



कार्यालय:- वन प्रमंडल पदाधिकारी, चतरा दक्षिणी वन प्रमंडल।

वन भवन, चतरा- 825401 (झारखण्ड)

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सेवा में,
वन संरक्षक,
प्रादेशिक अंचल, चतरा।

विषय:- मेसर्स सेन्ट्रल कोल फिल्ड लिमिटेड द्वारा पुरनाडीह ओ.सी.पी. परियोजना हेतु 323.49 हे० वन भूमि अपयोजन प्रस्ताव पर भारत सरकार द्वारा की गई पृच्छा का अनुपालन के संबंध में।

प्रसंग:- आपका पत्रांक- 1013 दिनांक 10.09.2021
महाशय,
उपर्युक्त विषय एवं प्रसंग के सन्दर्भ में सूचित करना है कि भारत सरकार पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, न्यू दिल्ली का पत्रांक F No- 8-61/2018-FC DFA-I दिनांक 22.08.2019 द्वारा आठ बिन्दुओं एवं पत्रांक F No- 8-61/2018-FC DFA-II दिनांक 22.08.2019 द्वारा चार बिन्दुओं पर पृच्छा का बिन्दुवार अनुपालन प्रतिवेदन इस कार्यालय के पत्रांक 2161 दिनांक 18.08.2021 द्वारा भेजी गई थी जिसमें प्रसंगाधीन पत्र द्वारा आपत्ति व्यक्त करते हुए संशोधित अनुपालन प्रतिवेदन समर्पित करने हेतु निर्देश प्राप्त है जिसके आलोक में परियोजना पदाधिकारी, पुरनाडीह खुली खदान परियोजना, नार्थ कर्णपुरा क्षेत्र, सी.सी.एल. पोस्ट-डकरा, जिला- राँची ने अपने पत्रांक PO/PND/Forest/ 21-22/815 दिनांक 26.10.2021 द्वारा बिन्दुवार संशोधित अनुपालन प्रतिवेदन इस कार्यालय में समर्पित किया है। समर्पित बिन्दुवार अनुपालन प्रतिवेदन पर अधोहस्ताक्षरी का मंतव्य के साथ अनुपालन प्रतिवेदन की आठ मूल प्रतियाँ इस पत्र के साथ संलग्न कर अग्रेतर कार्रवाई हेतु भेजी जा रही है।

अनु०-यथोक्त-

आपका विश्वासी,

ह०/

वन प्रमण्डल पदाधिकारी,
चतरा दक्षिणी वन प्रमण्डल।

ज्ञापांक-

2633

दिनांक- 30/10/2021

प्रतिलिपि- परियोजना पदाधिकारी, पुरनाडीह परियोजना, नार्थ कर्णपुरा क्षेत्र, सी.सी.एल. पो०-डकरा, जिला- राँची को उनके पत्रांक PO/PND/Forest/ 21-22/815 दिनांक 26.10.2021 के क्रम में सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

etc

वन प्रमण्डल पदाधिकारी,
चतरा दक्षिणी वन प्रमण्डल।

30/10/2021



Office of the Divisional Forest Officer, Chatra South Forest Division.

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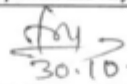
Government of India, Ministry of Environment, Forests & Climate Change, New Delhi vide letter no. – F. NO. 8-61/2018-FC (DFA-I) Dated 22.08.2019 for Purnadih OCP mine in favour of M/s Central Coalfields Limited (CCL) has been submitted by the User Agency, as below :-

