

**Sub.: Proposal for diversion of 122.60 hectares of forest land for Under Ground Mining of Copper Ore Minerals (Hindustan Copper Limited Malanjkhand Copper Project) in favour of M/s. General Manager Hindustan Copper Limited Malanjkhand Copper Project, P.O. Malanjkhand District of Balaghat Madhya Pradesh State.-regarding.**

1. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer under Forest (Conservation) Act, 1980 Satpura Bhawan, Government of Madhya Pradesh, vide their letter No. F-1/743/2015/10-11/2313 Bhopal dated 21.09.2015 placed along with its annexure **at page 1-502/c** submitted the above mentioned proposal to obtain prior approval of Central Government, in accordance with Section-2 of the Forest (Conservation) Act, 1980.
2. This Ministry vide its letter of even number dated 28.10.2015 (**Pg. 445/c**) requested the Regional Office, Bhopal to carry out the site inspection of the area proposed for diversion. The Regional Office vide their letter dated 20.05.2016 (**Pg. 448-463/c**) submitted the site inspection report of the area.
3. Details indicated in the proposal submitted by the Government of Madhya Pradesh are as below:

**FACT SHEET**

<b>1.</b>	Name of the Proposal	<b>Proposal for diversion of 122.60 hectares of forest land for Under Ground Mining of Copper Ore Minerals (Hindustan Copper Limited Malanjkhand Copper Project) in favour of M/s General Manager Hindustan Copper Limited Malanjkhand Copper Project, P.O. Malanjkhand District of Balaghat Madhya Pradesh State.</b>
<b>2.</b>	<b>Location:</b>	
	State	Madhya Pradesh.
	District	Balaghat.
<b>3.</b>	<b>Details of the user agency</b>	
	Name of the user agency	<b>M/s. General Manager Hindustan Copper Limited Malanjkhand Copper Project.</b>
	Nature of the user agency	Central PSU.
<b>4.</b>	<b>Particular of Forests</b>	
	<b>i.</b> Name of Forest Division	North (General) Balaghat Forest Division.
	<b>ii.</b> Area of Forest land proposed for Diversion	Area of Forest land proposed for diversion of <b>122.60 hectares.</b>
	<b>iii.</b> Legal Status of Forest land	Reserved Forest.
	<b>iv.</b> Density of Vegetation	Open Forest.
<b>5.</b>	Species-wise (Scientific names) and diameter class wise enumeration of trees in unbroken area.	No tree felling in proposed forest land.
<b>6.</b>	Brief note on vulnerability of the forest area to erosion.	As reported by DFO, North Balaghat, the said project is pertaining to the underground mining, so there will be no erosion of forest soil.
<b>7.</b>	Approximate distance of proposed site for diversion from boundary of forest (in KM).	The proposed area adjacent to Reserved forest.

8.	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 the Chief Wildlife Warden to be annexed).	No, the applied area does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. Distance from the proposed forest land of Kanha National Park (Core Zone) is <b>8.75 K.M., Kanha Buffer zone is 4.75 K.M. and Distance of Kanha Pench Koridor is 21.91 K.M.</b> In this regard, the NOC has given by the PCCF (WL)/CWLW vide his letter No. 345 dated 15.01.2015 ( <b>Pg. 31A-31B/c</b> ).
9.	Whether any rare/ endangered/ unique species of flora and fauna found in the area if so, details thereof.	-No-
10.	Whether any protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.	-No-
11.	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.	The land proposed for diversion in barest minimum.
12.	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, Violation under the forest (Conservation) Act, 1980 in the applied forest area.
13.	Site Inspection Report of the DCF (to be enclosed) in respect to status of compliance of conditions stipulated during earlier approval.	Site Inspection Report carried out by the DFO, North Balaghat dated 12.12.2014 may kindly see at page <b>no. 362/c</b> .
14.	Details of Compensatory Afforestation Scheme:	<p><b>The Compensatory afforestation has been proposed over equivalent non-forest land.</b> Site for raising CA has been identified in villages of Chaartola (Newargaon) (40.165 ha.), Pindkapar – Theckedaari and Bhimjori, (51.356 ha.), Karamsarra (31.089 ha.) North Balaghat District involving an area of 122.610 ha.</p>
(i)	Details of non-forest area/ degraded forest area identified for compensatory Afforestation, its distance from adjoining forest, number of patches, size of each patch.	
(ii)	Map showing non-forest/ degraded forest area identified for compensatory Afforestation and adjoining forest boundaries.	

