

ଓଡ଼ିଶା ସରକାର

GOVERNMENT OF ODISHA



କାର୍ଯ୍ୟାଳୟ, କଟକ ବନଖଣ୍ଡ, କଟକ

ବନଖଣ୍ଡ ଅଧିକାରୀ ତଥା ବନ୍ୟପ୍ରାଣୀ ଡଭାବଧାରକଙ୍କ
OFFICE OF THE DIVISIONAL FOREST OFFICER: CUTTACK FOREST DIVISION

AT: - GHATAKULA, NUAPADA, CUTTACK 753010

Tel:- 0671-2957611, Control Room:- 0671-2340343, Toll Free No.18003457473

Email: - dfo.cuttack@odisha.gov.in

Memo No. 8943 /5F (Forest Diversion) 107/2019

Dated, Cuttack the 07 th October, 2023.

To

The Regional Chief Conservator of Forests,
Angul Circle, Angul.

Sub:-

Proposal for diversion of 23.80ha of forest land (as per Sabik records as on 25.10.1980) including 2.240ha forest land in safety zone area for Chromite ore mining of Kalarangiatta Chromite Mines of M/s Ferro Alloys Corporation Ltd. (FACOR) in Cuttack Forest Division coming under jurisdiction of Sukinda Tahasil of Jajpur District, Odisha.

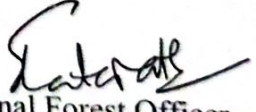
Ref:

Letter No. FACOR/ Bhadrak / Legal/86/2023 dt.05.10.2023.

With reference to the letter cited above on the captioned subject, it is to inform you that, the user agency has submitted the letter of Director of Mines & Geology, Odisha regarding applicability of WP(C) No.114/2014(Common Cause Vrs. Union of India) vide their letter no.12227 dt.04.10.2023. The Director of Mines & Geology, Odisha subscribed that in the meantime the Forest (Conservation) Amendment Act, 2023 has come into force with effect from dt.04.08.2023; where in a new section 1A has been introduced specifying the categories of forest land to be covered under the provision of this Act.

But as per Forest (Conservation) Amendment Act, 2023 Para 1 (2) "*it shall come into force on such date as central Govt. may, by notification in the official gazette, appoint*". So it is yet to be effective as on date.

This is for favour of kind information and necessary action.


Divisional Forest Officer,
Cuttack Forest Division.

Copy for kind information to:

The Principal Chief Conservator of Forests, Forest Diversion & Nodal Officer, FC
Act, O/o the PCCF & HoFF, Bhubaneswar, Odisha.

5F
6.10.23
5/10/2023
Compliance to query raised by PCCF (Nodal) Bhubaneswar



From: Ramesh Sahoo (facor.mines@vedanta.co.in)
To: dfo.cuttack@odisha.gov.in; dfo.cuttackforestdivision@yahoo.com
Cc: rccfangul@gmail.com
Date: Thursday, October 5, 2023 at 03:48 PM GMT+5:30

FACOR / Bhadrak / Legal / 86 /2023

5th October 2023

To

The Divisional Forest Officer
Cuttack Forest Division
Ghatakula, Nuapada,
Madhupatna, Cuttack-743010.

Sub: Reply of Director Mines & Geology to the query raised by PCCF (Nodal) Bhubaneswar with respect to the diversion of 23.80 ha forestland of Kalarangiatta Chromite Mines of M/s. Ferro Alloys Corporation Ltd (FACOR) in Jajpur District of Odisha.

Ref: (1) Letter No. DGO-ACCT-MISC-0019-2023-12227/ DoMG, Dtd. 04.10.2023 of Director Mines.
2. Letter No. 8711 /9F (MG)-368/2016, dtd.06.05.2023 of PCCF (Nodal) Bhubaneswar.
3. Letter No. 5-ORC288/2016-BHU dtd. 23.03.2023 of IRO, MOEFCC to Govt. of Odisha
4. FC Proposal No. FP/OR/MIN/16453/2022, applied on dt. 11.11.2015 by FACOR.

