

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

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: March, 2024

To

The Addl. Chief Secretary (Forests),
Government of West Bengal,
Aranya Bhawan, Block LA-10A
Sector-III, Salt Lake
Kolkata-700106

Sub: Proposal seeking prior approval of the Central Government under Section 2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 38.38 ha of forest land in favour of Eastern Coal Field Limited (ECL) for Tilaboni UG Coal Mine Project in Durgapur Forest Division of West Bengal (Proposal No. IRO/KOL/WB/MIN/41301/2019) – reg.

Sir,

I am directed to refer to the Government of West Bengal letter No. No.889-For/O/L/10T-14/2022 dated 17.06.2022 on the above subject seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 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 and on the basis of the recommendations of the Advisory Committee, and approval of the same by the competent authority of the MoEF&CC, New Delhi, the Central Government hereby accords 'in-principle' approval under Section 2(1) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 38.38 ha of forest land in favour of Eastern Coal Field Limited (ECL) for Tilaboni UG Coal Mining Project in Durgapur Forest Division of West Bengal subject to fulfilment of the following conditions:

1. Legal status of the diverted forest land shall remain unchanged;
2. **Compensatory Afforestation:**
 - i. *Compensatory afforestation shall be raised over equivalent non-forest land or revenue forest land, double in extent to the forest land being diverted by the State Forest Department at the cost of user agency in accordance with the provisions of the Adhiniyam Rules, 2023. The details of the non-Forest area or revenue forest land identified for CA and suitability certificate shall be furnished accordingly.*

- ii. Details of various attributes of the lands identified for raising compensatory afforestation, viz. KML file, approved scheme for raising CA along with maintenance cost of 10 years, etc. shall be submitted to the Ministry along with the compliance of 'in-principle' approval.
- iii. The non-forest land *or revenue forest land* identified for raising Compensatory Afforestation shall be demarcated by concrete pillars of suitable size and handed over, free from all encumbrances to the State Forest Department and the same will be notified as protected forest under section 29 of Indian Forest Act, 1927 (16 of 1927) or under any other law for the time being in force before the Final approval;
- iv. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation as per the approved CA Scheme at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal;
- v. 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.

3. **Net Present Value:**

- i. User Agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines given under para 3 of the Chapter -3 of the Consolidate Guidelines and Clarifications issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 published by the Ministry on 29.12.2023, through e-payment module on PARIVESH portal, into the account of CAMPA of the State concerned, managed by the National Authority (CAMPA);
 - ii. 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.
4. *To mitigate the impact of the project on the wildlife and its habitat, a Wildlife Conservation Plan, at the cost of user agency, shall be prepared in consultation with the PCCF (Wildlife) and Chief Wildlife Warden of the State. A copy of the approved Wildlife Management Plan shall be submitted along with the compliance of 'in-principle' approval;*
 5. *No underground mining shall be carried out beneath the Office complex of the Tilaboni Beat and approach road involving forest land of 1.6 ha and the user agency shall ensure adequate protection measures in this by maintaining adequate pillars support along with reinforced material;*
 6. *As the proposal has been revised by the user agency to partially decoal the coal reserve in the forest area. Therefore, the cost benefit analyses need to*

be revised by the State to accurately account for the revised project parameters and associated benefits and losses. Revised Coast Benefit analysis shall be submitted along with the compliance of 'in-principle' approval.

