कार्यालय: प्रधान मुख्य वन संरक्षक-सह-कार्यकारी निदेशक, बंजर भूमि विकास बोर्ड, झारखंड, राँची।

वन भवन, डोरण्डा, राँची, झारखंड, पिन-834002, Email: pccf-ednodal@gov.in राँची, दिनांक-01/6/2023 पत्रांक- 573

सेवा में.

अपर मुख्य सचिव, वन, पर्यावरण एवं जलवायु परिवर्तन विभाग, झारखण्ड सरकार, राँची।

सी0सी0एल0 के नार्थ उरीमारी रेलवे साईडिंग परियोजना हेतु कुल 11.11 हे0 विषय:-(हजारीबाग पश्चिमी वन प्रमण्डल अंतर्गत 8.27 हे0 एवं रामगढ वन प्रमण्डल अंतर्गत

2.84 हे0) वनभूमि अपयोजन प्रस्ताव के संबंध में।

प्रसंग :-

- 1. भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, राँची का पत्र संख्या–FP/JH/OTHERS/34881/2018/955, दिनांक 01.03.2023
- 2. क्षेत्रीय मुख्य वन संरक्षक, बोकारो का पत्रांक 969 दिनांक 03.05.2023
- 3. क्षेत्रीय मुख्य वन संरक्षक, हजारीबाग का पत्रांक 1286 दिनांक 19.05.2023

महाशय,

उपर्युक्त विषयक संदर्भ में सूचित करना है कि भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, राँची के प्रासंगिक पत्र-1 द्वारा सी०सी०एल० की नॉर्थ उरीमारी रेलवे साईडिंग परियोजना हेतु कुल 11.11 हे0 (हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत 8.27 हे0 एवं रामगढ़ वन प्रमंडल अन्तर्गत 2.84 हे0) वनभूमि अपयोजन प्रस्ताव में तीन बिन्दुओं पर पृच्छा की गयी है, जिसका निराकरण प्रतिवेदन क्षेत्रीय मुख्य वन संरक्षक, बोकारो के पत्रांक 969 दिनांक 03.05.2023 एवं क्षेत्रीय मुख्य वन संरक्षक, हजारीबाग के पत्रांक 1286 दिनांक 19.05.2023 द्वारा प्राप्त हुआ है।

भारत सरकार, एकीकृत क्षेत्रीय कार्यालय, राँची के उक्त पृच्छा संख्या-1 एवं 2 का निराकरण पितिवेदन क्षेत्रीय मख्य वन संरक्षक बोकारो द्वारा निम्नवत प्रतिवेदित है :--

Sl. No	Query raised by IRO	Information provided by UA
1	2	3
1	The proposal involves violation over GMJJ land which is not under jurisdiction or management/ ownership of state forest department. Revenue department of Jharkhand has	In the forest clearance proposal regarding diversion of 11.11 ha forest land in favour of CCL for construction of North Urimari Siding, 2.84 ha land lies in Ramgarh district. The said GMJJ land (2.84 ha) under violation is a part of leasehold area (664.40 ha) of Sayal D Project which was acquired by Central Government under CBA Act
	jurisdiction over such land, however, JJ land falls under deemed forest category. Therefore, either such violation be compounded appropriately by state	1957. As per sub-section 1 of section 11 of CBA Act 1957 as quoted below: "11. Power of Central Government to direct vesting of land or rights in a Government Company —(1) Notwithstanding anything contained in section 10, the Central Government may, if it is satisfied that a
5.24	government before forwarding the proposal to central	Government company is willing to comply, or has complied, with such terms and conditions as the Central

government or should | Government may think fit to impose,

The said GMJJ land (2.84 Ha) under violation is a part of lease hold area of Sayal D project, acquired by Central Government under CBA Act 1957. The said GMJJ land was vested to government company (CCL) as per notification published in Gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965. Hence, right over such land vested in CCL after date of notification.

Comments of DFO, Ramgarh

The non-compliance of Forest (Conservation) Act. 1980 guidelines issued under the Act happened over above acquired GMJJ land in 2018, but no case was filed as the land was under administrative control of CCL and/or revenue authorities. Till then there was no Act/guideline enumerating the penal provisions over GMJJ land acquired

E:\ANUJ\Nitish\North Urimari Railway Siding (11.11 ha).doc

Sl. No Query raised by IRO	Information provided by UA	Comments of DFO, Ramgarh
1 2	3	4
clearly specify the penal provisions to be undertaken along with recommendation of the department having jurisdiction on the land.	direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction". The said GMJJ land was vested to Government Company(CCL) as per notification published in part II section 3 sub-section (ii) of the gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965 (Annexure 3).Hence, rights over such land vests in CCL after the said notification. Honourable Supreme court issued a verdict about GMJJ land in T.N Godavarman Thirumulkhpad Vs Union of India and others on 12.12.1996, in which it declared GMJJ land to be deemed forest land. Violation was recorded in GMJJ land in the year 2018 in the inspection of the then DFO Ramgarh. However, till then there was no Act/guideline enumerating the penal provisions of state government over GMJJ land acquired under CBA Act 1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980. On 17.12.2019, a letter was issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक—5 / सामूण्ड सरकार to DC	under CBA Act 1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980. In light of letter issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक—5 / स०भू०विविध—250 / 2018 4908(5) / रा० झारखण्ड सरकार to DC of every district, in which it was directed that the Government company must pay 80% of the value of acquired GMJJ land under CBA Act 1957, to the State Government. Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment to be made by CCL to the state government against such acquired land. After receiving demand note for the said GMJJ land by state officials, payment was done by CCL to the state government on 30.09.2021. Intimation regarding the same was sent to the concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal provisions stood against CCL from the Revenue Department, Govt. of Jharkhand. Also, as per section 25 of CBA Act 1957, as quoted below: "25. Protection of action taken in good faith.—(1) No suit, prosecution good faith.—(1) No suit, prosecution good faith.—(1) No suit, prosecution

of every district, in which it was directed that the Government company

must pay 80% of the value of acquired GMJJ land under CBA act 1957, to the

letter was issued by Joint Secretary,

Ministry of Coal vide letter no.

04.06.2020 regarding payment to be

made by CCL to the state government

against such acquired land. After

receiving demand note for the said

D.O.No 43025/1/2019-LAIR

State Government.

Subsequently, a

n taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall against the Central lie Government the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith

\$1,05.2023

SI. No	Query raised by IRO	Information provided by UA	Comments of DFO, Ramgarh
1	2	3	4
-		GMJJ land by state officials, payment was done by CCL to the state government on 30.09.2021. Intimation regarding the same was sent to the concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal provisions stand against CCL from the Revenue Department, Govt. of Jharkhand. Also, as per section 25 of CBA Act 1957, as quoted below: "25. Protection of action taken in good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or	done or intended to be done in pursuance of this Act or any rule or order made thereunder". In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith. Thus, considering above scenario and existing legal provisions, penal action was not taken by revenue authorities.
		order made thereunder. (2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder". In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith. Thus, Penal provisions from State Government should not stand against CCL.	
2	The committee opined that a detailed report in the may be submitted by the State Forest Department regarding the extant proposal.	Since, at the time of violation in 2018 there was no Act/guideline enumerating the penal provisions of State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from	Since, at the time of violation in 2018 there was no Act/guideline enumerating the penal provisions of State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from

State Government. Only, the necessary

provisions of Forest Conservation act

1980 applies to the said GMJJ land.

Revenue

authorities

Government. Only, the necessary

provisions of Forest Conservation act

of

State

E:\ANUJ\Nitish\North Urimari Railway Siding (11.11 ha).doc

Sl. No	Query raised by IRO	Information provided by UA	Comments of DFO, Ramgarh		
1	2	3	4		
		Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land, against the said violation is appropriate.	Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land and plantation, against the said violation is appropriate.		

साथ ही भारत सरकार, एकीकृत क्षेत्रीय कार्यालय के प्रसंगाधिन पत्र के पृच्छा संख्या—3 के आलोक में क्षेत्रीय मुख्य वन संरक्षक, हजारीबाग के पत्रांक 1286 दिनांक 19.05.2023 द्वारा निराकरण निम्नवत् प्रतिवेदित किया गया है :--

S. No.	Query raised by IRO	Comments of DFO, Hazaribagh West
3	As recommended by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal, while the current submitted area for CA is only 22.44 ha.	The 10 times penal CA DFL area हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत मौजा—दुमुहानीनीमाटांड, थाना—बरकठ्ठा, थाना नं0—03 के प्लॉट नं0—76, 79, 86, 30, 70, 37, 38, 12, 17, 19, 21, 24 एवं 26 रकबा 111.10 हे0 चयनित किया गया है।
		चयनित क्षतिपूरक वनरोपण भूमि का Geo-reference Map अनु0—A के रूप में, Toposheet Map अनु0—B के रूप में, वन प्रमंडल पदाधिकारी द्वारा निर्गत उपयुक्तता प्रमाण अनु0—C के रूप में, दस वर्षीय प्राक्कलन अनु0—D के रूप में, प्रयोक्ता अभिकरण द्वारा Penal CA & NPV जमा करने संबंधी वचनबद्धता अनुलग्नक—E के रूप में एवं KML file (CD) अनु0—F के रूप में संलग्न है।

अतः उपरोक्त दोनों वन प्रमंडल से संबंधित प्राप्त निराकरण प्रतिवेदन की तीन-तीन प्रतियाँ इस पत्र के साथ संलग्न कर अग्रतर कार्रवाई हेतु भेजा जा रहा है।

संचिका पर प्रधान मुख्य वन संरक्षक (HoFF), झारखण्ड का अनुमोदन प्राप्त है।

अनु0:—यथोक्त।

विश्वासभाजन

प्रधान मुख्य वन संरक्षक—सह—कार्यकारी निदेशक बंजर भूमि विकास बोर्ड, झारखण्ड, राँची।

31.5

(222)

कार्यालय : क्षेत्रीय मुख्य वन संरक्षक, बोकारो।

VAN BHAWAN, PURULIA ROAD, CHAS, BOKARO - 827013

06542-26544

Email - rccf-bokaro@gov.in/bokarorccf@gmail.com

1404

पत्रांक : *969*

दिनांक : 03 /05 /2023

मिर्दिश कुना

प्रधान मुख्य वन संरक्षक
—सह—
कार्यकारी निदेशक,
बंजर भूमि विकास बोर्ड,
झारखण्ड, राँची।

विषय :--

सी0सी0एल0 के नार्थ उरीमारी रेलवे साईडिंग परियोजना हेतु कुल 11.11 हे0 (हजारीबाग पश्चिमी वन प्रमण्डल अंतर्गत 8.27 हे0 एवं रामगढ़ वन प्रमण्डल अंतर्गत 2.84 हे0) वनभूमि अपयोजन प्रस्ताव के संबंध में।

प्रसंग :-

1. भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, राँची का पत्र संख्या—FP/JH/OTHERS/34881/2018/955, दिनांक 01.03.2023,

2. आपका ज्ञापांक 293 दिनांक 20.03.2023

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के संदर्भ में सूचित करना है कि भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, राँची के प्रासंगिक पत्र द्वारा विषयगत वनभूमि अपयोजन के प्रस्ताव के क्रम में कुल 3 बिन्दुओं पर पृच्छा करते हुए मंतव्य सहित निराकरण प्रतिवेदन यथाशीघ्र उपलब्ध कराने का निर्देश दिया गया है। उक्त निर्देश के आलोक में वन संरक्षक, प्रादेशिक अंचल, बोकारों के पत्रांक 485 दिनांक 03.05.2023 द्वारा रामगढ़ वन प्रमण्डल से प्राप्त पृच्छित बिन्दुओं का निराकरण प्रतिवेदन समर्पित किया गया है, जो निम्नवत् है :—

Sl. No	Information Sought	Information provided by UA	DFO Remarks		
1	2	3	4		
1	The proposal involves violation over GMJJ land which is not under jurisdiction or management/ ownership of state forest department. Revenue department of Jharkhand has jurisdiction over such land, however, JJ land falls under deemed forest category. Therefore, either such violation be compounded appropriately by state government before	In the forest clearance proposal regarding diversion of 11.11 ha forest land in favour of CCL for construction of North Urimari Siding, 2.84 ha land lies in Ramgarh district. The said GMJJ land (2.84 ha) under violation is a part of leasehold area (664.40 ha) of Sayal D Project which was acquired by Central Government under CBA Act 1957. As per sub-section 1 of section 11 of CBA Act 1957 as quoted below: "11. Power of Central Government to direct vesting of land or rights in a Government Company —(1) Notwithstanding anything contained in section 10, the Central Government	The said GMJJ land (2.84 Ha) under violation is a part of lease hold area of Sayal D project, acquired by Central Government under CBA Act 1957. The said GMJJ land was vested to government company (CCL) as per notification published in Gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965. Hence, right over such land vested in CCL after date of notification. The non-compliance of Forest (Conservation) Act, 1980 and guidelines issued under the Act happened over above acquired GMJJ land in 2018, but no case was filed as		
	government before forwarding the proposal to central government or should clearly specify the	may, if it is satisfied that a Government company is willing to comply, or has	land in 2018, but no case was filed the land was under administrative control of CCL and/or revenue authorities. Till then there was re-		

penal provisions to be conditions as the Central Government Act/guideline enumerating the penal

709/05

1	1
92	1)
1	1

Sl.	Information Sought	Information provided by UA	DFO Remarks
1	2	3	4
	undertaken along with recommendation of the	may think fit to impose, direct, by order in writing, that the land or the rights in	provisions over GMJJ land acquired under CBA Act 1957. Hence, the
	department having jurisdiction on the land.	or over the land, as the case may be, shall, instead of vesting in the Central Government under section 10 or	penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980.
	žo	continuing to so vest, vest in the Government company either on the	In light of letter issued by Joint secretary, government of Jharkhand
	~ 4	date of publication of the declaration or on such other date as may be	vide letter no. पत्रांक-5/स०भू०विविध- 250/2018 4908(5)/रा०झारखण्ड सरकार to
	=	specified in the direction". The said GMJJ land was vested to	DC of every district, in which it was directed that the Government
	E	Government Company(CCL) as per notification published in part II section	company must pay 80% of the value of acquired GMJJ land under CBA
		3 sub-section (ii) of the gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965 (Annexure 3).Hence, rights	Act 1957, to the State Government. Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide
		over such land vests in CCL after the said notification.	letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment
		Honourable Supreme court issued a verdict about GMJJ land in T.N	to be made by CCL to the state government against such acquired
		Godavarman Thirumulkhpad Vs Union of India and others on 12.12.1996, in which it declared GMJJ land to be	land. After receiving demand note for the said GMJJ land by state officials, payment was done by CCL to the
		deemed forest land. Violation was recorded in GMJJ land in the year 2018	state government on 30.09.2021. Intimation regarding the same was
		in the inspection of the then DFO Ramgarh. However, till then there was	sent to the concerned DC on 04.01.2021 vide letter no. GM-
		no Act/guideline enumerating the penal provisions of state government over GMJJ land acquired under CBA Act	BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal
		1957. Hence, the penal provisions against violation over GMJJ land lied	provisions stood against CCL from the Revenue Department, Govt. of Jharkhand.
	= -9	only in the Forest Conservation Act 1980.	Also, as per section 25 of CBA Act
		On 17.12.2019, a letter was issued by Joint secretary, government of	
100		Jharkhand vide letter no. पत्रांक- 5/स॰भू०विविध-250/2018	good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or
		4908(5)/रा॰ झारखण्ड सरकार to DC of every district, in which it was directed that the Government company must	any person for anything which is in good faith done or intended to be
		pay 80% of the value of acquired GMJJ land under CBA act 1957, to the State	done in pursuance of this Act or any rule or order made thereunder.
		Government. Subsequently, a letter was issued by Joint Secretary, Ministry	(2) No suit or other legal proceeding shall lie against the Central
		of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020	Government or the competent authority or any other person for any damage caused or likely to be caused
		regarding payment to be made by CCL to the state government against such acquired land. After receiving demand	by anything which is in good faith
		note for the said GMJJ land by state officials, payment was done by CCL to	pursuance of this Act or any rule or order made thereunder".
		the state government on 30.09.2021. Intimation regarding the same was sent	In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may
		to the concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per	be considered to be done in good
		details mentioned above no penal	

- 3	-	-	-
/	0	0	
2	7	-	1

SI.	Information Sought	Information provided by UA	DFO Remarks		
No		information provided by Cit	DI O Kemarks		
1	2	provisions stand against CCL from the	and existing legal provisions, penal		
	t was as	Revenue Department, Govt. of Jharkhand. Also, as per section 25 of CBA Act 1957, as quoted below: "25. Protection of action taken in	action was not taken by revenue authorities.		
		good faith.—(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or			
		order made thereunder. (2) No suit or other legal proceeding shall lie against the Central			
		Government or the competent authority or any other person for any damage caused or likely to be caused by			
	2 2	anything which is in good faith done or intended to be done in pursuance of	6 8 11 8		
		this Act or any rule or order made thereunder". In the absence of any Act/guideline			
		from the State Government at the time of violation, the actions of CCL may be			
		considered to be done in good faith. Thus, Penal provisions from State Government should not stand against CCL.			
2	The committee opined	Since, at the time of violation in 2018	Since, at the time of violation in 2018		
	that a detailed report in the may be submitted by	there was no Act/guideline enumerating the penal provisions of			
	the State Forest Department regarding the extant proposal.	State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after	State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after		
		issuance of directive of State Government in 2019, the required	issuance of directive of State Government in 2019, the required		
		payment against such GMJJ land has been done by CCL. No penal	payment against such GMJJ land has been done by CCL. No penal		
	2	provisions stand against CCL from State Government. Only, the necessary provisions of Forest Conservation act	provisions stand against CCL from Revenue authorities of State Government. Only, the necessary		
	9	1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land,	provisions of Forest Conservation act 1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980,		
	2	against the said violation is appropriate.	i.e. 5 times NPV and 10 times CA land and plantation, against the said violation is appropriate.		
3	As recommended by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal,	The penal CA DFL area has been identified by DFO, Hazaribagh (W) for 111.10 Ha which is 10 times of the forest land involved in the proposal. Also, it has been asked to submit George and Man Topochest Man KML	The User Agency has provided CA DFL land of 22.44 Ha in Hazaribagh (W) and Ramgarh which has already been uploaded in part -II of the online application.		
	while the current submitted area for CA is only 22.44 ha.	reference Map, Toposheet Map, KML, CA Land Suitability Certificate, CA estimate and undertaking regarding payment related to penal CA in respect	Additionally, as per recommendation of SFD, penal CA DFL of 10 times of the area involved in the project, DFL area of 111.10 Ha		

	-
10	14
1	19
	/

SI. No	Information Sought	Information provided by UA			DFO Remarks		
1	2	3			4		
		in favo Siding. enclose	our of North U In this rega	C of Forest land Jrimari Railway rd, please find the relevant pelow:	DFO, I Th Toposh Suitabi	in territory of ference Map, ML, CA Land c, CA estimate arding payment	
		S.No	Documents	Attachments	related	to penal CA	/NPV has been
		1.	Geo- reference Map	Annexure A	enclose	_	ard, please find the relevant below:
		2.	Toposheet Map	Annexure B	S.No	Documents	Attachments
		3.	KML File	CD	1.	Geo-	Annexure A
		4.	CA Suitability	Annexure C		reference Map	
		5.	Certificate CA Estimate	Annexure D	2.	Toposheet Map	Annexure B
		6.	Undertaking	Annexure E	3.	KML File	CD
2			regarding CA and Additional		4.	CA Suitability Certificate	Annexure C
			NPV payment	e e	5.	CA Estimate	Annexure D
		0.		2 P	6.	Undertaking regarding CA and Additional NPV payment	Annexure E

अतः प्राप्त निराकरण प्रतिवेदन की पाँच प्रतियाँ इस पत्र के साथ संलग्न अग्रसारित करते हुए अनुरोध है कि आवश्यक अग्रतर कार्रवाई करने की कृपा की जाय। अनु0— यथोक्त।

