



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

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पत्रांक : 1693

दिनांक : 19/07/2023

सेवा में,

वन संरक्षक,
प्रादेशिक अंचल, चतरा।

विषय :- मेसर्स सी0सी0एल0 के मगध खुली खदान परियोजना की पूर्वी भाग हेतु कुल 192.36 हे0 (वनभूमि 57.29 हे0 एवं जंगल-झाड़ 135.07 हे0) वनभूमि अपयोजन प्रस्ताव पर भारत सरकार द्वारा की गई पृच्छा का बिन्दुवार अनुपालन प्रतिवेदन भेजने के संबंध में।

प्रसंग : भारत सरकार, पर्यावरण एवं वन, जलवायु परिवर्तन मंत्रालय, नई दिल्ली का पत्र संख्या-8-27/2022-FC दिनांक 28.04.2023

महाशय,

उपर्युक्त विषयक प्रसंगाधीन पत्र के संबंध में सूचित करना है कि भारत सरकार द्वारा विषयगत परियोजना हेतु अपयोजित होने वाली वनभूमि प्रस्ताव पर की गई 14 बिन्दुओं पर पृच्छा के आलोक में परियोजना पदाधिकारी, मगध खुली खदान परियोजना, कुण्डी, टण्डवा ने अपने पत्रांक-PO(M)/Forest/192.23 Ha / 2023-24/956 दिनांक 13.07.2023 द्वारा बिन्दुवार अनुपालन प्रतिवेदन अनुलग्नक सहित समर्पित किया गया है। समर्पित अनुपालन प्रतिवेदन की स्थिति निम्नवत् है :-

No	Query	DFO Comment
1	The KML file of 96.72 ha forest land which has been diverted earlier along with Mine lease boundary of Sanghamitra OCP and 13.04 ha approved forest land of Magadh OCP which is overlapping/included in the Sanghamitra OCP is required for detailed analysis of the proposal.	KML File enclosed by the User Agency as Annexure-I
2	The justification for transferring the forest area from Magadh OCP to Sanghamitra OCP along with the details of approval obtained for the same shall be submitted.	The user agency has stated that In order to achieve operational efficacy, the forest land 13.04 Ha out of 96.72 Ha has been transferred to Sanghamitra OCP In this regard a certificate of GM MS Area is attaches as Annexure VIII
3	The details of land-use as per approved mining plans of respective mining leases involved in the proposal shall be submitted. The State Govt shall ensure that the landuse proposed now is in conformity to the proposed landuse in the approved mining plans. A comparative analysis in this regard shall be submitted.	The details of land use plan has been submitted by the User Agency is in conformity with the approved mine plan.

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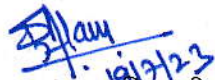
4	It has been observed that the user agency is applying for diversion of forest land within 1593.73 ha mining lease area in piecemeal. The complete KML file of the project area i.e. 1593.73 ha along with the status of approval and present landuse of forest land in the Sanghamitra OCP shall therefore be submitted. A justification for submitting part proposals shall also be provided.	The user agency has Submitted that, the details of notified forest and revenue forest in Latehar district is not explicitly clear due to the publication of revisional survey of land records in the year 2005. The difference in land records in Cadastral survey and revisional survey led to discrepancy in preparation of land schedule of Latehar part. The matter was taking ample time to get resolved and Magadh, being a mega mine of Central coalfields Limited, after internal discussion and consultation with State Forest officials it was decided to submit application of Chatra part separately. As such, to expedite the clearance and avoid delay due to difference in land records of CS and RS khatiyon in Latehar District, a separate application for Chatra district (Magadh East OCP- 192.36 Ha Forest Land) was submitted vide FP/JH/MIN/87235/2020 dated 19.03.2021 KML of approved mine plan (1593.75 Ha) is enclosed by the User Agency as Annexure-II
5	The KML file indicating various components as per proposed land use in the instant proposal shall also be submitted.	KML file indicating various components as per proposed land use in the instant proposal is enclosed by the User Agency as Annexure-II
6	The State Govt has intimated that the compliance of the stipulated conditions by the User agency in case of earlier approvals is not up to the mark. In this regard, the details of the action taken by the State Govt for ensuring the compliance of the conditions shall be submitted.	The User Agency has submitted Compliance in respect of earlier forest clearance of 96.72 Ha details attached as Annexure-III .
7	The undertaking to bear the cost of implementation of wildlife management plan has not been submitted by the User agency which shall be provided.	The User Agency has submitted undertaking to bear the cost of implementation of wildlife management plan as Annexure-IV .
8	The State has now reported the violation of FCA, 1980. In this regard the detail of the forest ares utilized for Non - forestry purpose without prior approval of the central govt. along with the time period of violation shall be submitted.	The forest area utilized for non-forest use is JM JJ land: Total broken area of GM JJ is (4+1.59} 5.59 Ha in Saradhu and 11.2 Ha in Masilong) total 16.79 Ha Any how it is a case of violation so panel NPV and CA as per rule may be recovered from the User Agency. User Agency undertakes to make payments of all applicable levies and implement all compliances as directed by the authorities as Annexure V A
9	A report on action, as taken by the State Forest Department against the violation of Forest (Conservation) Act, 1980 shall be submitted.	The land which has been broken by the User Agency is GMJJ Land, which comes under administrative control of District authority of Jharkhand govt. However, User Agency agrees to make payments of all applicable levies and implement all compliances as directed by the authorities.