7. *The UA shall submit revised Mining Plan after suitably incorporating following recommendations:*
 - i. *Coal reserves in the forest areas shall be excavated partially retaining the barrier pillars in all panels to be developed in the forest area to restrict the predicted subsidence to 5 mm/meter in the forest area.*
 - ii. *No depillaring operations shall be carried out in panels and sub panels lying within reserve forest area to ensure protection of surface vegetation and structure from subsidence. Specification and number of the pillars to be retained in the forest area shall be submitted along with the compliance of 'in-principle' approval.*
 - iii. *Adequate protection measures for 1.6 ha of area of the Tilaboni Beat Complex and approach road.*
8. *The State Government shall ensure that Resettlement and Rehabilitation Plan, approved by the Board of Coal India Limited, is on consonance with the R&R policies of the State and Central Government and its provisions are implemented under the supervisions of the local authorities to ensure no encroachment in the forest land;*
9. *As per 3D Prediction Subsidence Analysis report, the proposal envisages diversion of nallah. Comments and recommendation of the Water Resource Department of the State, if not obtained earlier, may be obtained and the same shall be submitted to the Ministry along with the compliance of 'in-principle' approval. Additional mitigation measures, if any, proposed by the Water Resource Department shall be implemented by the user agency at the project cost and detail of the same shall be submitted to the Ministry along with compliance of 'in-principle' approval.*
10. *A certificate shall be furnished by the Head of Forest Force, furnishing the following information:*
 - i. *Total forest land involved in the entire Tilaboni Underground Coal Mining project of M/s ECL.*
 - ii. *Status of approval, if any, obtained under the Adhinyam, 1980 in the past by the user agency.*
 - iii. *Violations, of the Adhinyam, 1980 if any, committed by the user agency*
 - iv. *Forest land involved in the proposed mining block of Tilaboni project.*
11. *The State Government shall comply with the directions of Hon'ble Supreme Court in the Lafarge Judgement dated 6.07.2011;*
12. *UA shall comply with the environment clearance issued by competent authority;*
13. *Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-payment module on PARIVESH portal (<https://parivesh.nic.in/>), into the account of CAMPA of the State concerned, managed by the National Authority (CAMPA);*
14. *The KML files of diverted area, the CA areas, the proposed SMC treatment*

- area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details prior to 'Final' approval;
15. 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. Approved scheme/plan shall be submitted to the Ministry along with compliance of 'in-principle' approval:
 - i. Mitigation measures, to minimize soil erosion and choking of stream, shall be implemented within a period of two years with effect from the date of issue of order of diversion of forest land, in accordance with the approved Plan in consultation with the State Forest Department;
 - ii. 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 scheme;
 - iii. Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - iv. 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
 - v. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan;
 16. 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 in the area within 100 meter from outer perimeter of the mining lease. The plan for plantation and SMC activities will be prepared and submitted to MoEF&CC along with the compliance of 'in-principle' approval;
 17. The User Agency shall prepare a list of existing village tanks and other water bodies with GPS co-ordinates located within five km from the mine lease boundary. This list is to be duly verified by the concerned Divisional Forest Officer. The User Agency shall regularly undertake desilting of these village tanks and other water bodies so as to mitigate the impact of siltation of such tanks/water bodies. A detailed approved plan for desilting of identified ponds and water bodies to be prepared in consultation with forest department and shall be submitted to MoEF& CC along with the compliance of 'in-principle' approval;
 18. **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:
 - i. 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;

- ii. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
 - iii. 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
 - iv. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
19. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department; Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;
 20. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
 21. 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, Forest (Conservation) Act, 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 concern Addl. Principle Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities area satisfactorily executed;
 22. 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;
 23. Period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
 24. 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;
 25. 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;
 26. 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;
 27. 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;

28. No damage to the flora and fauna of the adjoining area shall be caused;
29. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
30. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;
31. 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;
32. The State Government/User Agency shall comply all the provisions of the all Acts, Rules, Regulations and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, or the time being in force, including compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006, before handing over the forest land to the user agency;
33. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>).

After receipt of a satisfactorily report on the compliance of conditions stipulated in the extant 'in-principle, as mentioned above, from the State Government, the proposal shall be considered for 'Final' approval under section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Transfer of forest land shall not be affected by the State Government till the 'Final' approval, to the extant proposal, is granted by the Central Government.

Yours faithfully,

(Amit Anand)

Assistant Inspector General of Forests

Copy to:

- i. PCCF (HoFF), Government of West Bengal, Kolkata.
- ii. Dy. DGF (Central), Regional Office of the MoEF&CC at Bhubaneswar.
- iii. Sub-Office of MoEF&CC, Kolkata.
- iv. Nodal Officer (FCA), Government of West Bengal, Kolkata.
- v. User Agency
- vi. Monitoring Cell, FC Division, MoEF&CC, New Delhi for uploading on PARIVESH portal.