

Agenda-1

File No. 8-67/2002-FC (pt.)

1. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, Government of Madhya Pradesh vide his letter dated 07.06.2013 submitted a proposal for renewal of the approval accorded under the Forest (Conservation) Act, 1980 for diversion of 100 hectares of forest land for Jayant Project of the Northern Coalfields Limited (NCL).
2. Details indicated in the proposal submitted by the Government of Madhya Pradesh are as below:

FACT SHEET

1.	Name of the Proposal	Renewal of the approval accorded under the Forest (Conservation) Act, 1980 for diversion of 100 hectares of forest land for Jayant Project of the Northern Coalfields Limited (NCL).
2.	Location:	
	State	Madhya Pradesh
	District	Singrauli
3.	Particular of Forests	
(i)	Name of Forest Division	Singrauli
(ii)	Area of Forest land for Diversion	100.00
(iii)	Legal Status of Forest land	Protected Forest
(iv)	Density of Vegetation	In compliance to Government of India's letter No. 8-67/2002-FC dated 12 th August 2002, forest land has already been handed over to the user agency after felling of trees and harvesting of forest produce.
4.	Species wise scientific names and diameter class wise enumeration of trees to be enclosed (in case of irrigation/hydel project enumeration in FRL, FRL-2 mtr,& FRL-4 mtr. also to be enclosed)	
5.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if so, the details of the area the comments of	No

	the Chief Wildlife Warden to be annexed)	
6.	Whether the requirement of forest land as proposed by the User Agency in col.2 of Part-I is unavoidable and bare minimum for the project. If no, recommended area item-wise with details of alternatives examined.	Requirement of forest land as proposed by the user agency is unavoidable and bare minimum for the project. There is no alternative to the project.
7.	Whether any work in violation of the Act 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 under progress.	No work in violation of the Forest (Conservation) Act, 1980 has been undertaken.
8.	Site inspection report of the DCF (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval	Copy of detailed report on compliance to conditions stipulated in the approval accorded in the past is enclosed.
13.	Recommendation	
	DFO	Recommended
	CCF, Rewa Circle	Recommended
	Nodal Officer, FC Act	Recommended
	State Govt.	Recommended

3. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, Government of Madhya Pradesh in his said letter dated 07.06.2013 submitted following additional information pertaining to the proposal:
- The Ministry of Environment and Forests, Government of India vide letter No. 8-67/2002-FC dated 12.08.2012 accorded approval for diversion of said forest land for 10 years from 20.03.2002 to 19.03.2012. The same has already expired.
 - During the validity of the previous approval 45 million tonne coal has already been extracted from the 100 hectares of forest land. Total 348.90 million tonne coal is available for extraction from the land acquired for the project (both forest and revenue land). The extraction of coal from the forest land has already been completed. However, the said land is proposed to be utilised for dumps, roads and other infrastructure to facilitate transportation of coal from the mine.

4. The proposal was placed before the Forest Advisory Committee (FAC) in its meeting held on 11th -12th July 2013 for their examination and appropriate recommendations.
5. The FAC after examination of the proposal and interaction with representatives of the user agency observed as below:
 - (i) The Ministry of Environment and Forest (MoEF) vide letter dated 12th August 2002 accorded approval under the FC Act for diversion of 100 hectares of forest land for 10 years *w.e.f.* 20th March 2002. The same has already expired on 19th March 2012. Even after expiry of approval accorded under the FC Act on 19th March 2012, two roads located in the said forest land are being utilised by the user agency for transportation of coal and overburden;
 - (ii) Legal Status of forest land proposed to be diverted is Protected Forest;
 - (iii) The forest land proposed to be diverted has already been utilised for mining and allied activities. All trees and other forest produce available in the said forest land have already been felled/ harvested by the State Forest Department before its handing over to the user agency in 2002;
 - (iv) During the validity of the previous approval 45 million tonne coal has been extracted from the forest land proposed to be diverted;
 - (v) Though the extraction of coal from the said forest land has already been completed, it is proposed to be utilised for overburden dumps, haulage roads and creation of other infrastructure to facilitate transportation of coal from the Jayant mine of the user agency;
 - (vi) The proposal received from the State Government does not contain a Survey of India topo-sheet, in original, indicating boundary of the forest land proposed to be diverted; and
 - (vii) The proposal does not contain a report on compliance to conditions stipulated in the previous approval under the FC Act for diversion of the said forest land.
6. The FAC after detailed deliberations recommended that before making a recommendation on the proposal, the concerned Regional Office of the MoEF may be requested to inspect the forest land proposed to be diverted. The report to be submitted by the Regional Office, shall *inter-alia* contain the following:
 - (i) Status of compliance to conditions stipulated in the approval under the FC Act for diversion of the said forest land in the past;
 - (ii) Status of reclamation of the mined out forest and non-forest areas located in the mining lease;
 - (iii) Area of two roads and any other area located in the said forest land which are being utilised for transportation of coal and overburden dump even after expiry

of the approval accorded under the FC Act for diversion of the said forest land;
and

