Division	Notified and Demarcated forest land (in ha)	Notified and Un-demarcated forest land (in ha)	Jungle-jhari land (in ha)	Total Forest area (in ha)
1.	Hazaribagh West	982.26	187.43	19.01	1189.30
2.	Ramgarh	1.20	-	2.29	3.49
	Total	983.46	187.43	21.90	1192.79

Breakup of 1192.79 ha of forest land included in the proposal is given as under:

S. No.	Detail of area	Area (ha)	Remarks
1.	Area proposed for prospecting and exploratory drilling	402.91	Area applied for prospecting was dealt separately and permission for the same has been accorded by the MoEF on 11 th April, 2013
2.	Safety Zone area	11.65	Area was not considered for forest diversion in accordance with the Guidelines dated 25 th May, 1999 which inter-alia stipulated that area under the safety zone has to be indicated separately in the proposal and will not be included in the area demanded for diversion

3.	Area for mining	778.23	This area includes 771.23 ha of mining lease area and 7 ha of forest land for conveyor belt.
Total		1192.79	

5. This Ministry, as per the recommendation of the State Government, considered 778.23 ha of forest land for diversion under the Forest (Conservation) Act, 1980. However, based on the recommendations of the FAC and its Sub-Committee, the MoEF granted in-principle approval only for 567 ha of forest land (560 mining lease area + 7 ha for conveyor belt), delineating 211.23 ha in western part of the mine out of total 778.23 ha of applied forest area.
6. Subsequently, the user agency, vide its letter dated 8th August, 2013 requested this Ministry to consider remaining 211.23 ha forest area for clearance under Section – 2 (iii) of the Forest (Conservation) Act, 1980 for the purpose of assigning lease. Said proposal of the user agency was considered by the FAC in its meeting held on 12th to 13th September, 2013 and the Committee recommended diversion of 211.23 ha. After approval of the competent authority to the recommendation of the FAC, the proposal was accorded Stage-I approval by the Ministry on 7.11.2013.
7. This Ministry vide its letter dated 12th July, 2012 has modified the para 4.7(i) of the Guidelines given under the Forest (Conservation) Act, 1980. The same is reproduced as under:

“Approval under the Act for diversion of entire forest land located within the mining lease, including the forest land located in the safety zone, should be obtained before execution of the mining lease in favour of the user agency. However, forest area required for safety zone should indicated separately in the proposal area will have to be fences at the cost of project authority. Further, project authority has to deposit funds with the State Forest Department for protection and reservation of such safety zone area also will have to bear the cost of afforestation over one and half times to the safety zone in degraded forest elsewhere”.
8. The project proponent, in compliance to the above Guidelines issued by the MoEF, has requested this Ministry to modify the Stage-I approval dated 23rd January, 2013 to include the area of safety zone in the total area diverted in favour of the project proponent. The area of safety zone, corresponding to the area of 778.23 ha applied for diversion was 11.656 ha. However, based on the recommendation of the FAC, the Ministry has granted stage-I approval only for 567 ha of forest land and area of safety zone corresponding to the diverted area has been worked by the user agency as 10.56 ha which includes 8.78 ha of forest land and 1.78 ha of non-forest land. The map indicating the area of safety zone has been submitted by the user agency. However, it is not authenticated by the competent authority of the State Government. The proposal to include the area of safety zone, as proposed by the user agency, is yet to be received from the State Government.

In view of the above, if approved, the proposal may be submitted to the FAC for its consideration in its forthcoming meeting.

Fact sheet of the original proposal is also enclosed.

