

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bag Road, Aliganj,
New Delhi – 110003
Dated: As per E-sign

To,

The Principal Secretary (Forests),
Government of Jharkhand,
Ranchi.

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 for diversion of 455.1108 ha of forest land for Pachwara South Coal Block project in favour of M/s Neyveli Uttar Pradsh Power Ltd. (NUPPL), District Dumka, Jharkhand State (Online No. FP/JH/MIN/59823/2020) –regarding.

Madam/Sir,

I am directed to refer to the Government of Jharkhand's letter No. Van Bhumi-19/2022-3464 V.P. dated 29.11.2022 on the above subject seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful examination of the proposal of the State Government & on the basis of the recommendations of the Advisory Committee and with due approval of the competent authority, the Central Government hereby accords "**In-principle/Stage-I**" approval under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 for diversion of 455.1108 ha of forest land for Pachwara South Coal Block project in favour of M/s Neyveli Uttar Pradsh Power Ltd. (NUPPL), District Dumka, Jharkhand subject to fulfilment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. **Compensatory Afforestation:**
 - a. *Details (i.e. KML file, SOI topo sheet, DGPS map, approved CA Scheme, site suitability certificate etc.) of non-forest land equal in extant to the forest land being proposed for diversion including the area for safety zone/green belt shall be submitted by the State Government along with the compliance report of the Stage-I approval.*
 - b. *The non-forest land to be identified shall be transferred and mutated in favour*

of the State Forest Department and shall also be notified as RF/PF under IFA, 1927 or any state /local act before granting the Stage-II approval.

- c. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars, if required on the CA land, shall be deposited in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;

iii. **Net Present Value:**

- a. The User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal in accordance with the MoEF&CC's guidelines dated 6.01.2022 read with guidelines dated 19.01.2022;
- b. At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- iv. *Trees should be felled in a phased manner and when become absolutely necessary and under strict supervision of State Forest Department and wherever feasible suitable species should be transplanted.*
- v. *The State Govt. shall prepare and implement Wildlife Conservation plan duly approved by CWLW, Jharkhand to mitigate the impact of mining on elephant and other wildlife in and around the proposed area at project cost.*
- vi. *As the Bansloi river is flowing in the Northern boundary of the proposed mining lease, no excavated material and mine waste water shall be discharged into the river. Embankment all along the river bank should be constructed to ensure that the no mining waste water is drained to the river. Catchment area treatment plan for river Bansloi shall be prepared and implemented at project cost.*
- vii. *Safety Zone of 100 meter along the river bank shall be maintained and inside the safety zone, plantation should be done at the project cost.*
- viii. *A site specific wildlife management plan of a radius of 10 km from the proposed lease area at the project cost will be prepared. Besides this, migration path for elephant's passage if present beyond 10 km then such migration route shall be developed with plantation of suitable species at the project cost.*
- ix. *User agency shall prepare a Digital Elevation Model of 10 Km radius using LIDAR technology before commencement of mining operation and shall be*

repeated on 3rd, 5th, 10th, 15th, 20th, 25th and 30th year in consultation with the PCCF. On the basis of DEM user agency shall prepare a CAT and SMC plan of 10 km radius including Chatua nala and other nearby nalas. These plans will be approved by the PCCF (HoFF) and will be implemented by the Forest Department at the project cost. A team, to be finalized by the PCCF, comprising of officials of user agency, Forest Department subject matter specialist shall be constituted to study and monitor the soil erosion, water conservation, ecological restoration activities during the implementation of the project.

- x. *As recommended by the State, the Water security plan prepared by the group of experts shall be adhered to.*
- xi. The State Government shall upload the KML files of the area under diversion and the accepted area for raising compensatory afforestation in the e-Green watch portal of FSI, before handling over forest land to the user agency;
- xii. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through **e-portal** (<https://parivesh.nic.in/>); Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
- xiii. The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent Reclamation Plan as per the approved Mining Plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980, in the concerned State Government and the concerned Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.
- xiv. The user agency shall prepare a schedule for surrender of the mined out and reclaimed forest land in accordance with existing mining plan and submit the same along with an undertaking to surrender the mined out and reclaimed forest land as per such schedule to the MoEF&CC before grant of 'Final' approval under the Adhinyam for diversion of the said forest land;
- xv. The rehabilitated forest area after closure of mining operations shall be handed over to the State Forest Department for sustainable forest management in the future;
- xvi. Safety Zone Management: Following activities, at project cost, shall be undertaken by the user agency for the management of safety zone as per relevant guidelines issued by the Ministry's guidelines:
 - a. User agency shall ensure demarcation of safety zone (7.5 meter strip all

- along the inner boundary of the mining lease area), and its fencing, protection and regeneration by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the State Forest Department;
- b. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
 - c. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area by the user agency at project cost under the supervision of the State Forest Department; and
 - d. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
- xvii. Following activities, as per approved plan / schemes, shall be undertaken in the lease area by the User Agency under the supervision of the State Forest Department:
- a. Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of 'Final' approval in accordance with the approved Plan/Scheme in consultation with the State Forest Department;
 - b. Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved Plan/scheme;
 - c. Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved Plan/Scheme;
 - d. Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 28°; and
 - e. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- xviii. The validity of approval granted under the Adhinyam shall be for a period co-terminus with the validity of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended from time to time or Rules framed there under, or for such period as may be specified by the Central Government;
- xix. The User Agency either himself or through the State Forest Department shall undertake gap planting and soil and moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located within the periphery of 100 m from outer perimeter of the mining lease as per approved plan for plantation and SMC activities submitted along with compliance of 'in-principle' approval;
- xx. The User Agency shall regularly undertake desilting of village tanks and other water bodies, located within five km from the mine lease boundary, as per approved plan, to mitigate the impact of project on such tanks/water bodies;

- xxi. The User Agency shall comply with the Hon'ble Supreme Court order on re-grassing, and re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;
- xxii. Adequate care shall be taken to check any rolling of overburden/dumps beyond the designated area and to check soil erosion caused due to mining activities;
- xxiii. The user agency shall undertake de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required;
- xxiv. The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of the same shall be submitted to the Regional Office along with the 'in-principle' approval; and
- xxv. Under no circumstances, approval granted for the use of forest land for underground mining, shall subsequently be converted to opencast mining operations.
- xxvi. The R&R Plan shall be implemented as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
- xxvii. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled;
- xxviii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xxix. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xxx. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xxxi. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS coordinates; The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;

- xxxii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xxxiii. No damage to the flora and fauna of the adjoining area shall be caused;
- xxxiv. The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project;
- xxxv. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- xxxvi. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency; and
- xxxvii. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the Consolidated Guidelines and Clarifications on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter dated 29.12.2023;
- xxxviii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Signed by

Dheeraj Mittal

Date: 18-09-2024 14:10:45

(Dr. Dheeraj Mittal)

Assistant Inspector General of Forests

Yours sincerely,

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Jharkhand, Ranchi;
2. The Dy. DGF (Central), Regional Office, MoEF&CC, Ranchi;
3. The Nodal Officer, Department of Forest, Government of Jharkhand, Ranchi;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.