10	Detailed report including nature of violation, chronology, total area under the violation of the FCA, 1980 along with Shape/KML file shall be submitted.	KML of Broken Area included as Annexure- VI . Total broken area of GM JJ is (5.59 Ha in Saradhu and 11.2 Ha in Masilong) total 16.79 Ha The land was broken during 2018-19
11	As per the information received, the condition no. 18 of the Stage-II approval dated 18.10.2010 for diversion of 96.72 ha forest land has not been complied, which needs justification Moreover, a copy of Wild life Management Plan approved by the CWLW shall be submitted.	The User Agency has submitted WLMP for Chatra District (96.72 Ha & 192.36 Ha) as Annexure VII The Same has been forwarded to PCCF by RCCF Hazaribagh on 18.07.2023 vide letter No 1766 The User Agency has also submitted undertaking to bear the cost of implementation of wildlife management plan as Annexure-IV .
12	The State Govt. shall clarify whether the Green Zone now proposed in the proposal is different from the Safety Zone or otherwise.	The green belt zone proposed in the instant proposal is different from the safety Zone and includes the area left out after subtracting Safety zone, OB Dump, Quarry area, Conveyor and roads from project boundary of 495.92 Ha, which comes out to 110.92 Ha
13	The State Government shall furnish details of steps taken by the State Forest Department to rectify the lapses happened in the past regarding the implementation of WLMP of 96.72 ha proposal in the past.	The WLMP of Chatra South Division (96.72 & 192.36) has been submitted by the User Agency and which is under Presently the revised plan is in the final stage of approval.
14	As reported by the State Govt. the settlements within the proposed area are old. In this regard the state shall intimate whether the settlements are encroachment or otherwise. The future plan to evict or rehabilitate as the case may be shall also be submitted.	User Agency has submitted that Settlements within the proposed area are old, which has mostly been settled to the tenants by the state Govt. Sample Settlement copy of tenant enclosed as Annexure-X . The settlement present shall be rehabilitated as per R&R policy of Coal India Limited

अतः प्रयोक्ता अभिकरण द्वारा समर्पित अनुपालन प्रतिवेदन की आठ प्रतियां अधोहस्ताक्षरी के मंतव्य सहित इस पत्र के साथ संलग्न कर भेजते हुए अनुरोध है कि अपने स्तर से अग्रेतर कार्रवाई करने की कृपा की जाय।

अनु:—यथोक्त।

आपका विश्वासी,


वन प्रमण्डल पदाधिकारी,
चतरा दक्षिणी वन प्रमण्डल।


19/07/2023

Point wise Reply of Query raised in File No 8-27/2022-FC; Dated 28.04.2023 in respect of Proposal for the non-forest use of 192.36 ha (Forest land - 57.29 ha and Jungle Jhari 135.07 ha) of forest land for Magadh East Opencast mining project in favour of M/s CCL, Chatra South, Jharkhand -reg.