FACT SHEET

1.	Name of the Proposal	Diversion of 778.23 ha of forest land for coal mining project in favour of M/s Rohne Coal Company Private Limited in Hazaribagh West & Ramgarh Forest Divisions of Hazaribagh district of Jharkhand.
2.	Location	
	i) State	Jharkhand
	ii) District	Hazaribagh & Ramgarh
3.	Particulars of Forests	
	a) Name of Forest Division	Hazaribagh West & Ramgarh Forest Divisions
	b) Forest area involved	778.23 ha
	c) Legal Status/Sy. No	Hazaribagh West - Notified & Demarcated Forest land - 982.26 ha Notified & Un-demarcated FL - 187.23 ha GMK under jungle jhari FL - 19.61 ha Ramgarh FD - PF Rikba, Lukuiya & Mishraiyan morha
	d) Map	Enclosed (p-209/c)
4.	Topography of the area	-
5.	(i) Vegetation	<i>Mahua, Kadam, Bair, Karanj, Neem, Beeju Aam, Chakundi, Shisham, Gamhar, Khair, Awanla, Bans, Baken, Arjun, Acacia, etc.,</i> at p-63/c.
	(ii) No. of trees which will be affected	14,703 trees (183/c)
	(iii) Density	Hazaribagh FD - 0.5 Ramgarh FD - 0.3
6.	Whether area is significant from wildlife point of view	It does not form part of any National Park, Sanctuary or Biosphere reserve, Tiger reserve, Elephant corridor, etc.
7.	Details of Mining	
	i. Total project area	1192.79 ha
	ii. Notified forest land	187.43 ha (p-18/c)
	iii. Area of jungle / jhar	21.90 ha(p-3/c)
	iv. Tenancy land / non-forest	983.46 ha (p-18/c)
	v. Period of mining lease proposed	Twenty eight (28) years
	vi. Total reserve	423.170 MT
	vii. Reserve in forest area	-
	viii. Reserve in non-forest area	
	ix. Annual estimated production	8 MTPA
	x. Nature of mining operation	Open cast
	xi. Phased reclamation plan	-
	xii. Gradient of the mining area	-
	xiii. No of labourers to be employed	Direct 873 persons 2000 people indirectly (p-43/c)

8.	Compensatory Afforestation	CA has been proposed over in two forest divisions with total financial outlay of Rs.6,65,79,750/- with 7 years maintenance at p-59 -61/c.
9.	Catchment Area Treatment	at p-96/c
10.	Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan	109 SC- 2 / ST-107 Enclosed p-144-146/c
11.	Reclamation of mined areas	The Reclamation Plan is submitted at p-147- 150/c.
12.	Cost Benefit Ratio	1:34.38 at p-249/c.
13.	Recommendation i. DFO ii. PCCF iii.State Government	All have recommended the proposal. p-56 & 233/c p-69 & 237/c. p-70 & 238/c.
14.	District Profile	
	(i) Total Geographical area of District	Hazaribagh West FD - 5998 sq km Ramgarh FD - 1360.08 sq km
	(ii) Total forest area of District / Divisional forest area	Hazaribagh West - 125345.76 ha Ramgarh FD - 416.12 sq km
	(iii) Total area diverted since 1980	Hazaribagh West - 624.70 ha in 6 no of cases Ramgarh FD - 1977.373 ha in 25 no of cases.
	(iv) Total CA stipulated	Hazaribagh West - Nil Ramgarh FD - Forest land - 4859.266 ha Non-forest land - 250.586 ha
	(iv) Total CA done since 1980 (as on 25.05.2009)	Hazaribagh West - Nil Ramgarh FD - Nil

Other Remarks:

1. The Rohne coal company Private Limited in he joint venture of M/s JSW steel Limited, M/s Bhusan Power and steel Limited and M/s Jai Balaji Industries limited.
2. The Ministry of Coal vide its letter dated 05.06.2008 has allocated Rohne coal block for captive mining of coal by a joint venture company to M/s. JSW Steels Ltd, M/s Bhusan Power & Steel Ltd and M/s Jai Balaji Industries Limited at p-111/c.
3. Rohne coal block covers an area of 12.45 sqkm and is located in eastern part of North Karanpura coalfield at p-39/c.
4. The nearest town is Hazaribagh, located at a distance of about 35 km from the block. The nearest Rail head is at Patratu (19 km) and Bhadaninagar (20 km) on the Gomo-Barkakana-Dehri-on-sone loop line of eastern railway. Ranchi is about 80 km from Rohne coal block at p-39/c.
5. The total area allocated for mining lease is 1245.00 ha and the major area falls under forest.
6. The rare/endangered/specific species of flora and fauna are found in the area like Hathi, Lakarbagha, Ajgar, Bajrakit, Van Battakh, Goh, Bahurangi, & Chital, etc. at p-57/c.

