

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

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

Dated: August, 2023

To
The Principal Secretary (Forests),
Government of Chhattisgarh,
Raipur

Sub:-Proposal for seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 in favour of M/s Prakash Industries Pvt. Ltd. for non-forestry use of 515.581 ha (201.806 ha for Underground mining) of forest land for Coal mining in Bhaskarpara Coal block under Surajpur District of Chhattisgarh State (Online Proposal No. FP/CG/MIN/149564/2021)-regarding

Sir,

I am directed to refer to Government of Chhattisgarh's letter no.10F (Cons)110/2016/6193/F&E dated 13.03.2023, on the above subject seeking prior approval of Central Government under section-2 of Forest (Conservation) Act 1980 and to say that the proposal has been examined by the Advisory Committee (AC) 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/ Stage-I*** approval under Section - 2 of the Forest (Conservation) Act, 1980 for non-forestry use of 515.581 ha (201.806 ha for Underground mining) of forest land for Coal mining in Bhaskarpara Coal block under Surajpur District of Chhattisgarh State by M/s Prakash Industries Pvt. Ltd. subject to fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The Compensatory Afforestation shall be taken up by the Forest Department over equivalent non-forest land in lieu of the area proposed for open cast mining i.e. 315.417 ha non-forest land at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided. With provision for ten years on subsequent maintenance;
- iii. The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
- iv. 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 through online e-portal into the CAMPA account in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may

include appropriate provision for anticipated cost increase for works scheduled for subsequent years;

- v. ***As in the part of Revenue Forest Land proposed to be diverted there are settlements of approximately 51 families and the user agency has given an undertaking that these families/people will also be resettled and will be included in part of R&R plan. The State Govt. shall implement the R&R Plan and submit an undertaking in this regard;***
- vi. ***The State Govt. shall submit an undertaking stating that in future the underground mining will not be converted to open cast mining with regard to the instant proposal and any such proposal shall not be considered in future;***
- vii. ***The forest area earmarked for underground mining and to be kept as un-disturbed needs to be demarcated and appropriately protected by the user agency under the super vision of State Forest Department. The area shall be demarcated and protection plan in this regard shall be prepared;***
- viii. ***State Govt. shall identify the areas for gap plantations in the forest area earmarked for underground mining and to be kept as un-disturbed. The State Govt. shall submit a detailed scheme in this regard;***
- ix. 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 Stage II approval;
- x. 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;
- xi. The Forest land will be handed over only after required non-forest land for the project is handed over by the user agency, if any;
- xii. 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;
- xiii. 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;
- xiv. Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
- xv. State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence, along with compliance of Stage-I approval, as prescribed by this Ministry's letter No. 11-9/1998-FC (Pt.) dated 03.08.2009 read with 05.07.2013, in support thereof;
- xvi. 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 Stage-I approval:
 - 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 Stage-II clearance in accordance with the approved Plan 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 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 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.
- xvii. User agency either himself or through the State Forest Department shall undertake gap planting and soil & 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 before Stage-II Clearance;
 - xviii. 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 before Stage-II approval;
 - xix. Safety Zone Management: Following activities, at project cost, shall be undertaken by the user agency for the management of safety zone as per para 7.9 of Chapter 7 of Handbook of FC Act 1980 issued in 2019.
 - xx. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
 - xxi. Wildlife Management Plan: Site specific Wildlife Management Plan to mitigate the impact of project on wildlife of the area shall be prepared by the state Government in consultation with the PCCF & Chief Wildlife Warden of State at project cost and an approved copy of the same along with detail of deposition of funds into the CAMPA account shall be submitted to the Ministry along with Stage-I compliance;
 - xxii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);
 - xxiii. Trees should be felled in phased manner as per the requirement in the approved Mining Plan with prior permission of concerned DFO;
 - xxiv. 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;
 - xxv. 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;

- xxvi. 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;
- xxvii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xxviii. 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;
- xxix. 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;
- xxx. 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;
- xxxi. 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;
- xxxii. No damage to the flora and fauna of the adjoining area shall be caused;
- xxxiii. 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;
- xxxiv. 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;
- xxxv. 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; and
- xxxvi. 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.

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final/ Stage-II approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully

Sd/-
(Dr. Dheeraj Mittal)
Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Government of Chhattisgarh, Raipur.
2. The Addl. PCCF & Nodal Officer (FCA), Jail Road, Aranya Bhavan, Raipur
3. DDGF(C), Regional Office, Nagpur, MoEF&CC.
4. IGF(C), Sub-office, Raipur, MoEF&CC.
5. User Agency.
6. Monitoring Cell, FC Division, MoEF&CC, New Delhi.