(iii)	Detailed compensatory Afforestation scheme including species to be planted, implementing Agency, time schedule, cost structure etc.	The CA scheme with the provisions of 10 years of maintenance has been submitted. CA scheme and maps of the area identified for raising CA area available at page <b>364-427/c</b> .
(iv)	Total financial outlay for compensatory Afforestation scheme.	<b>Rs. 86563885/- (Pg. 364/c).</b>
(v)	Certificate from competent authority regarding suitability of area identified for compensatory Afforestation and from management point of view. To be signed by the concerned Deputy Conservatory of Forests.	The concerned DFOs have provided site suitability certificate of the land identified for raising CA as detailed below: (i) Chaartola: Area 40.165 ha. <b>(Pg. 374/c).</b> (ii) Baiher:- <b>No area given by DFO (392/c).</b> (iii) Karamsara:- <b>No area is given by RFO (417/c).</b> <b>This certificate is not given by the Concerned DFO.</b>
15.	Cost benefit analysis	Cost Benefit analysis is given by the User agency and may kindly be seen at <b>(Pg. 45-47/c).</b>
16.	Total cost of the project	<b>Rs. 1856.36 crore. (Pg. 45-47/c).</b>
17.	Employment	(i) Permanent/Regular Employee=300 (ii) Temporary Employee=1869
18.	Environment clearance required in the project.	Yes. The State Government has reported that project proponent has obtained environment clearance vide Ministry's letter No. F. J-11015/383/2010-IA-II (M) dated 17.06.2013 <b>(Pg. 38-44/c).</b>
19.	Resettlement and Rehabilitation	<b>No data available.</b>
	a) No of families involved b) Category of families c) Details of rehabilitation plan	<b>No data available.</b>
20.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	The District Collector, Balaghat, Goernment of Madhya Pradesh vide his No. 366 dated 01.05.2015 <b>(Pg. 440/c)</b> has issued FRA certificate on the forest land proposed to be diverted for non-forest purposes, it is certified that 122.60 ha. of forest land proposed to be diverted in favour of M/s. HCL, Malanjkhanda Copper Project, PO Malanjkhanda, for underground copper mining, in Balaghat district falls within jurisdiction of Karamsara and Khursipur villages under the Nagar Palika Parishad, Malanjkhanda in Birsa Tehsil.  It is mentioned that the all clause in the FRA is Not applicable. Therefore that the proposed area is lying under Municipal Co-operation. So, FRA, 2006 is not applicable <b>(Pg. 440-444/c).</b>  <b>However, the FRA certificate is not given as per prescribed guidelines.</b>
21.	Details of mining lease	

	Date of grant of mining lease	NA
	Total area of the mining lease (granted originally)	-
	Date of execution of mining lease	-
	Mine Plan	NA
	Progressive Mine Closure Plan	NA
	Date of earlier approval obtained under the Forest (Conservation) Act, 1980	-
<b>22.</b>	Mining Plan	Closure mining plan has been submitted copy of the same is available at <b>(Pg. 81-84/c).</b>
<b>23.</b>	Divisional / District profile.	
<b>(i)</b>	Geographical area of the district / division.	9229.00 Ha
<b>(ii)</b>	Forest area of the District	4814.84 Ha
<b>(iii)</b>	Total forest area diverted in the Division/ District since 1980 with number of cases.	Total forest area=3073.046 and No. of approved cases=44
<b>(iv)</b>	Total compensatory Afforestation stipulated in the District / Division since 1980 on	
	(a) Forest land including penal compensatory Afforestation (b) Non-forest land	(a) Forest Land = 3229.642 ha  (b) Non forest land = 808.887 ha
	Progress of compensatory Afforestation as on date (a) Forest land  (b) Non-forest land	(a) Forest land = 3229.402 ha  (b) Non forest land = 808.887 ha
<b>24.</b>	<b>Recommendation</b>	
	Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.	Recommended. <b>(Pg. 9-14/c).</b>
	CCF	Recommended. <b>(Pg. 15/c).</b>
	APCCF/ Nodal Officer (FCA)	Recommended. <b>(Pg. 16/c).</b>
	State Govt.	Recommended. <b>(Pg. 17/c).</b>

4. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh vide its letter dated 21.09.2017 submitted following additional information pertaining to the proposal:
- (i) Purpose wise breakup of forest land proposed for diversion has not been given by the State Government / project proponent.
  - (ii) Concerned Tehasildars have certified that the project does not involve any Revenue Forest land.

(iii) The authorities in the State Forest Department and State Government have recommended the proposal without any specific condition.

