

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

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

Dated: 18th October, 2021

To

The Principal Secretary (Forests),
Government of Madhya Pradesh,
Bhopal.

Subject: Proposal for diversion of 382.131 hectares of forest land for Bunder Diamond Mining Project in favour of M/s Essel Mining & Industries Limited, District Chhatarpur, State of Madhya Pradesh (Online proposal No. FP/MP/MIN/45288/2020) – regarding.

Madam/Sir,

This is with reference to above mentioned subject and I am directed to inform that the matter has been examined and it has been found that in past a proposal i.e. *Diversion of 971.595 ha of forest land for Bunder Diamond Mining Project under the Chhatarpur forest division in favour of Rio Tinto Exploration India Private Limited, District Chhatarpur, Madhya Pradesh* was dealt in the FC Division of Ministry in File No. 8-22/2015-FC.

Further during examination of File No. 8-22/2015-FC it has been found that as per recommendation of FAC dated 12.07.2016 (MoM attached) the Ministry vide letter dated 10.08.2016 requested the State Government as under (Copy attached):

- i. As per NTCA report, project can potentially disrupt the landscape character vis a vis tiger dispersal around Panna landscape as such this may be taken only when Ken Betwa link project is finalized as well as detailed study done to assess other alternatives.
- ii. User agency has submitted the revised proposal which is highly dependent on surface extraction which would entail greater extent of forest land use leading to permanent loss of the high quality forest areas.
- iii. The project proponent may also explore the possibility of underground.

Now another proposal for diversion of forest land in the given area has been submitted. The State govt is therefore requested to examine the present proposal in view of the above observations made by FAC and submit a detailed report with complete justification/clarification in this regard.

The State Government is further requested to submit the detail of proposals submitted earlier in case of Bunder Diamond mining along with their present status for further examination of this proposal.

Yours sincerely,

Encl: As Above

Sd/-

(Suneet Bhardwaj)

Asst. Inspector General of Forests

Copy to:

1. The PCCF & HoFF, Department of Environment and Forest, Government of Madhya Pradesh, Bhopal;
2. The Regional Officer, Integrated Regional Office, MoEF&CC, Bhopal;
3. The Nodal Officer, FCA, Department of Environment and Forest, Government of Madhya Pradesh, Bhopal;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF&CC for uploading on PARIVESH portal.

Government of India

**Ministry of Environment, Forests & Climate Change
(Forest Conservation Division)**

**MINUTES OF THE FOREST ADVISORY COMMITTEE (FAC) MEETING
HELD ON 12th July 2016**

[Nisheet Saxena, Sr. AIG(FC)]

Agenda 1

F. No. 8-22/2015-FC

Sub: Proposal for diversion of 971.595 hectares of forest land for Bunder Diamond Mining Project under the Chhatarpur forest Division in favour of M/s Rio Tinto Exploration India Private Limited, in Chhatarpur District in the State of Madhya Pradesh.

FAC after examination of the proposal and discussion with the user agency observed as under:-

1. The Government of Madhya Pradesh vide their letter No. F-3/738/2015/10-11/1931 Bhopal dated 11.08.2015 had submitted the proposal for diversion of 971.595 ha of protected forest land at Bunder for Diamond Mining Project of Rio Tinto Exploration Pvt. Ltd for seeking prior approval of the Central Government in accordance with Section -2 of the Forest (Conservation) Act, 1980.
2. This proposal was examined by the Forest Advisory Committee in its meeting convened on 24th December, 2015. After examination of the said proposal and recommendation of the Forest Advisory Committee thereon in the Ministry, the State Government of Madhya Pradesh, FSI and NITCA were requested to submit the information/documents as sought by the FAC. ,



3. The above proposal along with report of the committee was again discussed in the Forest Advisory Committee (FAC) in its meeting held 16th March, 2016. After examining the proposal FAC inter-alia made following observations:
 - a. As per its recommendations in the meeting held on 24th November, 2015, NTCA has already constituted a Committee to examine the issues with respect to tiger project. Matter may be considered on receipt of the report from the NTCA.
 - b. Documents submitted along with compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 reveals that resolutions of Triyamar, Jara and Shehpura Gram Sabhas are not in legible form. Moreover the Shehpura Gramsabha has resolved against the proposal and in their resolution it is recorded that Gram Sabha is not willing to provide their land to the company and has accordingly not consented to the proposal. State Government may examine these issues and submit the compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 complete in all respect to this ministry.
 - c. The representative of M/s Rio Tinto Exploration India Private Limited (RTIPL) informed that they are in the process of submitting a revised proposal. The same will be considered on receipt of complete proposal from the State Government.
4. The recommendations of FAC as contained in Para (3) above were communicated to the State Government vide this Ministry's letter of even number dated 12th April, 2016.

