

F. No. 8-39/2016-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

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

Dated: 20th December, 2016

To,

The Principal Secretary (Forests),
Government of Odisha,
Bhubaneswar.

Sub: Diversion of 34.39 ha of sabik kisam forest land as on 25th October 1980 (treated as non-forest land in hal record) in addition to 24.446 ha of forest land already diverted out of total forest land of 302.402 ha (including sabik kisam forest land of 44.269 ha) within the ML area of 335.594 ha in Balda iron ore Mines of M/s Serajuddin & Co. in village Balda, Bada kalimati under Barbil Tahasil and village Nayagarh under Jhumpura Tahasil in Keonjhar district, Odisha.

Sir,

I am directed to refer to the State Government's letter No. 10F (Cons) 125/2016/14738/F&E dated 09.08.2016 submitting the above subject proposal for prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. The said proposal was placed before Forest Advisory Committee (FAC) in its meeting held on 9th & 10th November, 2016. The detailed minutes of the FAC meeting held on 9th & 10th November, 2016 is placed on the website of this Ministry: www.forestclearance.nic.in. After thorough deliberation in the said FAC meeting, FAC recommended the proposal for clearance under Forest (Conservation) Act, 1980 with general, standard and following specific conditions-

1. The user agency shall pay additional NPV at the rate 20 per cent for each year since the violation of Forest (Conservation) Act 1980 has commenced.
 2. User agency shall raise penal CA equivalent to the land utilized in violation of provision of Forest (Conservation) Act 1980
2. However FAC further observed that the proposal file shall be placed before Competent Authority for approval on receipt of following information:
- i. State Government shall submit original certificate of complete compliance of FRA.2006.
 - ii. For compensatory afforestation (CA) equivalent non-forest land (NFL) is to be earmarked and plantation has to be raised @1000 plants/ha, of forest land diverted. On analysis through DSS it is found that some area of the proposed non forest land for CA is having moderately dense vegetation over it, therefore 1000 plants/ha cannot be planted. The proposed non forest land for CA shall be accepted provided the number of plants which are not possible to be planted on proposed land, shall be planted on degraded forest land (crown density upto 40 % as per Forest Survey of India report) identified by the forest department. State Government shall identify degraded forest land (DFL) within its administrative control and submit the location of area and shape file with possible number of plants to be planted in the proposed degraded forest land. The compensatory afforestation scheme shall be for 1000 plants/ha of the forest land diverted under this proposal including maintenance cost for 10 years. The State Government shall submit the revised CA scheme.
 - iii. State Government shall submit latest status of court cases related to violations pending in different Courts

- iv. FAC took a serious note of the observation of the State Government that the user agency has violated the provisions of FC Act and change the land use of the forest land diverted without approval of competent authority. It is observed by the FAC that the user agency had violated the conditions stipulated in the approval by MoEF&CC vide letter no. 8-17/2001-FC dated 22.04.2004, for diversion of forest area within the same mining lease. User agency had been found to deviate from the approved land use plan. This speaks about the credibility of the user agency in observing the conditions imposed by this Ministry while granting permission for diversion of the forest land under Forest Conservation Act, 1980. The MOEF&CC may request the Regional Office (Eastern Zone) Bhubaneswar to initiate proceedings in accordance with the provision of section 3A and 3B of the Forest Conservation Act, 1980 and file complaint in the court having jurisdiction in matter against officials *prime facie* found guilty for changing the land use of the diverted forest land without approval of competent authority.

In view of the above, the State Government is requested to submit information as indicated above to this Ministry for further action.

Yours faithfully



(Sandeep Sharma)

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Odisha, Bhubaneswar.
2. The Nodal Officer, O/o the PCCF, Government of Government of Odisha, Bhubaneswar.
3. The Addl. PCCF (Central) (FCA), Regional Office, Bhubaneswar:- **with a request to take necessary action as mentioned at Para 2 (iv) above on the recommendation of FAC and submit detailed report .**
4. Monitoring Cell, FC Division, MoEF&CC, New Delhi.
5. Guard File



(Sandeep Sharma)

Assistant Inspector General of Forests (FC)