विश्वासभाजन,

क्षेत्रीय मुख्य वन संरक्षे बोकारो।



कार्यालय : वन संरक्षक, प्रादेशिक अंचल, बोकारो।

वन भवन, ब्लॉक-'ए' पुरुलिया रोड़, चास, बोकारो-827013

Email - cf-bokaro@gov.in, bokarocf@gmail.com, cfbokaro@rediffmail.com 中o - 8987790301

पत्रांक : 485,

दिनांक : 03.05.2023

सेवा में,

क्षेत्रीय मुख्य वन संरक्षक, बोकारो।

5 विषय :−

सी०सी०एल० के नार्थ उरीमारी रेलवे साईडिंग परियोजना हेतु कुल 11.11 हे० (हजारीबाग पश्चिमी वन प्रमण्डल अंतर्गत 8.27 हे० एवं रामगढ़ वन प्रमण्डल अंतर्गत 2.84 हे०) वनभूमि अपयोजन प्रस्ताव के संबंध में।

भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, राँची का पत्र संख्या—FP/JH/OTHERS/34881/2018/955, दिनांक 01.03.2023, प्रधान मुख्य वन संरक्षक—सह—कार्यकारी निदेशक, बंजर भूमि विकास बोर्ड, झारखण्ड, राँची का ज्ञापांक 293 दिनांक 20.03.2023 एवं भवदीय का कार्यालय ज्ञापांक 683 दिनांक 27.03.2023।

क्रिकार महाशय,

उपर्युक्त विषय के संबंध में सूचित करना है कि भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, एकीकृत क्षेत्रीय कार्यालय, राँची के प्रासंगिक पत्र द्वारा

विषयगत वनभूमि अपयोजन के प्रस्ताव के क्रम में कुल 3 बिन्दुओं पर पृच्छा करते हुए मंतव्य सिहत निराकरण प्रतिवेदन यथाशीघ्र उपलब्ध कराने का निर्देश दिया गया है। उक्त दिये गये निर्देश के आलोक में वन प्रमण्डल पदाधिकारी, रामगढ़ वन प्रमण्डल के पत्रांक 796 दिनांक 29.04.2023 के द्वारा पृच्छित बिन्दुओं का निराकरण प्रतिवेदन समर्पित किया गया है, जो

निम्नवत् है :--

Sl. No	Information Sought	Information provided by UA	DFO Remarks	
1	2	3	4	
1	The proposal involves	In the forest clearance proposal	The said GMJJ land (2.84 Ha) under	
	violation over GMJJ land	regarding diversion of 11.11 ha forest	violation is a part of lease hold area of	
	which is not under	land in favour of CCL for construction	Sayal D project, acquired by Central	
	jurisdiction or	of North Urimari Siding, 2.84 ha land	Government under CBA Act 1957.	
	management/ ownership	lies in Ramgarh district. The said GMJJ	The said GMJJ land was vested to	
	of state forest	land (2.84 ha) under violation is a part	government company (CCL) as per	
	department. Revenue	of leasehold area (664.40 ha) of Sayal	notification published in Gazette of	
	department of Jharkhand	D Project which was acquired by	India dated 10.01.1959, 13.02.1965	
	has jurisdiction over such	Central Government under CBA Act	and 24.03.1965. Hence, right over	
	land, however, JJ land	1957. As per sub-section 1 of section	such land vested in CCL after date of	
	falls under deemed forest	11 of CBA Act 1957 as quoted below:	notification.	
	category. Therefore,	".11. Power of Central Government	The non-compliance of Forest	

	1	1
1	917	1/4
(Y ''	12
		7.7

,		E	(211)
SI.	Information Sought	Information provided by UA	DFO Remarks
1	either such violation be	to direct vesting of land or rights in a	(Conservation) Act, 1980 and
	compounded	Government Company -(1)	guidelines issued under the Act
	appropriately by state	Notwithstanding anything contained in	happened over above acquired GMJJ
-	government before	section 10, the Central Government	land in 2018, but no case was filed as
	forwarding the proposal	may, if it is satisfied that a Government	the land was under administrative
	to central government or	company is willing to comply, or has	control of CCL and/or revenue
	should clearly specify the	complied, with such terms and	authorities. Till then there was no
	penal provisions to be	conditions as the Central Government	Act/guideline enumerating the penal
	undertaken along with	may think fit to impose, direct, by order	provisions over GMJJ land acquired
	recommendation of the	in writing, that the land or the rights in	under CBA Act 1957. Hence, the
	department having	or over the land, as the case may be,	penal provisions against violation
	jurisdiction on the land.	shall, instead of vesting in the Central	over GMJJ land lied only in the Forest
		Government under section 10 or	Conservation Act 1980.
		continuing to so vest, vest in the	In light of letter issued by Joint
		Government company either on the	secretary, government of Jharkhand
		date of publication of the declaration	vide letter no. पत्रांक-5/स॰भू०विविध-
		or on such other date as may be	250/2018 4908(5)/रा०झारखण्ड सरकार to
	9 5 9 9 5 9 1	specified in the direction".	
		The said GMJJ land was vested to	DC of every district, in which it was
	2	Government Company(CCL) as per	directed that the Government
		notification published in part II section	company must pay 80% of the value
		3 sub-section (ii) of the gazette of India	of acquired GMJJ land under CBA
	· =	dated 10.01.1959, 13.02.1965 and	Act 1957, to the State Government.
		24.03.1965 (Annexure 3).Hence, rights	Subsequently, a letter was issued by
		over such land vests in CCL after the	Joint Secretary, Ministry of Coal vide
		said notification.	letter no. D.O.No 43025/1/2019-LAIR
			dated 04.06.2020 regarding payment
		Honourable Supreme court issued a	The state of the s
	1 5	verdict about GMJJ land in T.N	to be made by CCL to the state
	E 6 8 or 1	Godavarman Thirumulkhpad Vs Union	government against such acquired
		of India and others on 12.12.1996, in	land. After receiving demand note for
	No. of the second	which it declared GMJJ land to be	the said GMJJ land by state officials,
		deemed forest land. Violation was	payment was done by CCL to the
	F 1	recorded in GMJJ land in the year 2018	state government on 30.09.2021.
		in the inspection of the then DFO	Intimation regarding the same was
		Ramgarh. However, till then there was	sent to the concerned DC on
		no Act/guideline enumerating the penal	04.01.2021 vide letter no. GM-
		provisions of state government over	
		GMJJ land acquired under CBA Act	BS/S.O(P&P)/2021/582. Hence, as

\sim	1
(916)	(ke)
	T

SI, No	Information Sought	Information provided by UA	DFO Remarks	
1	2	3	4	
	*	1957. Hence, the penal provisions	per details mentioned above no penal	
		against violation over GMJJ land lied	provisions stood against CCL from	
		only in the Forest Conservation Act	the Revenue Department, Govt. of	
		1980.	Jharkhand.	
	10	On 17.12.2019, a letter was issued by		
		Joint secretary, government of	Also, as per section 25 of CBA Act	
		Jharkhand vide letter no. पत्रांक-	1957, as quoted below:	
		5/स०भू०विविध-250/2018		
		4908(5)/रा॰झारखण्ड सरकार to DC of	"25. Protection of action taken in	
			good faith.—(1) No suit, prosecution	
	# 25 (f) (a)	every district, in which it was directed	or other legal proceeding shall lie	
		that the Government company must	against the Central Government or	
		pay 80% of the value of acquired GMJJ	any person for anything which is in	
		land under CBA act 1957, to the State	good faith done or intended to be	
		Government. Subsequently, a letter	done in pursuance of this Act or any	
		was issued by Joint Secretary, Ministry	rule or order made thereunder.	
		of Coal vide letter no. D.O.No	(2) No suit or other legal proceeding	
		43025/1/2019-LAIR dated 04.06.2020	shall lie against the Central	
	i galaxa i a i	regarding payment to be made by CCL	Government or the competent	
		to the state government against such	authority or any other person for any	
	, a	acquired land. After receiving demand	damage caused or likely to be caused	
		note for the said GMJJ land by state		
		officials, payment was done by CCL to	by anything which is in good faith	
		The second secon	done or intended to be done in	
		the state government on 30.09.2021.	pursuance of this Act or any rule or	
		Intimation regarding the same was sent	order made thereunder".	
2.		to the concerned DC on 04.01.2021	In the absence of any Act/guideline	
-		vide letter no. GM-	from the State Government at the time	
		BS/S.O(P&P)/2021/582. Hence, as per	of violation, the actions of CCL may	
		details mentioned above no penal	be considered to be done in good	
		provisions stand against CCL from the	faith.	
		Revenue Department, Govt. of	Thus, considering above scenario	
		Jharkhand.	and existing legal provisions, penal	
		Also, as per section 25 of CBA Act		
		1957, as quoted below:	action was not taken by revenue	
			authorities.	
		"25. Protection of action taken in good faith.—(1) No suit, prosecution	to the second	
		or other legal proceeding shall lie		
		against the Central Government or any		
		person for anything which is in good		
		F50. Jo. 4Jiming		

-	-
(215)	13
	(4)
	4

*			**	
	SL No	Information Sought	Information provided by UA	DFO Remarks
	1	2	3	4
			faith done or intended to be done in pursuance of this Act or any rule or order made thereunder. (2) No suit or other legal proceeding	
	8		shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder". In the absence of any Act/guideline	
			from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith. Thus, Penal provisions from State Government should not stand against CCL.	
	2	The committee opined that a detailed report in the may be submitted by the State Forest Department regarding the extant proposal.	Since, at the time of violation in 2018 there was no Act/guideline enumerating the penal provisions of State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from State Government. Only, the necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land, against the said violation is appropriate.	been done by CCL. No penal provisions stand against CCL from Revenue authorities of State Government. Only, the necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land and plantation, against the said violation is appropriate.
	3	As recommended by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal, while the current submitted area for CA is only 22.44 ha.	The penal CA DFL area has been identified by DFO, Hazaribagh (W) for 111.10 Ha which is 10 times of the forest land involved in the proposal. Also, it has been asked to submit Georeference Map, Toposheet Map, KML, CA Land Suitability Certificate, CA estimate and undertaking regarding payment related to penal CA in respect of 11.11 Ha Stage-I FC of Forest land in favour of North Urimari Railway Siding. In this regard, please find enclosed herewith the relevant documents mentioned below:	The User Agency has provided CA DFL land of 22.44 Ha in Hazaribagh (W) and Ramgarh which has already been uploaded in part -II of the online application. Additionally, as per recommendation of SFD, penal CA DFL of 10 times of the area involved in the project, DFL area of 111.10 Ha has been identified in territory of DFO, Hazaribagh (W). Thus, Geo-reference Map, Toposheet Map, KML, CA Land Suitability Certificate, CA estimate

SI.	Information Sought	Information provided by UA			DFO Remarks	narks	
1	2		3		4		
36.		S.No	Documents Geo- reference	Attachments Annexure A	and undertaking regarding related to penal CA/NPV submitted. In this regard, pl enclosed herewith the		/NPV has bee
	139 4	2.	Map Toposheet	Annexure B	-	ents mentioned	below:
			Мар		S.No	Documents	Attachments
		3.	KML File	CD	1.	Geo-	Annexure A
		4.	CA Suitability	Annexure C		reference Map	
- 1			Certificate		2.	Toposheet	Annexure B
	400 00 0	5.	CA Estimate	Annexure D		Мар	
		6.	Undertaking	Annexure E	3.	KML File	CD
	u a		regarding CA and Additional		4.	CA Suitability Certificate	Annexure C
			NPV payment		5.	CA Estimate	Annexure D
		100		a	6.	Undertaking regarding CA and Additional NPV	Annexure E

अतः प्राप्त निराकरण प्रतिवेदन की छः प्रतियाँ इस पत्र के साथ संलग्न अग्रसारित करते हुए अनुरोध है कि आवश्यक अग्रतर कार्रवाई करने की कृपा की जाय।

अनु० :- यथोक्त।

विश्वासभाजन

वन संरक्षक,

प्रादेशिक अंचल, बोकारो।



OFFICE OF THE DIVISIONAL FOREST OFFICER, RAMGARH FOREST DIVISION RAMGARH

(Near BRL Gate, Ranchi Road, PO-Marar, District-Ramgarh, Pin-829117) Email id dfo-ramgarh@gov.in Mobile No-8987790306

> Letter No- 796 Date:-

Conservator of Forest, Territorial Circle, Bokaro

Subject:-

Regarding submission of reply to queries raised by MoEF&CC, Integrated Regional Office, Ranchi in respect to diversion of 11.11 Ha of forest land (Under Hazaribagh west Forest Division- 8.27 ha and Ramgarh Forest Division 2.84 ha) in favour of M/s CCL for construction of North Urimari railway siding.