The Nodal Officer (FCA), State Government of Madhya Pradesh vide letter No. P-1/738/2015/10-11/1088 dated 25.05.2016 has now submitted a revised proposal to MoEF&CC for diversion of 76.43 ha of forest land for Bunder Diamond Mining Project under the Chhatarpur forest Division in favour of M/s Rio Tinto Exploration India Private Limited, in Chhatarpur District in the State of Madhya Pradesh with the following details:

Prior approval of the Central Government in accordance with Section-2(iii) of the Forest (Conservation) Act, 1980	954.00 Ha
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for assignment of forest land (lease area)		
Prior approval of the Central Government in accordance with Section-2(ii) of the Forest (Conservation) Act, 1980 for diversion of forest land		76.43 Ha
a. From within Mining Lease area – 71.48		
S. No.	Particular	
1.	Area to be excavated pit	13.28
2.	Processing plant	0.9
3.	Mineral storage (stock pile)	1.5
4.	PI.SF	5.19
5.	Waste Dump	8.05
6.	Top soil Dump	4.16
7.	Dam and reservoir	4.96
8.	Ore Stuck Pile	6.82
9.	Site Office	0.3
10.	Canteen parking	1.67
11.	Maintaining Workshop	4.8
12.	Fuel Storage	0.81
13.	Internal Road Pipeline	19.04
	Grand Total	71.48
(Balance area (954.00-71.48=882.52) ha to be applied by user agency under		

	section 2(ii) in phase afterwards)	
	For approach road	4.95 ha
	Total of ii (a)+ii (b)	76.43 ha
	Total proposed area	958,950 ha

5. The area incorporated in the revised proposal is part of the area 971.595 ha proposed in the original proposal. The types of forests, species and site quality, density in the proposed area of forest land is the same as given in original proposal. The proposed area contains trees of teak & mixed species and type IV-B Site Quality forest area. The density of the forest land 76.43 ha as proposed for diversion under Section-2(ii) of F.C Act, 1980 is upto 0.5 to 0.6.
6. The State Government of Madhya Pradesh, Forest Department has approved the revised proposal for diversion of 76.43 hectares of forest land for Bunder Diamond Mining Project under the Chhatarpur forest Division in favour of M/s Rio Tinto Exploration India Private Limited, in Chhatarpur District subject to conditions as given below:
 - (i) The counting of trees has been done on the Random Sampling Method in the proposed land of 76.43 ha to be diverted under Section 2(ii) of The Forest (Conservation) Act, 1980. Therefore, recounting of Trees should be done immediately after the in-principle approval is granted and the user agency shall undertake to provide the balance amount of Deforestation calculated accordingly.
 - (ii) The User Agency should adhere to work in accordance to the Modified Wildlife Conservation Plan as approved by Chief Wildlife Warden of the State.
 - (iii) The letter dated 29.04.2016 written by Collector (Tribal Welfare Department) to the User Agency in the revised proposal is accredited in context of fulfillment of the terms/conditions raised by the native villagers vide certificate dated 31.10.2014 issued by Collector (Tribal Welfare Department), Chhatarpur. The user agency should provide and undertaking for the same.

7. The user agency has prepared a Wild Life Conservation Plan for the area 971.595 ha and submitted to the Chief Wildlife Warden of the State of approval. The Chief Wildlife Warden has suggested modification in this plan before granting his approval. The revised plan was submitted to the Chief Wildlife Warden and approved vide his letter dated 11.02.2016.
8. A Committee was constituted by NTC A to examine the issues pertaining to tiger project i.e. proposed area falls in the Tiger Corridor between Panna Tiger Reserve and Nauradahi Wildlife Sanctuary and section 38 (G) of the Wildlife Protection Act, 1972. The report of the committee has now been received. The recommendations of this committee are produced below:
 - a. This project cannot be viewed in isolation but in context with Ken-Betwa Project wherein, the NTC A committee (2013) had recommended trade off options which included
 - (i) Bringing the entire area under one conservation landscape and
 - (ii) Satellite habitats and dispersal route.
 - b. Further, the project seems to have been submitted on a piecemeal basis (76.43 ha. out of 971.595 ha.), and has the potential to disrupt vital connecting links in the landscape which is not in spirit of the recommendation of this Authority as outlined at S.No. (a) above.
 - c. The appraisal team has not found it prudent to assess alternatives as solicited through the ToR as information available currently is restricted and a detailed exercise needs to be carried out independently.
 - d. Most importantly, keeping in view the long term perspective, the team leader considers it critical to establish functional connectivity with other sources populations like Bandhavgarh Tiger Reserve and potential sources like Nauradahi Wildlife Sanctuary.
 - e. In the absence of the above measures, the said project can potentially disrupt the landscape character vis-a-vis tiger dispersal around Panna landscape, as such this may be taken only when Ken Betwa Link Project is finalized as out lined at S. No. (a) above, as well detailed study done as recommended above.