| Condition No. | Area of diverted of forest land | Description | Compliance by User Agency | DFO South Comments | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-------------------|---------------------------------------|--|---|---|----------|-------------------|------|---|-------|-------------|-------|---|----------|-------------|-------|---|-------|------------|-------|---|-------|------------|-------|---|---------------|-----------------|-------|---|-------|------------|--------|---|-------|------------|--------|---|----------------|-----------------|-------|---|-------|--------------|-------|----|-------|--------------|-------|-------------------|--|--|---------------|---|
| 1 | 2 | 3 | 4 | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | Purnadih OCP Coal Project- 323.49 ha. | State Government shall identify land bank of degraded forest land KML files/shape files for exact 650 ha of degraded forest land as CA requirement for project proposal shall be submitted. | The KML & DGPS plan of exact 650 Ha identified for Purnadih OCP (323.49 Ha) was submitted. Details are given below: <table border="1"> <thead> <tr> <th>Sl No.</th> <th>CA Patch</th> <th>Thana & Thana No.</th> <th>Area</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Salgi</td> <td>Simaria, 95</td> <td>63.50</td> </tr> <tr> <td>2</td> <td>Ramtunda</td> <td>Chatra, 138</td> <td>93.33</td> </tr> <tr> <td>3</td> <td>Bukru</td> <td>Tandwa, 08</td> <td>57.64</td> </tr> <tr> <td>4</td> <td>Lohra</td> <td>Tandwa, 14</td> <td>71.44</td> </tr> <tr> <td>5</td> <td>Babhane sajna</td> <td>Chatra, 173-191</td> <td>39.04</td> </tr> <tr> <td>6</td> <td>Gopda</td> <td>Tandwa, 39</td> <td>111.40</td> </tr> <tr> <td>7</td> <td>Pokla</td> <td>Tandwa, 34</td> <td>118.35</td> </tr> <tr> <td>8</td> <td>Chatra Pakriya</td> <td>Chatra, 175-174</td> <td>59.79</td> </tr> <tr> <td>9</td> <td>Balia</td> <td>Itkhori, 211</td> <td>10.97</td> </tr> <tr> <td>10</td> <td>Siria</td> <td>Itkhori, 113</td> <td>24.54</td> </tr> <tr> <td colspan="3" style="text-align: center;">Total Area</td> <td>650.00</td> </tr> </tbody> </table> | Sl No. | CA Patch | Thana & Thana No. | Area | 1 | Salgi | Simaria, 95 | 63.50 | 2 | Ramtunda | Chatra, 138 | 93.33 | 3 | Bukru | Tandwa, 08 | 57.64 | 4 | Lohra | Tandwa, 14 | 71.44 | 5 | Babhane sajna | Chatra, 173-191 | 39.04 | 6 | Gopda | Tandwa, 39 | 111.40 | 7 | Pokla | Tandwa, 34 | 118.35 | 8 | Chatra Pakriya | Chatra, 175-174 | 59.79 | 9 | Balia | Itkhori, 211 | 10.97 | 10 | Siria | Itkhori, 113 | 24.54 | Total Area | | | 650.00 | A 650 ha area from the land bank of degraded Forest Land has been identified by this division and kml Files/shape files for this exact 650 ha. has been submitted as per the details given by the user agency in the compliance column. |
| Sl No. | CA Patch | Thana & Thana No. | Area | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1 | Salgi | Simaria, 95 | 63.50 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | Ramtunda | Chatra, 138 | 93.33 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | Bukru | Tandwa, 08 | 57.64 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | Lohra | Tandwa, 14 | 71.44 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5 | Babhane sajna | Chatra, 173-191 | 39.04 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6 | Gopda | Tandwa, 39 | 111.40 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 7 | Pokla | Tandwa, 34 | 118.35 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | Chatra Pakriya | Chatra, 175-174 | 59.79 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 9 | Balia | Itkhori, 211 | 10.97 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 10 | Siria | Itkhori, 113 | 24.54 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total Area | | | 650.00 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2 | | The State Government shall also inform the status of 81.20 ha of land (832.94-751.74=81.20 ha) with in total project area of 832.94 ha. | The land for Purnadih OCP was acquired under CBA Act 1957 vide SO No. 1501 dated 14/26.05.2019. The project report was prepared for 751.74 Ha only. The balance area of 81.20 Ha is not required by Purnadih OCP as it is beyond the project area. A certificate regarding project area of Purnadih OCP is attached Annexure A | A status report regarding 81.20 ha. has been submitted by the user agency and the same is marked as Annexure- A and is attached with this report according to which 81.20 ha. area is now not included in the application for diversion proposal . | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3 | | State Government shall submit necessary certificate to confirm whether the site selected for non-forest use and also for compensatory afforestation is important from Religious / Archaeological point of view or not. | CCL submitted its compliance stating that the project area of Purnadih OCP did not contain any place of religious/archaeological importance. However, as instructed by GOJ in meeting held on 10.09.2020, Archaeological Survey Of India was requested on 23.09.2020 to provide certificate related to archaeological site. Site visit was carried out by Regional Office, Archaeological Survey Of India Ranchi on 09.12.2020 and second site visit was carried out from 24.02.2021 to 28.02.2021. Archeological Survey of India, Ranchi submitted the exploration report to The Director General, Archeological Survey of India on 19.03.2021. It is stated in the report that " Technical team of Ranchi Circle of ASI explored thoroughly the area proposed for deforestation for the purpose of mining of CCL and found prima facie that no archaeological remains is present over the ground in the said areas." Certificates regarding places of religious importance were issued by respective Circle Officers (Tandwa, Simaria, Itkhori & Chatra) on 09.02.2021, 04.02.201, 12.03.2021 & 03.04.2021 respectively. The certificates are enclosed as Annexure B | The certificate issued by Circle Officer, Tandwa, Chatra, Simaria and Itkhori has been submitted by the user agency and the same is enclosed as Annexure- B with this report. So far as the certificate regarding the compensatory afforestation site is concerned, the same has not been submitted by the user agency. The user agency may be instructed to procure the required certificate from the competent authority in respect of the proposed compensatory afforestation land also. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4 | | Certificate that the Compensatory area is free from encroachments and encumbrance shall be given by the State Government. | The Compensatory area was identified for 1096.14 Ha which has been reduced to 650 Ha (double in extent to the forest land applied=323.49x2=646.98 | The proposed compensatory afforestation land lied in 04 (Four) forest ranges of their division namely, Chatra Range, Simaria | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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|---|---|---|---|--|
| | | | Ha) to ensure that it is free from encroachments and encumbrances. | Range, Tandwa Range and Lawalong Range, all the concerned forest range officers have certified that the compensatory afforestation land area is free from encroachment and encumbrances. The xerox copies of certificate issued by the forest range officers are enclosed and marked as annexure-"C" |
| 5 | State Government shall also analyze the proposal in light of observation of Hon'ble Supreme Court in case of Laffarge Umium V/S Union of India in 2011. | <p>The land of the project was acquired under CBA Act 1957 vide S.O no. 1501 dated: 14/26.05.1990 and the project report was approved on 19.07.2008 for an area of 751.74 Ha and a capacity of 3.0 MTY. Accordingly environmental clearance was also granted by MoEF&CC on 19.05.2009 for an area of 751.74 Ha and a capacity of 3 MTY. Further the Permission to open seam was issued by coal controller vide letter dated 03.06.2009 and DGMS permission was issued vide letter dated 26.08.2009. (Enclosed as Annexure C & Annexure D)</p> <p>Thus the approval of project report/mine plan, EC & other statutory clearances were issued before judgment of Hon'ble Supreme Court in Lafarge Umium V/s Union of India Case in 2011. Exploitation of coal in Purnadih OCP as per approved project report/mining plan is by opencast method, Open Cast mining can only be undertaken after providing compensation of land to tenants followed by physical possession of land and forest clearance of notified forest land and GMJJ as per FC Act 1980.</p> <p>The GMJJ land was already settled in favors of villagers/riayats between 1939-45 by the then Zamindars and also during 1980s by state Govt. The land including GMKJJ was utilized by Raiyats for agriculture etc. After acquisition under CBA Act. 1957 and providing benefits to raiyats as per applicable policy and rules, mining was started by CCL. As soon as the actual nature of land came into knowledge of CCL application for diversion as per FC act 1980 was submitted on 24.08.2010 and subsequently submitted online on 22.06.2015 however if any demand is raised for penal compensatory afforestation by forest department, same shall be paid by CCL.</p> <p>From the above it is evident that the mining operations in Purnadih Opencast coalmine were initiated only after approval of mining plan and issuance of EC and also forest application was made for total forest land within the project area, as such the scenario of fait accompli is not attracted in the case of Purnadih OCP.</p> | <p>The reply submitted by the project proponent is not at all tenable as the project proponent in this case is M/s Central coal fields limited which is a subsidiary company of coal India limited, the premiere company in coal sector. The order of the Hon'ble Supreme Court in case of Laffarge Umium V/S Union of India in 2011 is fully applicable. The violation of the Forest (Conservation) Act 1980 has been done by M/S CCL willfully and M/s CCL cannot say that it was not aware of the nature of land which were broken and mining was done. M/s CCL has broken 278.94 acres of GMJJ land and this land is a forest land under the definition accepted by Hon'ble Supreme Court in T.N. Godavarman VS Union of India, where in the Apex court has held that the deemed forest should also be considered a forest land for non-forestry uses under Forest (Conservation) Act 1980. M/s CCL has a separate forest and Environment wing and M/S CCL is supposed to be fully aware of the Hon'ble Supreme Court's Rulings and other Forest Laws in context of mining or non-forestry activities. However from the reply seems that M/S CCL is ready to pay the demand raised by the government in context of the violation. The project proponent should, therefore, submit an undertaking in this regard.</p> <p>M/S CCL had full knowledge of the nature of land and never submitted the land details to DFO prior to the incidence of mining on GMJJ land. The 278.94 acres GMJJ land which is a forest land for the purpose of non-forestry work under supreme court Ruling given in T.N. Godavarmand V/S Union of India has willfully been broken and mined out and after the completion of mining work, an application for approval has been submitted.</p> | |
| 6 | State Government shall submit details of the officials responsible for violation of provisions of FCA 1980 and appropriate action initiated against such persons/authorities as per provisions under relevant Acts. | <p>CCL acquired the land under CBA Act 1957 vide SO No. 1501 dated 14.05.1990. Mining activities were undertaken only after approval of project report/mine plan, issuance of EC and other statutory clearances.</p> <p>The GMJJ land was already settled in favors of villagers/riayats between 1939-45 by the then Zamindars and also during 1980s by state Govt. The land including GMKJJ was utilized by Raiyats for agriculture etc. After acquisition under CBA Act.</p> | <p>The compliance report given by CCL that, no official was responsible for violation of provision of FC Act, is not acceptable because in the year 2014 DFO, Chatra South Forest Division, Chatra vide letter no. 2054 dated 25.07.2014 (Annexure-1) has communicated Mr. B.R. Reddy, the then GM, N.K. Area, Chatra that as per Google Sheet, Illegal Mining in plot no.</p> | |