Dear Sir,

You are aware of the fact that the office of PCCF (Nodal) Bhubaneswar vide their Letter bearing No. 8711/9F (MG)-368/2016, dtd.06.05.2023 has requested the office of Director of Mines & Geology Bhubaneswar, to furnish views regarding applicability of W.P. (C) No.114 of 2014 (Common Cause Vrs. Union of India) in the case of Kalarangitta Chromite Mines.

In response to the said query, Director of Mines and Geology, Department of Steel and Mines, Govt. of Odisha has replied to PCCF (Nodal) Bhubaneswar vide their Letter bearing No. DGO-ACCT-MISC-0019-2023-12227/ DoMG on dtd. 04.10.2023. Copy of the same is enclosed herewith for your kind perusal and records.

In view of above, we do hereby request your good office to kindly upload and forward the said reply letter of Director of Mines in the Parivesh Portal log-in, so that the long pending Forest Clearance with respect to our Kalarangiatta Chromite Mines may be resolved and mining operation can be resumed at the earliest.

Thanking you,

Yours sincerely,

For Ferro Alloys Corporation Ltd

Authorized Signatory

Copy to: RCCF, Angul with similar request to upload and forward the reply letter in Parivesh Portal.



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Letter to DFO 05.10.2023.pdf

252.7kB



Director Mines Letter to PCCF 04.10.2023.pdf

575.6kB

FACOR / Bhadrak / Legal / 86 /2023

5th October 2023

To

The Divisional Forest Officer
Cuttack Forest Division
Ghatakula, Nuapada,
Madhupatna, Cuttack-743010.

Sub: Reply of Director Mines & Geology to the query raised by PCCF (Nodal) Bhubaneswar with respect to the diversion of 23.80 ha forestland of Kalarangiatta Chromite Mines of M/s. Ferro Alloys Corporation Ltd (FACOR) in Jajpur District of, Odisha.

Ref: (1) Letter No. DGO-ACCT-MISC 0019-2023-12227/ DoMG, Dtd. 04.10.2023 of Director Mines.
(2) Letter No. 8711/9F (MG)-368/2016, dtd.06.05.2023 of PCCF (Nodal) Bhubaneswar.
(3) Letter No. 5-ORC288/2016-BHU dtd. 23.03.2023 of IRO, MOEFCC to Govt. of Odisha
(4) FC Proposal No. FP/OR/MIN/16453/2022, applied on dt. 11.11.2015 by FACOR.

Dear Sir,

You are aware of the fact that the office of PCCF (Nodal) Bhubaneswar vide their Letter bearing No. 8711/9F (MG)-368/2016, dtd.06.05.2023 has requested the office of Director of Mines & Geology Bhubaneswar, to furnish views regarding applicability of W.P. (C) No.114 of 2014 (Common Cause Vrs. Union of India) in the case of Kalarangiatta Chromite Mines.

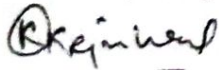
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In view of above, we do hereby request your good office to kindly upload and forward the said reply letter of Director of Mines in the Parivesh Portal log-in, so that the long pending Forest Clearance with respect to our Kalarangiatta Chromite Mines may be resolved and mining operation can be resumed at the earliest.

Thanking you,

Yours sincerely,

For Ferro Alloys Corporation Ltd



Authorized Signatory

Copy to: RCCF, Angul with similar request to upload and forward the reply letter in Parivesh Portal.



**DIRECTORATE OF MINES & GEOLOGY
STEEL AND MINES DEPARTMENT, GOVT. OF ODISHA,
BHUBANESWAR**

Heads of Department Building, Unit-V, Pin-751001
Tel No.: 0674-2391537, Fax No.: 0674-2391684
Email ID: dirmines_odisha@rediffmail.com

DGO-ACCT-MISC-0019-2023-12227/DoMG

Dt. 04-10-2023

From

G. Rajesh, IFS
Director of Mines & Geology,
Odisha, Bhubaneswar,

To

**The Principal Chief Conservator of Forest,
Forest Diversion & Nodal Officer, F.C. Act.**

Sub- Diversion of 23.80 ha of forest land (as per sabik records as on 25.10.1980) including 2.240ha of forest land in safety zone area for chromite ore mining from Kalarangiatta Chromite Mines by M/s. Ferro Alloys Corporation Ltd. FACOR in Cuttack Forest Division coming under Jurisdiction of Sukinda Tahasil of Jajpur District, Odisha.

Sir,

In inviting reference to your letter No. 8711/9F(MG)-368/2016 dated 06.05.2023 on the subject mentioned above, enclosing herewith a copy of Govt. letter, No-8804/SM Dt.29.08.2023 received from Steel & Mines Deptt., for quick reference. As we are given to understand that The Forest (Conservation) Amendment Act, 2023 has come into force w.e.f. from 04.08.2023, wherein a new section 1A has been introduced specifying the categories of forest land to be covered under the provision of the Act and the proviso to Section 1A(b) prescribes the following.

"Provided that the provision of this clause shall not apply to such land, which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 in pursuance of an order, issued by any authority authorised by as State Government or an Union Territory administration in that behalf".

In this backdrop, Steel & Mines Department has therefore, requested your good office to examine the applicability of Forest (Conservation) Amendment Act, 2023 and take necessarily follow up action in this case.

Encl.:- As above

Yours faithfully,

DIRECTOR OF MINES & GEOLOGY, ODISHA



Government of Odisha
Department of Steel and Mines

No. 8804 /SM. Bhubaneswar, Dtd. 29.08.2023
SM-MC1-RML-0034-2023

From

Sri S. K. Mohanty,
Deputy Secretary to Government.

To

The Director of Mines and Geology.
Odisha, Bhubaneswar.

Sub: Diversion of 23.80 ha. Of forest land(as per sabik records as on 25.10.1980) including 2.240 ha. of forest land in safety zone area for chromite ore mining from Kalarangitta Chromite mines of M/s FACOR Ltd in Cuttack Forest division coming under jurisdiction of Sukinda Tahsil of Jajpur district.

Ref: Your letter No.7529/ DoMG dated 01.06.2023.

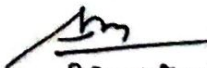
Sir,

I am directed to invite a reference to the letter and subject cited above and to say that in the meantime the Forest (Conservation) Amendment Act'2023, has come into force with effect from 04.08.2023, where in a new section 1A has been introduced specifying the categories of forest land to be covered under the provision of this Act and the proviso to Section 1A(b) prescribes the following.

"Provided that the provision of this clause shall not apply to such land, which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 in pursuance of an order, issued by any authority authorised by a State Government or an Union Territory Administration in that behalf."

It is therefore requested to kindly intimate the PCCF, Forest Diversion & Nodal Officer to examine the applicability of Forest (Conservation) Amendment Act'2023 and take necessary action in the matter.

Yours faithfully,


29-08-2023
Deputy Secretary to Government





भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-05082023-247866
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असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 18] नई दिल्ली, शुक्रवार, अगस्त 4, 2023/श्रावण 13, 1945 (शक)
No. 18] NEW DELHI, FRIDAY, AUGUST 4, 2023/SRAVANA 13, 1945 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 4th August, 2023/Sravana 13, 1945 (Saka)

The following Act of Parliament received the assent of the President on the 4th August, 2023 and is hereby published for general information:—

THE FOREST (CONSERVATION) AMENDMENT ACT, 2023

(No. 15 OF 2023)

[4th August, 2023]

An Act further to amend the Forest (Conservation) Act, 1980.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Forest (Conservation) Amendment Act, 2023.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

69 of 1980.

2. In the Forest (Conservation) Act, 1980 (hereinafter referred to as the principal Act), after the long title and before the enacting formula, the following preamble shall be inserted, namely:—

Insertion of preamble.

"WHEREAS, the importance of forests is to be realised to enable achievement of national targets of Net Zero Emission by 2070 and maintain or enhance the forest carbon stocks through ecologically balanced sustainable development;

AND WHEREAS, Nationality Determined Contribution targets of the country envisage creating carbon sink of additional 2.5 to 3.0 billion tons of CO₂ equivalent by 2030;

AND WHEREAS, the country envisages an increase in the forest and tree cover to one-third of its land area, which is to be given impetus with an enhanced growth trajectory;

AND WHEREAS, India has a rich tradition of preserving forests and their bio-diversity, and, therefore, enhancing forest based economic, social and environmental benefits, including improvement of livelihoods for forest dependent communities is envisaged;

AND WHEREAS, it is necessary to provide for provisions relating to conservation management and restoration of forests, maintaining ecological security, sustaining cultural and traditional values of forests and facilitating economic needs and carbon neutrality."