Sl No	Query	Compliance	DFO Comment
1	The KML file of 96.72 ha forest land which has been diverted earlier along with Mine lease boundary of Sanghmitra OCP and 13.04 ha approved forest land of Magadh OCP which is overlapping/included in the Sanghmitra OCP is required for detailed analysis of the proposal.	The KML file of already diverted forest land of 96.72 Ha along with properly marked portion of 13.04 Ha now falling in the boundary of upcoming Sanghmitra OCP is submitted as Annexure-I .	KML File enclosed by the User Agency as Annexure-I
2	The justification for transferring the forest area from Magadh OCP to Sanghmitra OCP along with the details of approval obtained for the same shall be submitted.	96.72 Ha of forest land in respect of Magadh OCP was diverted vide F.No.8-38/2008-FC dated 18.10.2012 in favour of M/S Central Coalfields Limited (CCL). Initially Magadh OCP had a total area of 643.19 Ha in Chatra Dist. In order to have achieve operational efficacy, it was decided to operate another mine named Sanghmitra. For this 147.27 Ha of Magadh OCP was transferred to proposed Sanghmitra & 495.92 Ha remains with Magadh OCP. Out of previously released 96.72 Ha forest, 83.68 Ha lies within boundary of Magadh OCP and 13.04 Ha was transferred to Sanghmitra OCP. Both Magadh OCP & Sanghmitra OCP are under administrative control of GM MS Area, CCL which is part of the User agency i.e Central Coalfields limited (CCL) and as such Since there is no change in user agency. In this regard a certificate of GM MS Area is attaches as Annexure VIII	The user agency has stated that In order to achieve operational efficacy, the forest land 13.04 Ha out of 96.72 Ha has been transferred to Sanghmitra OCP In this regard a certificate of GM MS Area is attaches as Annexure VIII
3	The details of land-use as per approved mining plans of respective mining leases involved in the proposal shall be submitted. The State Govt shall ensure that the landuse proposed now is in conformity to the proposed landuse in the	Component wise breakup as mentioned in the approved mine plan at page no. 51, point no. 6.1.1 is for an area of 495.92 Ha (including 412.24 Ha of current proposal and 83.68 Ha of already diverted proposal) is given as under:	The details of land use plan has been submitted by the User Agency is in conformity with the approved mine plan.

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approved mining plans. A comparative analysis in this regard shall be submitted.

Chatra District				
	Land in Ha	Notified Forest	GMJJ	Non Forest
Quarry	345.89	55.57	150.52	139.8
OB Dump	27.8	0	4.99	22.81
Conveyor Corridor	3.56	0	0.58	2.98
Road	2.71	0	0.65	2.06
safety	5.04	5.04	0	0
Green belt	110.92	9.14#	49.55	52.23
Total	495.92	69.75	206.29	219.88

6.1.1 Total Land requirement for the mine in "Ha"

Total forest land Magadh OCP (Chatra Part) is (69.75 + 206.29) = **276.04 Ha**
 Already diverted Forest land in Magadh OCP (Chatra Part) is (96.72-13.04) = **83.68 Ha**

Area of Forest Land in instant proposal is (276.04 - 83.68) = **192.36 Ha**
 And the component wise breakup mentioned at FORM A of Magadh east OCP (192.36 Ha) is for 412.24 Ha (excluding the already diverted forest land of 83.68 Ha) as detailed below:

B-7.4 Component wise breakup

S.no	Component	Component wise breakup	
		Forest Land(Ha.)	Non-Forest Land(Ha.)
1	Quarry	126.4	139.8
2	OB Dump	1	22.81
3	Conveyor Corridor	0.58	2.98
4	Road	0.65	2.06
5	Safety Zone	5.04	0
6	Green Zone	58.69	52.23
Total		192.36	219.88

As such it is to submit that the land use mentioned in present application is in conformity with the approved mine plan.

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 सबा आलम इंसायरी (आ.र.क.)
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<p>4</p> <p>It has been observed that the user agency is applying for diversion of forest land within 1593.73 ha mining lease area in piecemeal. The complete KML file of the project area i.e. 1593.73 ha along with the status of approval and present landuse of forest land in the Sanghamitra OCP shall therefore be submitted. A justification for submitting part proposals shall also be provided.</p>	<p>The total mine lease area in respect of Magadh Project as per approved mine plan dated 10.03.2021 is 1593.73 Ha which includes the land of both Chatra (Magadh East) and Latehar District (Magadh west).</p> <p>The details of notified forest and revenue forest in Latehar district is not explicitly clear due to the publication of revisional survey of land records in the year 2005. The difference in land records in Cadastral survey and revisional survey led to discrepancy in preparation of land schedule of Latehar part. The matter was taking ample time to get resolved and Magadh, being a mega mine of Central coalfields Limited, after internal discussion and consultation with State Forest officials it was decided to submit application of Chatra part separately.</p> <p>As such, to expedite the clearance and avoid delay due to difference in land records of CS and RS khatiyar in Latehar District, a separate application for Chatra district (Magadh East OCP- 192.36 Ha Forest Land) was submitted vide FP/JH/MIN/87235/2020 dated 19.03.2021.</p> <p>Steps are being taken to resolve the matter in Latehar district in consultation with the concerned Forest Dept. officials and State Govt. officials of Revenue dept. On resolution, the FC application of Latehar part will be submitted at the earliest.</p> <p>Sanghamitra is a new mine planned in the northern side of Magadh East OCP for which proposal for forest application is under preparation.</p>	<p>The user agency has Submitted that, the details of notified forest and revenue forest in Latehar district is not explicitly clear due to the publication of revisional survey of land records in the year 2005. The difference in land records in Cadastral survey and revisional survey led to discrepancy in preparation of land schedule of Latehar part. The matter was taking ample time to get resolved and Magadh, being a mega mine of Central coalfields Limited, after internal discussion and consultation with State Forest officials it was decided to submit application of Chatra part separately.</p> <p>As such, to expedite the clearance and avoid delay due to difference in land records of CS and RS khatiyar in Latehar District, a separate application for Chatra district (Magadh East OCP- 192.36 Ha Forest Land) was submitted vide FP/JH/MIN/87235/2020 dated 19.03.2021</p> <p>KML of approved mine plan (1593.75 Ha) is enclosed by the User Agency as Annexure-II</p>
<p>5</p> <p>The KML file indicating various components as per proposed land use in the instant proposal shall also be submitted.</p>	<p>KML of approved mine plan (1593.75 Ha) is enclosed as Annexure-II.</p> <p>KML file indicating various components as per proposed land use in the instant proposal is enclosed as Annexure-II.</p>	<p>KML file indicating various components as per proposed land use in the instant proposal is enclosed by the User Agency as Annexure-II</p>
<p>6</p> <p>The State Govt has intimated that the compliance of the stipulated conditions by the User agency in case of earlier approvals is not up to the mark. In this regard, the details of the action taken by the State Govt</p>	<p>Compliance in respect of earlier forest clearance of 96.72 Ha has been submitted to DFO Chatra (S) vide letter no-117 on 17.04.2023. Copy of Compliance report is enclosed as Annexure-III.</p>	<p>The User Agency has submitted Compliance in respect of earlier forest clearance of 96.72 Ha details attached as Annexure-III.</p>