- 9 Shortcomings in respect of documents submitted along with compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act 2006 were communicated to State Govt. vide this Ministry's letter of even number dated 12.04.2016, which revealed that "resolutions of Triyamar, Jara and Shehpara Gram Sabhas are not in legible form. Moreover the Shehpara Gramsabha has resolved against the proposal and in their resolution it is recorded that Gram Sabha is not willing to provide their land to the company and has accordingly not consented to the proposal". The State Government has submitted compliance of Scheduled Tribes and Others Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 and available in file of revised proposal.
10. The Site Inspection of the revised proposed area of 76.43 ha forest land has been carried out by Forest Range Officer and Sub Divisional Officer (Forest), Buxwaha. The abstract of Girth Wise Teak and Misc. Species Trees and average number of Trees enumerated in Compt No. 279,280,284,285 (76.430 Ha.) proposed for diversion. It is reported in SIR that some rare and endangered species of wild animals (Chausinga, Leopard, Cheetal, Chinkara, Peacock, etc.) are found in the area proposed in the revised proposal. Also, it is indicated that area is used by the Tigers as their migratory corridor.
11. The Joint Site inspection of the area proposed for diversion in the revised proposal was carried on 01.05.2016 by Divisional Forest Officer (SZ), Chhatarpur and Chief Conservator of Forests (R.O). The revised proposal for diversion of 76.43 Ha of forest land is being recommended by Divisional Forest Officer (SZ), Chhatarpur and Chief Conservator of Forests (R.O) on the conditions of recommendation of Original proposal for diversion of 971.595 ha of forest land.

FAC after detailed discussion on the proposal observed that –

1. As per NTCA report –project can potentially disrupt the landscape character vis a vis tiger dispersal around Panna landscape as such this may be taken only when Ken Betwalink project is finalized as well as detailed study done to assess other alternatives

2. User agency has submitted the revised proposal which is highly dependent on surface extraction which would entail greater extent of forest land use leading to permanent loss of the high quality forest areas .
3. The project proponent may also explore the possibility of underground mining.

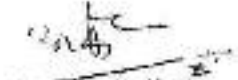
Confirmed through mail
 (Dr. Mohammad Firoz Ahmed)
 Member


Confirmed through mail
 (Ramesh K. Dave)
 Member

absent -
 (Chaitram Deochand Pawar)
 Member

- absent -
 (Dr. Chintamani Pandey)
 Additional Commissioner
 (NRM), Member


 (D.K. Sinha)
 IGP(FC) & Member
 Secretary


 (Dr. Anil Kumar)
 Addl. Director General of Forests
 (FC)


 (Dr. S.S. Negi)
 Director General of Forests and Special Secretary & Chairman

F. No. 8-22/2015-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi – 1100 03.

Dated: 10th August, 2016

To,

The Principal Secretary (Forests),
Department of Forests & Environment,
Government of Madhya Pradesh,
Bhopal (M.P.)

Sub.: Revised proposal for diversion of 76.43 ha of forest land for seeking prior approval under Section-2(ii) of the Forest (Conservation) Act, 1980 and 954.00 Ha for assignment of forest land (lease area) under Section-2(iii) of the Forest (Conservation) Act, 1980 for Bunder Diamond mining Project under the Chhatarpur forest Division in favour of M/s Rio Tinto Exploration India private Limited, in Chhatarpur District in the State of Madhya Pradesh.

Sir,

I am directed to refer to the Addl. Principal Chief Conservator of Forests, (Land Management) and Nodal Officer, the Forest (Conservation) Act, 1980, Government of Madhya Pradesh's letter No. F-1/738/2015/10-11/1088 dated 25.05.2016 on the above mentioned subject seeking prior approval of the Central Government, in accordance with Section -2 of the Forest (Conservation) Act, 1980, Revised proposal for diversion of 76.43 ha of forest land for seeking prior approval under Section-2(ii) of the Forest (Conservation) Act, 1980 and 954.00 Ha for assignment of forest land (lease area) under Section-2(iii) of the Forest (Conservation) Act, 1980 for Bunder Diamond mining Project under the Chhatarpur forest Division in favour of M/s Rio Tinto Exploration India private Limited, in Chhatarpur District in the State of Madhya Pradesh.

2. The above subject proposal was placed before the Forest Advisory Committee in its meeting convened on 12.07.2016. The detailed minutes of the FAC meeting held on 12.07.2016 is placed on the website of this Ministry: www.forestclearance.nic.in. After examination of the said proposal the Forest Advisory Committee inter alia recommended that:-

1. As per NTCA report, project can potentially disrupt the landscape character vis a vis tiger dispersal around Panna landscape as such this may be taken only when Ken Betwa link project is finalized as well as detailed study done to assess other alternatives .



2. User agency has submitted the revised proposal which is highly dependent on surface extraction which would entail greater extent of forest land use leading to permanent loss of the high quality forest areas.
3. The project proponent may also explore the possibility of underground.

Accordingly, I am directed to say that the State Government of Madhya Pradesh may take necessary action on the recommendation of FAC.


Yours faithfully,


(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, Government of Madhya Pradesh, Bhopal.
2. The Nodal Officer, Forest Department, Government of Madhya Pradesh, Bhopal.
3. The Addl. PCCF (Central), Regional Office, (Western Zone) Bhopal.
4. The ADG, National Tiger Conservation of Authority, Paryavarn Bhawan, CGO Complex, Lodhi Road, New Delhi – 110003.
5. User Agency.
6. Monitoring Cell, FC Division, MoEF, New Delhi.
7. Guard File.


(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests