

OFFICE OF THE DIVISIONAL FOREST OFFICER, KEONJHAR DIVISION

Ph.No. 06766-254315, email: dfokjr.od@gov.in

Memo No. 5945 /6F-Mining- 8/2008
Dated, Keonjhar the 31st **August, 2018**

To

The Regional Chief Conservator of Forests,
Rourkela Circle, Rourkela

Sub: Proposal for diversion of 68.00 ha (49.339 ha Non-forest land recorded as Forest as on 25th October 1980 and 18.660 ha non-forest land having forest growth considered as "treated forest") under Section 2(ii) of FC Act, 1980 in respect of Unchabali (Mahaparnbat) Iron Ore Mines of M/s OMC Ltd including 11.240 ha forest land located in the safety zone in village Unchabali & Balda under Barbil Tahasil under the jurisdiction of Keonjhar Forest Division in Keonjhar district, Odisha.

Ref: Letter No. 12654/F&E dated 02.06.2018 of State Govt. F&E Department and Your Memo No. 2516 dated 04.08.2018.

With reference to the aforementioned memos on the captioned subject, the desired compliance report has already been sent to the Assistant Inspector General of Forests, GoI, MoEF vide letter No. 10F(Cons)151/2018-18673 dated 28.08.2018 of Special Secretary to Govt. of Odisha, Bhubaneswar (Copy enclosed). This is for favour of kind information and necessary action.

Encl:- As above.

Satish
30/8/18
Divisional Forest Officer,
Keonjhar Division.

Memo No. 5946 / **Dated.** 31-8-18

Copy forwarded to the Addl. Principal Chief Conservator of Forests, Forest Diversion and Nodal Officer, FC Act, O/o the Principal Chief Conservator of Forests, Odisha, Bhubaneswar for favour of kind information and necessary action with reference to his memo No.16148 dated 27.07.2018.

Satish
30/8/18
Divisional Forest Officer,
Keonjhar Division

Government of Odisha
Forest & Environment Department

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No.10F (Cons) 151/2018 18673 /F&E, Bhubaneswar, dated. 28.8.18

From

Sri Debidutta Biswal, IFS,
Special Secretary to Government.

To

The Assistant Inspector General of Forests,
Govt. of India, Ministry of Environment & Forest and Climate Change
(F.C. Division), Indira Paryavaran Bhawan,
Jor Bagh, Aliganj Road
New Delhi -110003

Sub:- Proposal for diversion of 68.00ha of forest land (49.34 ha of non-forest land recorded as 'Forest' as on 25th October 1980 and 18.660 ha of non-forest land having enough forest growth to be considered as "forest" in line with the orders dt. 12.12.1996 of Hon'ble Supreme Court in WP(C) No. 202/1995) in respect of Unchabali (Mahaparbati) Iron Ore Mines of M/s OMC Ltd including 11.240 ha of forest land located in the safety zone in village Unchabali and Balda under Barbil Tahasil within the jurisdiction of Keonjhar Forest division in Keonjhar district, Odisha (Proposal No. FP/OR/MIN/21011/2016).

Sir,

I am directed to invite reference to letter F.No. 8-21/2018-FC dt. 24.5.2018 of MoEF&CC, Government of India on the above mentioned subject and to say that the Forest Advisory Committee (FAC) in their meeting held on 26.4.2018 deliberated upon the above forest diversion proposal and observed as under;

"State Government shall clarify the reason for execution of lease over the forest land in 2008 without prior approval of MoEF&CC, GoI. State Government shall initiate action as per the provisions of MoEF&CC letter No. 11-42/2017-FC dt. 29.1.2018. The action taken report shall be submitted to MoEF&CC prior to consideration of the proposal."

In this context, the Steel & Mines Department was requested to furnish their comments. Based on the comments of Steel & Mines Department furnished vide their letter No. 6634/F&E dt. 23.8.2018 and information already provided to the Ministry while forwarding the forest division proposal, it is to state that instant iron ore mining lease in village Unchabali and Balda in Keonjhar District was granted in favour of M/s Odisha Mining Corporation vide proceedings of the Govt. of Odisha in erstwhile Mining and Geology Department bearing No. III (A) SM.5/99-6327 dated 11.06.2003 (Annexure-II) following approval by Central Government under Section 5(1) of the MM(R&D) Act, 1957 with relaxation of Section 6(1)(b) and 6(1)(c) of the said Act for 20 years vide their order dt. 3.6.1999 (Annexure-I). Accordingly the lease deed was executed on dated 9.6.2008 for a period of 20 years with validity up to 9.6.2028 (Annexure-III). As reported earlier

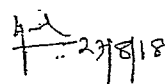
while forwarding the diversion proposal, the ML area of 68 ha. includes 49.340 ha of non-forest land in village Unchabali found to be recorded as 'Forest land' as on 25.10.1980 (as per guidelines bearing F No. 8-78/1996-FC (pt.) dt.10.03.2015 of MoEF&CC) and 18.660 ha of non-forest land in village Balda which stands un-surveyed as on 25.10.1980 having enough forest growth, has been considered as "forest" as per orders of Hon'ble Supreme Court dt. 12.12.1996 in WP(C) 202/1995. In view of issue of guidelines bearing F No. 8-78/1996-FC (pt.) dt.10.03.2015 read with F No. 8-78/1996-FC(pt.) dt. 09.03.2016 by MoEF& CC, Govt. of India, OMC Ltd. had to verify the land schedule of the ML area in Hal record corresponding to its status as as 25.10.1980(sabik record) and 49.340ha. of non-forest land in Hal record in village Unchabali of this ML was found to be of FOREST kisam as on 25.10.1980. Further the remaining area of ML i.e. 18.660ha. of this ML in village Balda was reported to be un-surveyed which was found to be having enough forest growth as per site inspection of the DFO, Keonjhar to be treated as FOREST as per order dt. 12.12.1996 of the Apex Court in WP© No. 202/1995. In view of above developments, the OMC Ltd. had to file proposal for diversion of 68ha. of forest land in this lease under section 2(ii) of Forest Conservation Act, 1980 for carrying out mining operation in this lease.

Thus it needs to be taken note that while execution of lease deed on 9.6.2008, the ML area was not having any forest kisam land as per hal record. The lease deed was executed considering the land schedule of Mining lease in Hal record which was entirely non-forest land. Hence, no violation of Forest Conservation Act, 1980 has been resorted to at the time of execution of lease deed on 9.6.2008. Since no violation has been committed in this lease so far, no action is required to be initiated against any officials/user agency.

Meantime, the State Government in Steel & Mines Department vide their Order No. 4998/SM dt. 27.6.2018 have been pleased to order that in terms of Rule 3(1) of the Mineral (Mining by Government Company) Rules, 2015, the period of original lease is deemed to be granted for 50 years i.e. from 9.6.2008 to 8.6.2058 subject to the lessee executing the supplementary lease deed for such extended lease period(Copy of order enclosed as Annexure-IV).

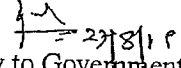
In view of above, it is requested that the GoI, MoEF&CC may kindly consider the above developments and place the matter before the FAC, if required and take further steps for grant of Stage-I (in-principle) approval for this forest diversion proposal and convey the same to this department for further follow up action at this end.

Yours faithfully


Special Secretary to Government

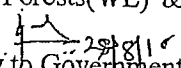
Memo No. 18674 /Dt. 28.8.18

Copy along with the copy of enclosures forwarded to the Addl. Principal Chief Conservator of Forests (Central), Government of India, Ministry of Environment & Forests and Climate Change, A/3, Chandrasekharpur, Bhubaneswar for information and necessary action.

 28/8/18
Special Secretary to Government

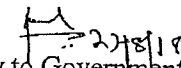
Memo No. 18675 /F&E., Dated- 28.8.18

Copy forwarded to the Pr.C.C.F., Odisha /Principal Chief Conservator of Forests(WL) & CWLW, Odisha for information & necessary action.

 28/8/18
Special Secretary to Government

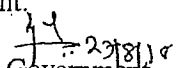
Memo No. 18676 /Dated. 28.8.18

Copy forwarded to the Regional Chief Conservator of Forests, Rourkela Circle/ RCCF, Bhawanipatna/Divisional Forest Officer, Keonjhar Forest Division/ Divisional Forest Officer, Kalahandi(South) division for information and necessary action.

 28/8/18
Special Secretary to Government

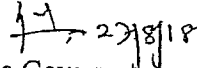
Memo No. 18677 /Dated. 28.8.18

Copy forwarded to the Steel & Mines Department/Collector, Keonjhar for information and necessary action with reference to letter No. 6634/SM dt. 23.8.2018 of S&M Department.

 28/8/18
Special Secretary to Government

Memo No. 18678 /Dated. 28.8.18

Copy forwarded to the Managing Director, Odisha Mining Corporation Ltd, OMC House, Bhubaneswar for information and necessary action..

 28/8/18
Special Secretary to Government