7. The forest area of 1192.79 ha is required for mining activity and will be broken up for excavation, dumping, safety barrier, road and Infrastructure, conveyor etc at p-74/c.
8. The mining plan has been accorded approval by Ministry of Coal vide letter dated 04.03.2009 at p-185/c.
9. The user agency has given an undertaking to bear the cost of CA at p-89/c.
10. The user agency has also submitted an undertaking to pay NPV at p-92/c.
11. No violation of the Forest (Conservation) Act, 1980 has been reported at p-91/c.
12. The user agency has submitted that there is no National park, Wildlife Sanctuary, Biosphere, Elephant corridor, etc.
13. There is no archaeological / heritage site / defence establishment or any other important monument located in the area at p-95/c.
14. The user agency has submitted the copy of the environment clearance accorded by MoEF on 25.08.2018 at p-115-119/c.
15. The DFO has certified that the G.M area is suitable for Compensatory Afforestation work as well as from management point of view at p-65/c.
16. The User agency has also submitted a copy of the no objection certificates from the Gram Sabha at p-170 to 177/c.
17. The State Pollution Control Board, Jharkhand has given its consent to establish the mine for production of coal at p-178/c.
18. The cost of the project is Rs.577.00 crores at p-41/c.
19. The User agency has also submitted a copy of the public hearing held on 21.09.2009 at p-357/c.
20. The State Government has recommended the proposal with the following conditions:
 - a. The user agency shall obtain the mining lease before the start any mining activity.
 - b. The user agency shall obtain Environment Clearance.

SITE INSPECTION REPORT

1. The site inspection has been done by the Regional Office, Bhubaneshwar.
2. Legal status of the forest land proposed for diversion:

Sl. No.	Name of Division	Notified and Demarcated forest land (in ha)	Notified and Un-demarcated forest land (in ha)	Jungle-jhari land (in ha)	Total Forest area (in ha)
1.	Hazaribagh West	982.26	187.43	19.01	1189.30
2.	Ramgarh	1.20	-	2.29	3.49
	Total	983.46	187.43	21.90	1192.79

Total forest area includes the 11.65 ha of Safety Zone in forest (this area should not be considered for forest diversion) and 402.91 ha for exploration drilling (PCCF,

Jharkhand has asked for separate proposal for exploration drilling for forest permission).

Total forest area recommended for diversion is as below;

$$1192.79 - 11.56 - 402.91 = \mathbf{778.23 \text{ ha}}$$

3. The area is not important from the point of view of wildlife conservation in Hazaribagh West Division animals like Elephant, Hyena, Python, Pangolin, Wild duck, Monitor lizard, Chameleon chital are found.
4. **The important species in Hazaribagh (W) Division:** Mango, Asan, Awanla, Bhelwa, Bel, Doka, Khair, Karam, Kendu, Kusum, Mahua, Neem, Piyar, Papal, Paras, Sidha, etc. & **Ramgarh Division:** Bargad, Bhelwa, Kendu, Khair, Mahua, Palash, Ratangaura, Rohini, Sal, Sidha, etc.

About 1,02,169 number of trees to be felled

Hazaribagh (W) Division : 1.02 lakh number of trees

Ramgarh Division : 169 number of trees

Number of trees of girth below 60 cm

Hazaribagh (W) Division : 91,747 no. of trees

Ramgarh Division : 59 no of trees

Number of trees of girth above 60 cm

Hazaribagh (W) Division : 10,253 no. of trees

Ramgarh Division : 10 no of trees

5. **Background note on the proposal:** Rohne coal block in the State of Jharkhand has been allocated by Ministry of Coal, Government of India letter no dated 05.06.2008 to M/s JSW Steel Limited, M/s Bhushan Power & Steel Limited and M/s Jai Balaji Industries Limited for meeting their proportionate share of requirement of Coal. A joint venture company has been formed by these companies namely "Rohne Coal Company Private Limited" and has already been registered.

The topography of the block is hilly and rugged. The ground in general slopes towards North, North West & West. The area is dissected by number of seasonal streams originating from the adjoining metamorphic terrain occupying the higher elevation. During rainy season they discharge their load into Badmahi River which is an important tributary of Haharo River, ultimately meets Damodar River at Bundu block. Damodar river is flowing West to East on the Southern Side of block at distance of 8-10 km away.