- Reference:- 1. MoEF&CC, Integrated Regional Office, Ranchi letter no FP/JH/OTHERS/34881/2018/955 dated 01.03.2023
 - .2. Principal Chief Conservator of Forests-cum Nodal Officer, Ranchi Letter No-308 dated 21,03.2023
 - 3. Regional Chief Conservator of Forests, Bokaro memo no- 683 dated 27-03-2023

In reference to the subject matter quoted above, reply & compliances have been submitted by User Agency and discussions were held with Revenue Authorities. The required specific information in 7 copies is as follows -

Sl. No	Information Sought	Information provided by UA	DFO Remarks	
1	The proposal involves violation over GMJJ land which is not under jurisdiction or management/ ownership of state forest department. Revenue department of Jharkhand has jurisdiction over such land, however, JJ land falls under deemed forest category. Therefore, either such violation be compounded appropriately by state government before forwarding the proposal to	In the forest clearance proposal regarding diversion of 11.11 ha forest land in favour of CCL for construction of North Urimari Siding, 2.84 ha land lies in Ramgarh district. The said GMJJ land (2.84 ha) under violation is a part of leasehold area (664.40 ha) of Sayal D Project which was acquired by Central Government under CBA Act 1957. As per sub-section 1 of section 11 of CBA Act 1957 as quoted below: "11. Power of Central Government to direct vesting of land or rights in a Government Company —(1) Notwithstanding anything contained in	Sayal D project, acquired by Central	

Sl. No	Information Sought	Information provided by UA	DFO Remarks
Sl. No	Information Sought central government or should clearly specify the penal provisions to be undertaken along with recommendation of the department having jurisdiction on the land.	section 10, the Central Government may, if it is satisfied that a Government company is willing to comply, or has complied, with such terms and conditions as the Central Government may think fit to impose, direct, by order in writing, that the land or the rights in or over the land, as the case may be, shall, instead of vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction". The said GMJJ land was vested to Government Company(CCL) as per notification published in part II section 3 sub-section (ii) of the gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965 (Annexure 3).Hence, rights over such land vests in CCL after the said notification. Honourable Supreme court issued a verdict about GMJJ land in T.N Godavarman Thirumulkhpad Vs Union of India and others on 12.12.1996, in which it declared GMJJ land to be deemed forest land. Violation was recorded in GMJJ land in the year 2018 in the inspection of the then DFO Ramgarh. However, till then there was no Act/guideline enumerating the penal provisions of state government	land in 2018, but no case was filed at the land was under administrative control of CCL and/or revenue authorities. Till then there was not act/guideline enumerating the penal provisions over GMJJ land acquired under CBA Act 1957. Hence, the penal provisions against violation over GMJ land lied only in the Forest Conservation Act 1980. In light of letter issued by Join secretary, government of Jharkhand vide letter no. पत्रांक-5/स०भू०विविध 250/2018 4908(5)/रा०झारखण्ड सरकार to DC of every district, in which it was directed that the Government company must pay 80% of the value of acquired GMJJ land under CBA Act 1957, to the State Government Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment to be made by CCL to the state government against such acquired land. After receiving demand note for the said GMJJ land by state officials, payment was done by CCL to the state government on 30.09.2021. Intimation regarding the same was sent to the
			regarding the same was sent to the concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal
		On 17.12.2019, a letter was issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक-5/स॰भू०विविध-250/2018 4908(5)/रा॰झारखण्ड सरकार to DC of every district, in which it was	provisions stood against CCL from the Revenue Department, Govt. of Jharkhand.

Sl.	Information Sought	Info	ormation provi	ded by UA		DFO Rema	
No	submitted by the State Forest Department regarding the extant proposal.	acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from State Government. Only, the necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land, against the said violation is appropriate.			issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from State Government. Only, the necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land, against the said GMJJ land.		
3	As recommended by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal, while the current submitted area for CA is only 22.44 ha.	identified by DFO, Hazaribagh (W) for 111.10 Ha which is 10 times of the forest land involved in the proposal. Also, it has been asked to submit Geo-		The User Agency has provided CA DFL land of 22.44 Ha in Hazaribagh (W) and Ramgarh which has already been uploaded in part -II of the online application. Additionally, as per recommendation of SFD, penal CA DFL of 10 times of the area involved in the project, DFL area of 111.10 Ha has been identified in territory of DFO, Hazaribagh (W). Thus, Geo-reference Map, Toposheet Map, KML, CA Land			
					Sultabi	lity Certificate,	CA estimate and ling payment
		S.No	Geo-reference Map	Attachments Annexure A	undertaking regarding payment related to penal CA/NPV has been submitted. In this regard, please find		
		2.	Toposheet Map	Annexure B	enclose		the relevan
		3.	KML File	CD	1		Attachments
		4.	CA Suitability Certificate	Annexure C	S.No	Geo- reference	Annexure A
		5.	CA Estimate	Annexure D	A Partie of	Мар	
		6.	Undertaking regarding CA	Annexure E	2.	Toposheet Map	Annexure B
			and Additional		3.	KML File	CD
			NPV payment		4.	CA Suitability Certificate	Annexure C
					1 1 1	Celundade	No. of the last of
					5.	CA Estimate	Annexure D

Yours Sincerely

Divisional Forest Officer, Ramgarh





कार्यालय – क्षेत्रीय मुख्य वन संरक्षक, हजारीबाग। वन भवन, हजारीबाग,

Ph. No. 06546-223962, Email-rccf-hazaribagh@gov.in

1286

दिनांक : 19.

सेवा में,

प्रधान मुख्य वन संरक्षक,

-सह-

कार्यकारी निदेशक, बंजरभूमि विकास बोर्ड,

झारखण्ड, रांची।

सी०सी०एल० की नार्थ उरीमारी रेलवे साइडिंग परियोजना 11.11 हे० (हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत 8.27 हे0 एवं रामगढ़ वन प्रमंडल अन्तर्गत 2.84 हे0) वनभूमि अपयोजन प्रस्ताव के संबंध में।

प्रसंग:-

भवदीय ज्ञापांक २९३ दिनांक २०.०३.२०२३ तथा ज्ञापांक ३०८ दिनांक २१.०३.२०२३

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के सन्दर्भ में सादर सूचित करना है कि विषयक परियोजना सी०सी०एल० की नार्थ उरीमारी रेलवे साइडिंग परियोजना 11.11 हे० (हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत 8.27 हे0 एवं रामगढ़ वन प्रमंडल अन्तर्गत 2.84 हे0) वनभूमि अपयोजन प्रस्ताव में भारत सरकार,) कीकृत क्षेत्रीय कार्यालय, रांची का पत्रांक FP/JH/Others/34881/2018/955 दिनांक 01.03.2023 द्वारा किये गुँये तीन बिन्दुओं पर पृच्छा की गई है। जिसका निराकरण प्रतिवेदन वन संरक्षक, प्रादेशिक अंचल, हजारीबाग के पत्रांक 1025 दिनांक 18.05.2023 एवं वन प्रमंडल पदाधिकारी, हजारीबाग पश्चिमी वन प्रमंडल के पत्रांक 2565 दिनांक 11.05.2023 से इस कार्यालय को प्राप्त हुआ है, जो कंडिकावार निम्नवत् है :--

Sl. No	Query	Compliance
1	The Proposal involves violation over GMJJ land which is not under jurisdiction or management/ownership of state forest department. Revenue Department of Jharkhand has jurisdiction over such land, however, JJ land falls under deemed forest category. Therefore, either such violation be compounded appropriately by state government before forwarding the proposal to central government or should clearly specify the penal provisions to be undertaken along with recommendation of the department having the jurisdiction on the land.	उक्त पृच्छा रामगढ़ वन प्रमंडल से संबंधित है।
2	The Committee opined that a detailed report in the may be submitted by the State Forest Department regarding the extant proposal.	उक्त पृच्छा रामगढ़ वन प्रमंडल से संबंधि है।

As recommendation made by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal; while the current submitted area for CA is only 22.44 ha.

The 10 times penal CA DFL area हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत मौजा—दुमुहानीनीमाटांड, थाना—बरकठ्डा, थाना नं0—03 के प्लॉट नं0—76, 79, 86, 30, 70, 37, 38, 12, 17, 19, 21, 24 एवं 26 रकवा 111.10 हे0 चयनित किया गया है। चयनित क्षतिपूरक वनरोपण भूमि का Georeference Map अनु0—A के रूप में, Toposheet Map अनु0—B के रूप में, वन प्रमंडल पदाधिकारी द्वारा निर्गत उपयुक्त्ता प्रमाण अनु0—C के रूप में, दस वर्षीय प्राक्कलन अनु0—D के रूप में, प्रयोक्ता

अभिकरण द्वारा Penal CA & NPV जमा करने संबंधी वचनबद्धता अनुलग्नक—E के रूप में एवं KML file (CD) अनु0—F के रूप

आपका विश्वासी,

क्षेत्रीय मुख्य द्वेन संरक्षक,

वन प्रमंडल पदाधिकारी, हजारीबाग पश्चिमी वन प्रमंडल से प्राप्त निराकरण प्रतिवेदन सभी अनुलग्नकों सहित पांच प्रतियों में इस पत्र के साथ संलग्न कर अग्रेतर आवश्यक कार्रवाई हेतु समर्पित की जा रही है।

में संलग्न है।

अनु:-यथोक्त।

200

(934)



कार्यालय : वन संरक्षक, प्रादेशिक अंचल, हजारीबाग

वन भवन—1, हजारीबाग 825301 (झारखण्ड) Ph. & Fax (O) - 06546 -222393, Cell No. : 8987790202 E-mail: <u>cf-hazaribagh@gov.in</u>

पत्रांक 13-E-5- 4/2019- 1025

दिनांक :- 18.05.2023

सेवा में,

क्षेत्रीय मुख्य वन संरक्षक, हजारीबाग।

ुविषय ≔

सी0सी0एल0 की नार्थ उरीमारी रेलवे साइडिंग परियोजना 11.11 हे0 (हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत 8.27 हे0 एवं रामगढ़ वन प्रमंडल अन्तर्गत 2.84 हे0) वनभूमि अपयोजन प्रस्ताव के संबंध में।

प्रसंग:-

प्रधान मुख्य वन संरक्षक—सह—कार्यकारी निदेशक, बंजर भूमि विकास बोर्ड, झारखण्ड, रांची का 293 दिनांक 20.03.2023, ज्ञापांक 308 दिनांक 21.03.2023 एवं आपका ज्ञापांक 807 दिनांक 23.03.2023

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के संबंध में वन प्रमंडल पदाधिकारी, हजारीबाग पश्चिमी वन प्रमंडल ने अपने पत्रांक 2565 दिनांक 11.05.2023 (छायाप्रति संलग्न) द्वारा विषयक परियोजना में भारत सरकार, एकीकृत क्षेत्रीय कार्यालय, रांची का पत्रांक FP/JH/Others/34881/2018/955 दिनांक 01.03. 2023 द्वारा किये गये तीन बिन्दुओं पर पृच्छा का निराकरण प्रतिवेदन प्रयोक्ता अभिकरण से प्राप्त कर अपने मंतव्य सहित इस कार्यालय में समर्पित किया है, निराकरण प्रतिवेदन निम्नवत् है:—

Sl. No	. Condition .	Compliance
1	The Proposal involves violation over GMJJ land which is not under jurisdiction or management/ownership of state forest department. Revenue Department of Jharkhand has jurisdiction over such land, however, JJ land falls under deemed forest category. Therefore, either such violation be compounded appropriately by state government before forwarding the proposal to central government or should clearly specify the penal provisions to be undertaken along with recommendation of the department having the jurisdiction on the land.	उक्त पृच्छा रामगढ़ वन प्रमंडल से संबंधित है।
2	The Committee opined that a detailed report in the may be submitted by the State Forest Department regarding the extant proposal.	उक्त पृच्छा रामगढ़ वन प्रमंडल से संबंधित है।
	As recommendation made by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal; while the current	The 10 times penal CA DFL area हजारीबाग पश्चिमी वन प्रमंडल अन्तर्गत मौजा—दुमुहानीनीमाटांड, थाना—बरकठ्ठा,

submitted area for CA is only 22.44 ha.

थाना नं0-03 के प्लॉट नं0-76, 79, 86, 30, 70, 37, 38, 12, 17, 19, 21, 24 एवं 26 रकवा 111.10 हे0 चयनित किया गया है। चयनित क्षतिपूरक वनरोपण भूमि का Georeference Map अनु0-A के रूप में, वन प्रमंडल पदाधिकारी द्वारा निर्गत उपयुक्त्ता प्रमाण अनु0-C के रूप में, दस वर्षीय प्राक्कलन अनु0-D के रूप में, प्रयोक्ता अभिकरण द्वारा Penal CA & NPV जमा करने संबंधी वचनबद्धता अनुलग्नक-E के रूप में एवं KML file (CD) अनु0-F

के रूप में संलग्न है।

अतः वन प्रमंडल पदाधिकारी, हजारीबाग पश्चिमी वन प्रमंडल से प्राप्त अनुपालन प्रतिवेदन की छः प्रति इस पत्र के साथ संलग्न कर भेजते हुए अनुरोध है कि अपने स्तर से अग्रेत्तर कार्रवाई करने की कृपा की जाय।

अनुलग्नक—यथोक्त। कार्यालय क्षेत्रीय पुख्य वन संरक्षक इजारीबान गण्तांक 1447 रेनांक 195.23

आपका विश्वासी वन संरक्षक प्रादेशिक अचल, हजारीबाग



कार्यालय — वन प्रंमडल पदाधिकारी, हजारीबाग पश्चिमी वन प्रमंडल, वन भवन, हजारीबाग



2 06546-222339. Email- dfo.hazaribaghwest@rediffmal.com & dfo-hazaribaghwest@gov.in