- (iv) Name and designation of officials responsible for use of the two roads located in the said forest land which are being utilised for transportation of coal and overburden dump even after expiry of the approval accorded under the FC Act.
7. The FAC further recommended that State Government of Madhya Pradesh may also be requested to submit to the MoEF a Survey of India topo-sheet, in original, indicating boundary of the forest land proposed to be diverted.
 8. This Ministry vide letters dated 24th July 2013 communicated the above recommendations to the Regional Office (Western Zone), Bhopal and the State Government of Madhya Pradesh.
 9. The Regional Office (Western Zone), Bhopal vide their letter dated 24th October 2013 submitted an inspection report.
 10. In the said inspection report the Regional Office *inter-alia* reported that no forest land is being utilised for transportation since the expiry of mining lease on 20.3.2012. The Regional office also reported that till the case of violation is established, responsibility cannot be fixed. The observations of the Regional Office are contrary to the submissions made by representatives of the user agency before the FAC in its meeting held on 21st -22nd July 2013 wherein their categorically accepted that even after expiry of the mining lease two roads located in the said forest land are being utilised by the user agency for transportation of coal and overburden.
 11. Accordingly, this Ministry vide letter dated 18th November 2013 and subsequent reminder dated 5th February 2014 requested the Regional Office (Western Zone), Bhopal to re-examine the matter and submit a report to this Ministry.
 12. Nodal Officer, the Forest (Conservation) Act, 1980 vide letter dated 24.10.2014 submitted a Survey of India toposheet indicating location of forest land proposed to be diverted.
 13. Reply from the Regional Office (Western Zone), Bhopal is awaited. However, the Nodal Officer, the Forest (Conservation) Act, 1980 , Government of Madhya Pradesh vide letter dated 23.04.2014 informed that after expiry of the mining lease the said forest land has not been used for mining, transportation or any other non-forest purpose.
 14. Accordingly, the proposal along with the additional information was placed before the Forest Advisory Committee in their meeting held on 22-23 September, 2014 for their examination and appropriate recommendations.
 15. FAC after examination of proposal observed as below:
 - (i) Legal Status of forest land proposed to be diverted is Protected Forest;

- (ii) MoEF vide letter dated 12th August 2002 accorded approval under the FC Act for diversion of 100 hectares of forest land for 10 years with effect from 20th March 2002. The same has already expired on 19th March 2012.
- (iii) The forest land proposed to be diverted has already been utilised for mining and allied activities. All trees and other forest produce available in the said forest land have already been felled/ harvested by the State Forest Department before its handing over to the user agency in 2002;
- (iv) During the validity of the previous approval 45 million tonne coal has been extracted from the forest land proposed to be diverted;
- (v) Though the extraction of coal from the said forest land has already been completed, it is proposed to be utilised for overburden dumps, haulage roads and creation of other infrastructure to facilitate transportation of coal from the Jayant mine of the user agency;
- (vi) Representatives of the user agency during examination of the proposal by the FAC in its meeting held on 11th -12th July 2013 informed that area of two roads located in the said forest land are being utilised for transportation of coal and overburden dump even after expiry of the approval accorded under the FC Act for diversion of the said forest land;
- (vii) FAC therefore *inter-alia* recommended that the concerned Regional Office of the MoEF may be requested to inspect the forest land proposed to be diverted and assess the area of two roads and any other area located in the said forest land which are being utilised for transportation of coal, overburden dump and for any other purpose, even after expiry of the approval accorded under the FC Act for diversion of the said forest land. FAC also recommended that name and designation of officials responsible for use of the two roads located in the said forest land which are being utilised for transportation of coal and overburden dump even after expiry of the approval accorded under the FC Act may also be intimated to the MoEF;
- (viii) The Regional Office (Western Zone), Bhopal vide their letter dated 24th October 2013 submitted an inspection report. In the said inspection report it was *inter-alia* reported that no forest land is being utilised for transportation since the expiry of mining lease on 20.3.2012. The Regional office also reported that till the case of violation is established, responsibility cannot be fixed;
- (ix) The said observations of the Regional Office being contrary to the submissions made by representatives of the user agency before the FAC in its meeting held on

21st -22nd July 2013 wherein they categorically accepted that even after expiry of the mining lease two roads located in the said forest land are being utilised by the user agency for transportation of coal and overburden, the MoEF vide letter dated 18th November 2013 and subsequent reminder dated 5th February 2014 requested the Regional Office (Western Zone), Bhopal to re-examine the matter and submit a report. Reply from the Regional Office (Western Zone), Bhopal is awaited. However, the Nodal Officer, FC Act, Government of Madhya Pradesh vide letter dated 23.04.2014 informed that after expiry of the mining lease, the said forest land has not been used for mining, transportation or any other non-forest purpose; and

- (x) In the absence of representative of the user agency, use of forest land after expiry of approval accorded under the FC Act could not be confirmed.
16. FAC took note of the absence of representative of the user agency and recommended that the proposal may once again be placed before the FAC in its next meeting. FAC further recommended that representatives of the user agency shall attend the meeting along with information on use of forest land, if any, after expiry of mining lease and details of mining lease in respect of the forest land proposed to be diverted. Since report of the State Government and the Regional Office Bhopal is in contradiction of the submission of the user agency it will be appropriate if State Nodal Officer and representative of the Regional office, Bhopal also attend the next FAC meeting.
 17. Accordingly, the proposal has again been placed before the FAC for their examination and appropriate recommendations. The user agency, the State Nodal Officer and the representatives of the Regional Office, Bhopal have also been invited to attend the meeting.