| | | <p>1957 and providing benefits to raiyats as per applicable policy and rules, mining was started by CCL.</p> <p>From above it is clear that no official was responsible for violation of provisions of FC Act. 1980. However as soon as the actual nature of land came into knowledge of officials of CCL application for diversion as per FC act 1980 was submitted on 24.08.2010 and subsequently submitted online on 22.06.2015 however if any demand is raised for penal compensatory afforestation by forest department, same shall be paid by CCL. An undertaking in this regard is attached as Annexure E</p> | <p>403, 240 & 482 of Henjda (GM Jungle Jhari) has been carried out by CCL, which attracts Section - 2 of FC Act 1980 (Amended in 1988). On the basis of the report of DFO, Chatra South a joint team was constituted by DC, Chatra to enquire into the matter. DC, Chatra vide letter no. 998 dated 11.09.2015 (Annexure- 2) communicated DFO, Chatra South that without NOC of the said GMJJ land, Mining was carried out in 203.72 acre of Henjda (GMJJ) and 47.67 acre of Kutki village (GMJJ) and also in other places / plots So in totality 278.94 acre of GMJJ land has been illegally mined out which attracts provisions of the Forest Conservation Act 1980 and the Hon'ble Supreme Court Ruling given in Laffarge Umium VS Union of India and others is fully applicable in this case, as it is a fait accompli situation. In the same letter DC, Chatra also requested DFO to take proper action against CCL as per provision of the FC Act 1980. The then GM N.K. Area Mr. R.R. Reddy never submitted the reply to the letter of DFO, which is a willful disregard of the statue.</p> <p>M/S CCL has now submitted a fresh list of officials posted in N.K. Area as General Manager and Project Officer and an explanation is being sought for in this regard from the officers. The list includes the name of following officials -</p> <ol style="list-style-type: none"> 1. Shri B. R. Reddy, C/o CCL, Darbanga House, Ranchi. 2. Shri K.K. Mishra, C/o CCL, Darbanga House, Ranchi. 3. Project Officer Shri Pramod Kumar, C/o CCL, Darbanga House, Ranchi. 4. Shri Anupam Srivastave, C/o CCL, Darbanga House, Ranchi. 5. Shri N.R. Shaw, C/o CCL, Darbanga House, Ranchi. 6. Shri A.K. Chaoubey, C/o CCL, Darbanga House, Ranchi. 7. Shri Chandra Prakash, C/o CCL, Darbanga House, Ranchi. 8. Shri P.L. Kewat, C/o CCL, Darbanga House, Ranchi. | | | | | | | | | | | | | | | | | | |
|---------|---|---|---|-----------------|-----------|---|---------|-------|---|--------|-------|---|--------|-------|---|-------|-------|--|--------------|-------------|---|
| 7 | State Government shall submit detail of safety zone area. | <p>The details of Safety Zone village wise breakup is given below as mentioned in FORM - A :</p> <table border="1"> <thead> <tr> <th>Sl. No.</th> <th>Name of Village</th> <th>Area (Ha)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>koilara</td> <td>0.459</td> </tr> <tr> <td>2</td> <td>Dembua</td> <td>0.225</td> </tr> <tr> <td>3</td> <td>Henjda</td> <td>1.020</td> </tr> <tr> <td>4</td> <td>Kutki</td> <td>1.436</td> </tr> <tr> <td></td> <td>Total</td> <td>3.14</td> </tr> </tbody> </table> | Sl. No. | Name of Village | Area (Ha) | 1 | koilara | 0.459 | 2 | Dembua | 0.225 | 3 | Henjda | 1.020 | 4 | Kutki | 1.436 | | Total | 3.14 | In this project Safety Zone area is 3.14 ha as per the details given in FORM-A and is also mentioned in the reply of project proponent. |
| Sl. No. | Name of Village | Area (Ha) | | | | | | | | | | | | | | | | | | | |
| 1 | koilara | 0.459 | | | | | | | | | | | | | | | | | | | |
| 2 | Dembua | 0.225 | | | | | | | | | | | | | | | | | | | |
| 3 | Henjda | 1.020 | | | | | | | | | | | | | | | | | | | |
| 4 | Kutki | 1.436 | | | | | | | | | | | | | | | | | | | |
| | Total | 3.14 | | | | | | | | | | | | | | | | | | | |
| 8 | State Government shall provide details about the gaps/shortfall observed in the process of reclamation of the mined area by | <p>Reclamation includes technical reclamation (backfilling) and biological reclamation i.e. plantation on backfilled area. About 43.70 Ha of excavated area has already been</p> | As per the approval of the various proposal by GOI under FC, Act 1980, the project wise details of forest land diverted to M/s | | | | | | | | | | | | | | | | | | |

