



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

वन भवन, चतरा- 825401 (झारखण्ड)

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सेवा में,
पत्रांक
दिनांक
वन संरक्षक,
प्रादेशिक अंचल, चतरा।
विषय:- मेसर्स सेन्द्रल कोल फिल्ड लिमिटेड द्वारा पुरनाडीह ओ.सी.पी. परियोजना हेतु 323.49 हे० वन भूमि अपयोजन प्रस्ताव के संबंध में।

प्रसंग:- क्षेत्रीय मुख्य वन संरक्षक, हजारबाग का ज्ञापांक- 1575 दिनांक 12.08.2021

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 की गई थी, 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/ 21-22/298 दिनांक 05.07.2021 द्वारा बिन्दुवार संशोधित अनुपालन प्रतिवेदन इस कार्यालय में समर्पित किया है। समर्पित बिन्दुवार अनुपालन प्रतिवेदन पर अधोहस्ताक्षरी का मंतव्य के साथ संशोधित 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-

2161

दिनांक- 18/08/2021

प्रतिलिपि- परियोजना पदाधिकारी, पुरनाडीह परियोजना, नार्थ कर्णपुरा क्षेत्र, सी.सी.एल. पो०-डकरा, जिला- राँची को उनके पत्रांक PO/PND/Forest/ 21-22/298 दिनांक 05.07.2021 के क्रम में सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

18/8/2021

वन प्रमण्डल पदाधिकारी,
चतरा दक्षिणी वन प्रमण्डल।

18/8/2021



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-1) 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 :-

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Condition No.	Area of diverted of forest land	Description	Compliance by User Agency	DFO South Comments																																																
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	KML files/Shape files has been submitted by the User Agency.
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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 / Archeological point of view or not.	CCL submitted its compliance stating that the project area of Purnadih OCP did not contain any place of religious/archeological importance. However, as instructed by GOJ in meeting held on 10.09.2020, Archeological Survey Of India was requested on 23.09.2020 to provide certificate related to archaeological site. Site visit was carried out by Regional Office, Archeological 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.																																																
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	It is certified that Compensatory Afforestation Land/Ara is free from encumbrances and encroachments.																																																

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			Ha) to ensure that it is free from encroachments and encumbrances.	
5		State Government shall also analyze the proposal in light of observation of Hon'ble Supreme Court in case of Lafarge 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/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. 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>In order of compliance, the matter was referred to Advocate General Jharkhand to provide his valuable legal opinion. The Advocate General has opined in the following way: Ld. Advocate General Perused the file U.O.O. No. 54/2021. An opinion has been sought on the following issues :-</p> <ol style="list-style-type: none"> 1. Can project area for which mining plan is approved by competent authority shall be taken as single lease area to analyze the fair accomplishi situation as referred by Hon'ble Supreme Court in their Lafarge Umian v. Uol Case in 2011 ? 2. State Government shall also analyze the proposal in light of observation of Hon'ble Supreme Court in the case of Lafarge Umian V. Uol in 2011. <p>Re- Query No. 1 A perusal of page 181, of correspondence side, reveals that this query has been raised by the MOEF, GoI to the Ministry of Mines, GoI. Perusal of this letter does nt indicate that the views/opinion of the qucrist department (State) has been sought for. As such the querist may reconsider the same and if opinion is still required may kindly indicate the basis for the same. As such no opinion is being rendered for the present.</p> <p>Re- Query no. 2 The querist has sought analysis of the proposal. However, the proposal could not be traced out in the file. As such the department may kindly point out the page number in case it is available in the file or provide a copy of the same. Secondly and more important the department may formulate the query with regard to analysis of the proposal. (Xerox copy of AG's opinion is enclosed) The referred matter is under process.</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/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.</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</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. 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). So in totality 251.39 acre of</p>

		paid by CCL. An undertaking in this regard is attached as Annexure E	GMJJ land has been illegally mined out which attracts provisions of the Forest Conservation Act 1980. In the same letter DC, Chatra also requested DFO to take proper action against CCL as per provision of the FC Act 1980.																																												
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>Henzda</td> <td>1.020</td> </tr> <tr> <td>4</td> <td>Kutki</td> <td>1.436</td> </tr> <tr> <td>Total</td> <td></td> <td>3.14</td> </tr> </tbody> </table>	Sl. No.	Name of Village	Area (Ha)	1	koilara	0.459	2	Dembua	0.225	3	Henzda	1.020	4	Kutki	1.436	Total		3.14	In this project Safety Zone area is 3.14 ha.																										
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8	State Government shall provide details about the gaps/shortfall observed in the process of reclamation of the mined area by CCL in other mines within the state.	<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 backfilled in Purnadih OCP and plantation over 24.95 ha (biological) has been done</p>	<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 is in this division as follows :</p> <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. 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 has failed to reclaim the mined out areas and therefore, the reclamation work should be assigned/given to the state forest department and the fund for reclamation including the cost of</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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				backfilling the mined out areas and the plantation thereupon should be given by the user agency to the state forest department.
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18/8/2021
(S.P. Suman, S.F.S)
Divisional Forest Officer,
Chatra South Forest Division.



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

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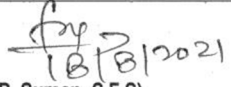
E-mail-dfo-chatrasouth@gov.in

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 :-

Con- ditio n 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>	Compliance reply is as per 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 reffered 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>	The issue is highly legal and the law points involved in the matter, requires more time to give comments.

			<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. 	Compliance reply is as per CBA Act, 1957. Any violation of the provisions made in Indian Forest Act, 1927 and Indian Forest Act, 1980, on the acquired land under CBA 1857 attracts the legal actions against the violators.
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 no mined out area is reclaimed by the user agency which makes the condition very pathetic from the environment point of view and therefore a clear legal provision should be made for reclamation of the forest land after completion of mining.</p> <p>The legal procedure to be adopted for reclamation of mined out forest land should be mentioned in stage I and stage II approval granted by GOI in which the cost of reclamation including the backfilling of the mined out area with OBD and other soil should be provided and the backfilling of the mined out area with plantation works</p>

				<p>shall be done by the SFD from the fund made available by User Agency to the state Government for this purpose without making the aforesaid provision no forest land area shall/should be diverted for mining works.</p> <p>The aforesaid provision should be incorporated in Forest (Conservation) Act 1980 and the amendments should be made therein to this effect.</p>
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