पत्रांक : 2565

दिनांक: 11/05/23

सेवा में,

वन संरक्षक, प्रादेशिक अंचल, हजारीबाग ।

विषय:--

सी०सी०एल० की नॉर्थ उरीमारी रेलवे साइडिंग परियोजना 11.11 हे० (हजारीबाग पश्चिमी प्रमण्डल के अन्तर्गत 8.27 हे०) वन भूमि अपयोजन वन भूमि अपयोजन के संबंध में।

प्रसंग:--

आपका पत्रांक 624 दिनांक 29.03.2023 ।

महाशय,

उपरोक्त विषयक प्रसंगाधीन पत्र के संदर्भ में सूचित करना है कि भारत सरकार, एकीकृत क्षेत्रीय कार्यालय रांची का पत्रांक FP/JH/OTHERS/34881/2018/955 dated 01.03.2023 द्वारा तीन बिन्दुओं पर किये गये का पृच्छा का निराकरण प्रतिवेदन प्रयोक्ता अभिकरण ने पत्रांक 374 दिनांक 08.05.2023 द्वारा समर्पित किया गया है जो निम्नवत है :-

No.	Condition	Compliance	DFO Comment
1	The proposal involves violation over GMJJ land which is not under jurisdiction or management/ownership of state forest department. Revenue department of Jharkhand has jurisdiction over such land, however, JJ land falls under deemed forest category. Therefore, either such violation be compounded appropriately by state government before forwarding the proposal to central government or should clearly specify the penal provisions to be undertaken along with recommendation of the department having jurisdiction on the land.	regarding diversion of 11.11 ha forest land in favour of CCL for construction of North Urimari Siding,	उक्त पृच्छा रामगढ़ वन प्रमण्डल, रामगढ़ से संबंधित है।

vesting in the Central Government under section 10 or continuing to so vest, vest in the Government company either on the date of publication of the declaration or on such other date as may be specified in the direction".

The said GMJJ land was vested to Government Company(CCL) as per notification published in part II section 3 sub-section (ii) of the gazette of India dated 10.01.1959, 13.02.1965 and 24.03.1965. Hence, rights over such land vests in CCL after the said notification.

Honourable Supreme court issued a verdict about GMJJ land in T.N Godavarman Thirumulkhpad Union of India and others on 12.12.1996, in which it declared GMJJ land to be deemed forest land. Violation was recorded in GMJJ land in the year 2018 in the inspection of the then DFO Ramgarh. However, till then there was no Act/guideline enumerating the penal provisions of state government over GMJJ land acquired under CBA Act 1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980.

On 17.12.2019, a letter was issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक-5/स॰भू०विविध-250/2018

4908(5)/रा॰झारखण्डसरकार to DC of every district, in which it was directed that the Government company must pay 80% of the value of acquired GMJJ land under CBA act 1957, to the State Government. Subsequently, a letter was issued by Joint Secretary, Ministry of Coal vide letter no. D.O.No 43025/1/2019-LAIR dated 04.06.2020 regarding payment to be made by CCL to the state government against such acquired land. After receiving demand note for the said GMJJ land by state officials, payment was done by CCL to the state government on 30.09.2021. Intimation regarding the same was sent to the

concerned DC on 04.01.2021 vide letter no. GM-BS/S.O(P&P)/2021/582. Hence, as per details mentioned above no penal provisions stand against CCL from the Revenue Department, Govt. of Jharkhand.

Also, as per section 25 of CBA Act 1957, as quoted below:

"25. Protection of action taken in good faith-(1) No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder.

(2) No suit or other legal proceeding shall lie against the Central Government or the competent authority or any other person for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act or any rule or order made thereunder".

In the absence of any Act/guideline from the State Government at the time of violation, the actions of CCL may be considered to be done in good faith. Thus, Penal provisions from Revenue Department, Govt. of Jharkhand, should not stand against CCL.

The committee opined that a detailed report may be submitted by the State Forest Department regarding the extant proposal.

Since, at the time of violation in 2018 there was Act/guideline no enumerating the penal provisions of State Government in respect of violation over GMJJ land acquired under CBA Act 1957, and after issuance of directive of State Government in 2019, the required payment against such GMJJ land has been done by CCL. No penal provisions stand against CCL from Only, Government. necessary provisions of Forest Conservation act 1980 applies to the said GMJJ land. Hence, the penal provisions under Forest Conservation Act 1980, i.e. 5 times NPV and 10 times CA land, against the said उक्त पृच्छा रामगढ़ वन प्रमण्डल, रामगढ़ से संबंधित है। 3. As recommended by SFD, the penal CA DFL area should have been 10 times of the area involved in the proposal, while the current submitted area for CA is only 22.44 ha.

violation is appropriate.

The penal CA DFL area has been identified by DFO, Hazaribagh (W) for 111.10 Ha which is 10 times of the forest land involved in the proposal.

Also, it has been asked to submit Georeference Map, Toposheet Map, KML, CA Land Suitability Certificate, CA estimate and undertaking regarding payment related to penal CA in respect of 11.11 Ha Stage -I FC of Forest land in favour of North Urimari Railway Siding. In this regard, please find enclosed herewith the relevant documents mentioned below:

S. No.	Documents	Attachments
1.	Geo-reference Map	Annexure A
2.	Toposheet Map	Annexure B
3.	KML File	CD
4.	CA Suitability Certificate	Annexure C
5.	CA Estimate	Annexure D
6.	Undertaking regarding ČA Payment	Annexure E

10 times CA Penal Area मौजा-DFL दुमुहानीनीमाटांड, बरकठ्ठा, थाना नं0 - 03 के प्लॉट नं0- 76, 79, 86, 30, 70, 37, 38, 12, 17, 19, 21, 24, एवं 26, रकवा 111.10 हे0 चयनित की गई है। जो हजारीबाग पश्चिमी वन प्रमण्डल के अन्तर्गत प्रस्तावित इसका उपयुक्तता प्रमाण दस वर्षीय पत्र. प्राक्कलन एवं KML File तथा इस संदर्भ में प्रयोक्ता द्वारा Penal अभिकरण NPV & CA की रशि जमा करने की बचनबद्धता दी गई है। जो अनुलग्नक -A, B, C, D, E के रूप में संलग्न है।

अतः प्रायोक्ता अभिकरण द्वारा समर्पित निराकरण प्रतिवेदन परिवेश पोर्टल पर अपलोड ,करते हुए उनके द्वारा समर्पित अनुपालन प्रतिवेदन ०७ प्रतियों में इस पत्र के साथ अग्रेत्र कार्रवाई हेतु समर्पित की जा रही है। अनुलग्नक:— यथोक्त।

आपका विश्वासी

वन प्रमंडल पदाधिकारी हजारीबाग पश्चिमी वन प्रमंडल

C.F.Letter 11.11 ha_FCA_CCL_North Urimari.doc 1