(iv) The user agency has submitted undertakings to bear the cost of CA and NPV, **the CA has been proposed over equivalent non - forest land.**

5. The forest land proposed to be diverted has been inspected by Shri B. Abhay Bhaskar, Dy. Chief Conservator of Forests (Central), Regional office (Western Zone), Bhopal. Additional information furnished in the inspection report submitted by the Regional Office (Western Zone), Bhopal vide their letter dated 20.05.2016 (Pg. 448-464/c) are as below:

SITE INSPECTION REPORT by Regional Office, Western Zone, Bhopal on 4<sup>th</sup> January, 2016 by the DCF, RO, Bhopal and subsequently by the CCF, RO, Bhopal on 28.04.2016 in respect to Diversion of 122.60 ha of forest land for Under Ground of Mining of Copper Ore Minerals (Hindustan Copper Limited Malanjkhand Copper Project) in favour of Mis General Manager Hindustan Copper Limited Malanjkhand Copper Project, P.O. Malanjkhand District of Balaghat Madhya Pradesh.

The proposal was first got inspected by the DCF, Regional Office, Bhopal. But the DCF reported that hardly anything was shown to him as there was no demarcation of forest land on the ground. The **DCF** also writes that the location of underground mine for which forest land is proposed to be diverted falls inside the active mining area as can be made out from the DSS. So practically the DCF failed to appreciate the field situation with respect to the forest land proposed for diversion of underground mining. A Site Inspection Report prepared by the DCF is enclosed (**Annexure I**) A letter dated 25.02.2016 was written to the State government asking copy of the forest clearance granted to it for the open cast mine which is being worked at present. Secondly, it was also asked if any violation of the FCA has taken place. But the State Government did not reply to this question. Therefore, the CCF was asked to revisit the area and find out what exactly has happened on the field with respect to the area already being worked as the new proposal at hand. Accordingly the CCF visited the site on 28.02.2016 and has prepared another report (**Annexure II**).

#### Introduction:

1. Legal status of forest land proposed for diversion: Reserved Forest.

Name of District	Forest Division	Range	Reserved / Protected Forest	Compartment no.	Area of Compartment (ha)	Diversions required for (ha)
Balaghat	North Balaghat	Bersa Darfloh	Salawadha -A	1659	<b>111.43</b>	108.14
			Salawadha -A	1660	104.10	14.46
					<b>Total</b>	<b>122.60 ha</b>

2. How the land proposed for diversion is to be utilized? **The land is proposed to be utilised for underground copper ore mining.**
3. Whether the proposal involves any construction of building (including residential) or not? **Nil**
4. Total cost of Project at present. **Rs 1856.36 crore.**
5. Wildlife **There is no significant wildlife in the area.**
6. Aerial distance from the nearest Boundary of any protected area: The project site is located 8.75 km away from Kanha National Park and 4.75 km from Kanha Buffer zone.
7. Vegetation: **No tree growth is proposed to be felled:**

8. Background of the proposal.

The government of India approved the project in 1978. Trial production started in the same year. The project was finally dedicated to the nation in the year 1982.

Initial project has been set up by Hindustan copper Ltd to exploit the copper ore through an open pit mine. Geological Survey of India took systematic geological exploration at this deposit during 1969, Mining lease of the ore was granted to HCL during 1973. With advancement of time this project was enhanced with viable operational developments At present besides the open pit mine and concentrator plant the project has also been provided with auxiliary facilities such as Tailings Disposal and Water Reclamation System, Repair Shops, Maintenance Garage, Water Treatment Plant, Warehouses, Fuelling Stations, 132 KV Power Sub-station, Waste Treatment Facilities and Township with modern amenities (Statement of facts from HCL).

9. **Compensatory Afforestation:**

A	Whether land proposed / selected for Compensatory afforestation is suitable from 1 plantation and management point of view?	Yes
B	Whether land for compensatory afforestation is free from encroachment and other encumbrances?	Yes
C	Whether land for compensatory afforestation is important from religious or archiologial point of view?	No
D	Land identified for raising compensatory afforestation is in how many patches? Whether patches area compact or not?	Land identified for CA in 122.876 ha in 04 (four) patches at North Balaghat Forest Division.
E	Land is free from encroachment and other encumbrances	—
F	Maps with details.	Yes (enclosed with proposal)
G	Compensatory afforestation area should be clearly shown on the map, patches wise and their contiguity to the forest area, etc	Yes, enclosed with proposal
H	Total financial outlay of 10 years CA programme:	Rs 8,65,63,885.00 (including 10 years plantation and other charges)

10. Whether proposal involves violation of Forest (Conservation) Act, 1980? If yes, a detailed report on violation including the action taken against the concerned officer: **No, there is no violation of Forest (Conservation) Act, 1980.**

11. Whether proposal involves rehabilitation of displaced persons? If yes, whether rehabilitation plan has been approved by the State Government? : No

12. Reclamation Plan: Details and Financial allocation **Undertaking given by user agency is enclosed with the proposal.**

13. Cost benefit ratio: **Enclosed with the proposal**

14. Utility of Project: 05 million tonnes of copper will be removed per year over a period of 35 (thirty five) years. This copper will be supplied to various manufacturing plants. 2169 employees will benefited (Statement of facts from HCL).