| | CCL in other mines within the state. | backfilled in Purnadih OCP and plantation over 24.95 ha (biological) has been done | CCL is in this division as follows : | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|-----------------|--------------------------------------|--|--|---------|-----------------|----------------------------|----------------------|---|--------------|--------------------------------------|-------|---|--------------|--------------------------------------|-------|---|-------------------------|-------------------------------------|-------|---|--------------|------------------------------------|-------|---|--------------|--------------------------------------|--------|---|-----------|-------------------------------------|--------|---|--------------|--------------------------------------|--------|---|------------|--------------------------------------|-------|---|--------------------|--------------------------------------|-------|-----------------|--|--|--------------------|
| | | | <table border="1"> <thead> <tr> <th>Sl. No.</th> <th>Name of Project</th> <th>Year of Stage-II approvals</th> <th>Area diverted in ha.</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Piparwar OCP</td> <td>F. No.- 8-172/89-FC dated 01.01.1992</td> <td>13.11</td> </tr> <tr> <td>2</td> <td>Piparwar OCP</td> <td>F. No.- 8-172/89-FC dated 03.01.1995</td> <td>43.30</td> </tr> <tr> <td>3</td> <td>Piparwar Railway Siding</td> <td>F. No.- 8-24/94-FC dated 25.01.1995</td> <td>79.20</td> </tr> <tr> <td>4</td> <td>Piparwar OCP</td> <td>F.No.- 8-48/99-FC dated 21.09.2001</td> <td>28.22</td> </tr> <tr> <td>5</td> <td>Piparwar OCP</td> <td>F.No.- 8-54/2003-FC dated 13.01.2004</td> <td>101.87</td> </tr> <tr> <td>6</td> <td>Ashok OCP</td> <td>F.No.- 8-178/97-FC dated 09.11.1999</td> <td>166.91</td> </tr> <tr> <td>7</td> <td>Amrapali OCP</td> <td>F.No.- 8-48/2008-FC dated 12.10.2012</td> <td>531.64</td> </tr> <tr> <td>8</td> <td>Magadh OCP</td> <td>F.No.- 8-38/2008-FC dated 18.10.2010</td> <td>96.72</td> </tr> <tr> <td>9</td> <td>Ashok OCP Phase-II</td> <td>F.No.- 8-07/2013-FC dated 07.02.2014</td> <td>92.26</td> </tr> <tr> <td colspan="3">Total :-</td> <td>1153.23 Ha.</td> </tr> </tbody> </table> <p>Against the aforesaid 1153.23 ha. of total diversion, till today no mined out area has been backfilled and reclaimed by the user agency fully. Huge mined out area and the pits therein, need to be backfilled and brought under reclamation by doing the works of plantation by the user agency. The user agency his totally failed to reclaim the mined out areas. The condition in piparwar area is pathetic and very severe.</p> | Sl. No. | Name of Project | Year of Stage-II approvals | Area diverted in ha. | 1 | Piparwar OCP | F. No.- 8-172/89-FC dated 01.01.1992 | 13.11 | 2 | Piparwar OCP | F. No.- 8-172/89-FC dated 03.01.1995 | 43.30 | 3 | Piparwar Railway Siding | F. No.- 8-24/94-FC dated 25.01.1995 | 79.20 | 4 | Piparwar OCP | F.No.- 8-48/99-FC dated 21.09.2001 | 28.22 | 5 | Piparwar OCP | F.No.- 8-54/2003-FC dated 13.01.2004 | 101.87 | 6 | Ashok OCP | F.No.- 8-178/97-FC dated 09.11.1999 | 166.91 | 7 | Amrapali OCP | F.No.- 8-48/2008-FC dated 12.10.2012 | 531.64 | 8 | Magadh OCP | F.No.- 8-38/2008-FC dated 18.10.2010 | 96.72 | 9 | Ashok OCP Phase-II | F.No.- 8-07/2013-FC dated 07.02.2014 | 92.26 | Total :- | | | 1153.23 Ha. |
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| 1 | Piparwar OCP | F. No.- 8-172/89-FC dated 01.01.1992 | 13.11 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Total :- | | | 1153.23 Ha. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |


 30.10.2021
(S.P. Suman, S.F.S)
 Divisional Forest Officer,
 Chatra South Forest Division.



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Government of India, Ministry of Environment, Forests & Climate Change, New Delhi vide letter no. – F. NO. 8-61/2018-FC (DFA-II) Dated 22.08.2019 for Purnadih OCP mine in favour of M/s Central Coalfields Limited (CCL) has been submitted by the User Agency, as below :-

| Condition No. | Area of diverted of forest land | Description | Compliance by User Agency | DFO South Comments |
|---------------|--------------------------------------|--|---|--|
| 1 | 2 | 3 | 4 | 5 |
| 1 | Purnadih OCP Coal Project-323.49 ha, | Is there any provision of lease area in CBA 1957? | <p>1. The CBA Act of 1957 is an act which provides for acquisition by the State of land containing coal deposits or of rights in or over such lands or for the extinguishment or modification of such rights accrued by virtue of any agreement, lease, license. The relevant sections of the act are Section 7, Section 9, Section 10 and Section 11 of the Act. Section 10(1) provides for absolute vesting of land or rights in or over the land in the Central Government free from all encumbrances. Similarly, Section 11(1) provides for vesting of land or rights by the Central Government in a Government company. The effect is that the land notified under CBA vests with the company. However in some exceptional cases reference may also be made to Section 10(2) and Section 11(2) of the CBA Act of 1957. As per Section 10(2) wherever the rights under any mining lease granted or deemed to have been granted by the State Government to any person are acquired under this act, the Central Government on or from the date of such vesting be deemed to have become the lessee of the State Government.</p> <p>2. Similarly under Section 11(2), where the rights under any mining lease acquired under this act vest in a Government company, the Government Company shall on or from the date of such vesting be deemed to have become the lessee of the State Government.</p> <p>3. In the case of CCL most of the land is vested free from all encumbrances to CCL under CBA Act of 1957 and as such there is no question of lease.</p> | No, there is no provision of lease area in CBA Act, 1957. |
| 2 | | Can project area for which mining plan is approved by competent authority shall be taken as single lease area to analyse the fait accompli situation as referred by Hon'ble supreme court in their Laffarge Umium v/s union of India case in 2011. | <p>Yes. The basis of mining activities is a mine plan. Mining Plan is approved for an area for which mining land is acquired under CBA/other acts and EC is also obtained. Exploitation of coal is carried out after providing compensation of land to tenants followed by physical possession of land and forest clearance as per FC act 1980. Thus mining operations are initiated only after approval of mine plan, issuance of EC, and other statutory clearances & diversion of forest land on which mining is to be carried out. As such for projects working on land acquired under CBA, area of mine plan and not lease should be considered.</p> <p>In respect of Purnadih OCP mine plan/project report is approved for project area for mining and the copy has already been submitted along with the proposal. The land of the project was acquired under CBA Act 1957 vide S.O no. 1501 dated: 14/26.05.1990 and the project report was approved on 19.07.2008 for an area of 751.74 Ha and a capacity of 3.0 MTY. Accordingly environmental clearance was also granted by MoEF&CC on 19.05.2009 for an area of 751.74 Ha and a capacity of 3 MTY.</p> <p>Thus the approval of mine plan/project report and EC</p> | <p>So far as the affirmative part of the reply made by the user agency is concerned, the same is acceptable. The whole area for which mining plan is approved by competent authority should be taken as single lease area to analyze the fait accompli situation as referred by Hon'ble Supreme Court in their order in Lafarge Union V/S Union of India case in 2011.</p> <p>The act of M/S CCL in this case fully confirm that it is a fait accompli situation as the work in deemed forest land is completed without obtaining prior approval from GOI through GOJ under the provision of forest Conservation Act 1980.</p> |