Amendment of section 1.

3. In section 1 of the principal Act, in sub-section (1), for the words and brackets "Forest (Conservation) Act", the words and brackets "*Van (Sanrakshan Evam Samvardhan) Adhinyam*" shall be substituted.

Insertion of new section 1A.

4. After section 1 of the principal Act, the following section shall be inserted, namely:—

Act to cover certain land.

'1A. (1) The following land shall be covered under the provisions of this Act, namely:—

(a) the land that has been declared or notified as a forest in accordance with the provisions of the Indian Forest Act, 1927 or under any other law for the time being in force;

(b) the land that is not covered under clause (a), but has been recorded in Government record as forest, as on or after the 25th October, 1980:

Provided that the provisions of this clause shall not apply to such land, which has been changed from forest use to use for non-forest purpose on or before the 12th December, 1996 in pursuance of an order, issued by any authority authorised by a State Government or an Union territory Administration in that behalf.

Explanation.—For the purposes of this sub-section, the expression "Government record" means record held by Revenue Department or Forest Department of the State Government or Union territory Administration, or any authority, local body, community or council recognised by the State Government or Union territory Administration.

(2) The following categories of land shall not be covered under the provisions of this Act, namely:—

(a) such forest land situated alongside a rail line or a public road maintained by the Government, which provides access to a habitation, or to a rail, and roadside amenity up to a maximum size of 0.10 hectare in each case;

(b) such tree, tree plantation or reforestation raised on lands that are not specified in clause (a) or clause (b) of sub-section (1); and

(c) such forest land,—

(i) as is situated within a distance of one hundred kilometres along international borders or Line of Control or Line of Actual Control, as the

case may be, proposed to be used for construction of strategic linear project of national importance and concerning national security; or

(ii) up to ten hectares, proposed to be used for construction of security related infrastructure; or

(iii) as is proposed to be used for construction of defence related project or a camp for paramilitary forces or public utility projects, as may be specified by the Central Government, the extent of which does not exceed five hectares in a Left Wing Extremism affected area as may be notified by the Central Government.

(3) The exemption provided under sub-section (2) shall be subject to such terms and conditions, including the conditions of planting trees to compensate felling of trees undertaken on the lands, as the Central Government may, by guidelines, specify.

5. In the principal Act, section 2 shall be renumbered as sub-section (1) thereof and—

Amendment
of section 2.

(a) in sub-section (1) as so renumbered,—

(I) in clause (iii), for the words "not owned, managed or controlled by Government", the words ", subject to such terms and conditions, as the Central Government may, by order, specify" shall be substituted;

(II) in the *Explanation*, for the long line occurring after clause (b), the following shall be substituted, namely:—

"but does not include any work relating to or ancillary to conservation, development and management of forests and wildlife, such as—

(i) silvicultural operations including regeneration operations;

(ii) establishment of check-posts and infrastructure for the front line forest staff;

(iii) establishment and maintenance of fire lines;

(iv) wireless communications;

(v) construction of fencing, boundary marks or pillars, bridges and culverts, check dams, waterholes, trenches and pipelines;

(vi) establishment of zoo and safaris referred to in the Wild Life (Protection) Act, 1972, owned by the Government or any authority, in forest areas other than protected areas;

(vii) eco-tourism facilities included in the Forest Working Plan or Wildlife Management Plan or Tiger Conservation Plan or Working Scheme of that area; and

(viii) any other like purposes, which the Central Government may, by order, specify.";

(b) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

"(2) The Central Government may, by order, specify the terms and conditions subject to which any survey, such as, reconnaissance, prospecting, investigation or exploration including seismic survey, shall not be treated as non-forest purpose."

Insertion of
new section 3C. namely:—

6. In the principal Act, after section 3B, the following section shall be inserted,

Power of
Central
Government
to issue
directions.

"3C. The Central Government may, from time to time, issue such directions, to any authority under the Central Government, State Government or Union territory Administration, or to any organisation, entity or body recognised by the Central Government, State Government or Union territory Administration, as may be necessary for the implementation of this Act."

DR. REETA VASISHTA,
Secretary to the Govt. of India.