15. Number of ST/SC involved in the Project: **Not Mentioned**

16. Compliance of FRA 2006 —DC certificate: **Provisions of the FRA have been complied with.**

17. Whether the land being diverted has any socio-cultural/religious value? Whether any

sacred groves or very old growing of trees of forests exist in the area proposed for diversion?

:

**18. No.**

**19. Recommendation of Nodal Officer/ PCCF and the State Government:**

- a. DCF, APCCF & State Govt. of MP has recommended the proposal for approval.**
- b. Part-III filled by CCF, Balaghat and his letter no DM/1386 dated 26/11/2014 enclosed at Page 21A & 21B in the proposal may kindly be seen.**

**20. Observations of inspecting Officer from Regional Office, Bhopal:**

**Recommendations of the APCCF (C):**

As may be seen from the reports from the CCF and the DCF, the issue of violation of the FCA or otherwise with regard to the forest land in the possession of HCL is not settled. In view of this it is not possible at this stage to make any recommendation for allowing underground **mining** in the proposed forest land.

**21. Observations and recommendations by the DCF, Bhopal:**

- a)** The CCF, Balaghat letter no DIv1/1386 dated 26/11/2014, enclosed in the proposal at page-21 /A & 21/B may kindly be seen.
- b)** The land 728.827 ha was allotted to **HCL** in the year 1978 & 1979 and some amount in respect to plantation and NP V ( market value of land) was collected by the state Govt in those years ( as given in CCF letter).
- c)** In years 2005 for same land, DC Balaghta collected the amount from user agency (HCL) @ Rs 1000.00 I ha for 782.827 ha amounting to Rs 1800740.00 ha and was deposited in PDA account.
- d)** CCF letter & HCL official told that land was handed over to the HCL prior 1980 (documents were not produced during site inspection).
- e)** The De-notification of land was not done, but the land was removed from the working plan of North Balaghat and HCL claims the possession of land.
- f)** The user agency (HCL) have a mining lease for 479.9 ha of forest land out of 728.827 ha of land said under possession of HCL.

**22. Specific Observation:**

- a)** The User agency got allotment of 782.827 ha of forest land pre-1980 and possesses mining lease of 479.90 ha (open cast mine).
- b)** The mine started its operation after 1980.
- c)** The present proposal of diversion location lies exact down below somewhere in 479.90 ha of open case mine.
- d)** During site inspection it was difficult to locate exact site required for diversion, as the land was not demarcated and its location seats inside the active mining area.
- e)** The matter was discussed with CCF Balaghat but no concrete recommendation or answer was obtained.
- f)** The HCL was asked about period of lease but no concrete answer was obtained. They told that they had till 1993 and same was extended till 2013 and now for further for 50 years (documents were not shown).

**23. Recommendation:**

- a)** If it is the case of pre-1980 diversion, then complete area needs to be considered and proposal may be termed as regularisation of 782.827 ha or area deemed fit.
- b)** The proposed part of diversion is party of active 479.90 ha (open cast mine), so, for undersigned it is not possible to recommend for only 122.6 ha of forest area.
- c)** The Site inspection of CCF, Balaghat for diversion of 122.6 ha is required.
- d)** State Governments views on 782.727 ha of pre-1980 diversion, 479.90 ha of mining lease and proposed diversion of 122.6 ha and how they area separating three issued & present status of land needs to be sought.

The metallic industries are the back bone of Indian economy; copper is valuable metal and required for all electronic goods, this project is very much essential for the nation for its growth and development.

Site inspection photographs can be seen, it is difficult to recommend the proposal of only 122.6 ha, unless and until the stand of State Govt on 782.727 ha , 479.90 ha of mining lease is cleared, because the present proposal is part of that land.

In view of the above facts related to the proposal, it is proposed that proposal may be submitted to the FAC for its consideration in its forthcoming meeting scheduled to be held on 21.09.2017.

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