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|---|--|---|--|--|
| | | | <p>were issued before judgment of Hon'ble Supreme Court in Lafarge Umium V/s Union of India Case in 2011. Exploitation of coal in Purnadih OCP as per approved project report/mining plan is by opencast method. Open Cast mining can only be undertaken after providing compensation of land to tenants followed by physical possession of land and forest clearance of notified forest land and GMJJ as per FC Act 1980.</p> <p>The GMJJ land was already settled in favors of villagers/raiyaats between 1939-45 by the then Zamindars and also during 1980s by state Govt. The land including GMKJJ was utilized by Raiyaats for agriculture etc. After acquisition under CBA Act, 1957 and providing benefits to raiyaats as per applicable policy and rules, mining was started by CCL. Accordingly application for diversion of total forest land of 323.49 Ha within the project boundary of 751.74 Ha was made on 22.06.2015. From the above it is evident that the mining operations in Purnadih Opencast coalmine were initiated only after approval of mining plan and issuance of EC and also forest application was made for total forest land within the project area, as such the scenario of <i>fait accompli</i> is not attracted in the case of Purnadih OCP.</p> | |
| 3 | | Can forest land be acquired under CBA 1957? | <ol style="list-style-type: none"> 1. The coal bearing area is acquired under CBA Act of 1957 and the surface is broken or utilized or taken under possession after providing for compensation to stakeholders as per the prevalent laws/rules. At present, the land which is acquired for coal mining under the CB Act has multiple land use/land cover like Agriculture, Water body, Forest, Waste land, Habitations, Built up area etc. 2. The FC Act of 1980 which was enacted on 25.10.1980 states that no State Government except with prior approval of Central Government issue orders for de-reservation of Forest Land, use of Forest for non-forest purpose etc. In view of above, it is clear that even if coal bearing land having Forest Land are being acquired for coal mining purpose, these can not be worked till prior approval of diversion of Forest land is issued by Central Government. However in CCL before enactment of FC Act 1980 forest land was utilized for mining in some old projects. | <p>No forest land can not be acquired under CBA 1957.</p> <p>Forest land can be put under non-forestry use only under the provisions of Forest (Conservation) Act 1980.</p> |
| 4 | | What procedure shall be adopted legally to restore back the reclaimed forest land after completion of mining (which was acquired through CBA 1957) to forest department for uniform management. | <p>The reclamation of mined out land including Forest Land is done as per the mine closure guidelines of Ministry of Coal and reclamation plan submitted as part of Environment Management Plan to MoEF&CC for which the project is granted Environmental Clearance. The result is that presently the Environmental Clearance issued to Project of CCL and the mine closure plan approved by the Board of Directors of CCL forms the legal basis for reclamation of Forest Land post mining.</p> | <p>It has been seen that generally no mined out area is reclaimed fully by M/S CCL which makes the condition very pathetic from the environment and ecology point of view and therefore a clear legal provision should be made for reclamation of the forest land after completion of mining work.</p> <p>No fresh mining proposal of any mining company should be accorded until the company has fully reclaimed the all voids, pits, mined out areas of previously approved proposals and such reclamation, the physical as well as biological is/should be verified by a special team</p> |

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| | | | | <p>comprising the central and state government officials including the environmental activists in this field. The provision of such verification should be made in Forest Conservation Rules by amendments and statutory charges.</p> <p>By aforementioned legal provision a charge in the scene may be expected.</p> |
|--|--|--|--|---|

S.P. Suman
30.10.2021

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