6. Compensatory Afforestation scheme can be possible. Area 1019.76 ha of Gair Majurba-khas land have been made available by the DC, Gumla. The area 778.23 ha of land is indentified. Total financial outlay is Rs.6,67,75,128/-. The site specific CA scheme is yet to be prepared.
7. Total 109 families to be displaced out of which SC-2 and ST-107 families. The comparative rehabilitation plan, as collected from the user agency.

8. Total cost of the project is Rs.577.00 crores.
9. No violation of FC Act, 1980 has been reported by the State Government.
10. The cost benefit ratio is 1:34.38.
11. **Utility of the project:** About 873 persons directly and 2000 persons indirectly be benefited.
12. Hazaribagh wildlife sanctuary is around 50 kms away.
13. The CCF (Central) while forwarding the proposal has recommended the following:

- i. **Proposed area with 0.5 tree density:** Apart from 1.2 ha forest land proposed in Ramgarh Forest Division, the rest of the proposed area in Hazaribagh Forest Division have fairly dense forest having 0.5 density which shall be affected by this project.
- ii. **Lack of infrastructure for coal evacuation:** The PCCF, Jharkhand has expressed concern (available at page-21/c) over the upcoming large scale coal mining in the North Karanpura coalfields, which shall further deteriorate the roads and other infrastructure, which are already in a very poor state in the area.

Evacuation route for the proposed mine is non-existent at present which is proposed to be developed by using pipe conveyor system with railway siding proposed at Misrain Mohra i.e. 8 km from mine site. User agency has also proposed 3.2 km construction of new railway line from Asnageorha up to which railway line is existing now, which may take some time for creation of said infrastructure. Considering the possible congestion and pollution caused by road transport, the coal block may not be allowed to be opened till the infrastructure for evacuation is installed. The transport should be permitted only by closed conveyer pipeline upto railway siding and from there through railways. The wagons should be covered with tarpaulin during journey.

- iii. **Need for study to maintain Forest Connectivity:** In view of large scale mining coming to the Hazaribagh sector, there should be an over all planning for maintaining the connectivity between bigger chunks of forests in Hazaribagh and adjacent districts of Jharkhand state as well as areas in Bihar to maintain corridor for wildlife movements which is essential for their survival and maintenance of biodiversity. Reputed organizations, including the Wildlife Institute of India may be involved for study of biodiversity of the area and its preservation with respect to upcoming mining disturbances.
- iv. **Resettlement issue:** 109 families are going to be affected and shall be resettled due to the proposed mine. Perusal of resettlement plan (available at page-2 annexure-xi of DP) shows that due care in surveying/selecting the site for resettlement is not taken for example, the water scarcity is already existing in the selected site which shall further deteriorate after the settlement of additional population, which was not examined.
- v. **Re-examining the fuel and fodder need of the local inhabitants:** Site inspection Report states that local people have been depending upon these coal rich areas for fuel and the standing forests for small wood and fodder need.

In addition to the creation of wood lots in the surrounding / village areas, the user agency may open subsidized gas supply to cater to the stifled fuel requirement as a social responsibility and a token offer to the marginalized stakeholders. This should be treated as a joint responsibility of all the new coal mines coming in the area with a radius of 5 km from the outer boundary of coal field.

- vi. **Cost benefit analysis** also needs correction (available at page-26, annexure-I of DP). The mine closure cost has not been taken for analysis and several other factors like opportunity cost of fodder loss, fuel loss etc. has been highly underestimated, thereby magnifying the benefit, which requires to be corrected/explained. Benefit side has also been highly magnified.
- vii. **Reclamation and final land use plan:** It appears that the project proponent needs to re-examine the mine closure/reclamation plan (available at page- 95 annexure-xii of DP) for revised post mine land use proposition properly, utilizing the dumps for retrieval of land, so that the final land use should aim at maximum land utilisation, maintaining connectivity with the surrounding chunks of forests for optimum benefit of nature including wildlife and human-being, which need to be visualized and planned from the beginning of mining. Since the present mine is only a small part of the several more coal blocks being developed, the master plan of the area, my note on the mining in coal field may also be examined for taking decision in an integrated manner.