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<p>for ensuring the compliance of the conditions shall be submitted.</p>		
<p>7 The undertaking to bear the cost of implementation of wildlife management plan has not been submitted by the User agency which shall be provided.</p>	<p>The undertaking to bear the cost of implementation of wildlife management plan is being enclosed as Annexure-IV.</p>	<p>The User Agency has submitted undertaking to bear the cost of implementation of wildlife management plan as Annexure-IV.</p>
<p>8 The State has now reported the violation of FCA, 1980. In this regard the detail of the forest areas utilized for Non - forestry purpose without prior approval of the central govt. along with the time period of violation shall be submitted.</p>	<p>The forest area utilised for non-forest use is JM JJ land: Total broken area of GM JJ is 16.79 Ha (5.59 Ha in Saradhu and 11.2 Ha in Masilong) All such areas fall under the GMMJ land (which is under the administrative control of State Revenue Department) not under the notified Forest Land (which is under administrative control of Forest Department). In other words, no land belonging to Forest Department has been violated. The parcel of land in question was settled to the tenants by the State Govt. In this regard CCL having acquired the land under Coal Bearing Act (Acquisition & Development) Act 1957, had approached the State Govt Authorities for verification of land so as to know the nature of land for extending the compensation and R&R benefits, if any. The revenue officials at the collectorate provided the authentication through Statement VI separately for different parcels (i.e. Khata /plot) of land (Annexure V) In these authentications the following statements are mentioned: - 1. एवं वन सीमा से बाहर है 2. भौतिक सर्वेक्षण के लिए गठित टीम उपायुक्त वक्ता के आदेशानुसार , उक्त रैयत को उक्त खाता एवं खसरा में रकबा.... एकड़ में देखल कब्जा पाया गया है । 3. वगैरह रसीद के आधार पर 30 वर्ष से अधिक देखल पाया गया । It is to note that Statement VI are duly signed by revenue officials of the circle which is endorsed by SDO and signed by Additional Collector . Further the authenticated statements are communicated by Additional Collector to the Area General Manager, CCL. It is also to note that the details of rent receipt (i.e. the receipt of the rent paid by tenant) are also mentioned in the authentication report. Going by these</p>	<p>The forest area utilised for non-forest use is JM JJ land: Total broken area of GM JJ is ((4+1.59) 5.59 Ha in Saradhu and 11.2 Ha in Masilong) total 16.79 Ha Any how it is a case of violation so panel NPV and CA as per rule may be recovered from the User Agency. User Agency undertakes to make payments of all applicable levies and implement all compliances as directed by the authorities as Annexure V A</p>

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		<p>details, it is clear that the tenants have been paying the rent since long. (as long as 1960).</p> <p>As such, the raiyats (i.e. the tenants) in whose name the authentication has been done have been using the land since long for farming and other livelihood purpose. Therefore, it can be said to be under non-forest utilisation since long.</p> <p>Another perspective is that, GMJJ land is under the administrative control of State Revenue Department and mostly under Khatedari rights of some or other individual, therefore is comprised of a number of fragmented land units. Since most of the GMJJ lands are under farming/Kutchha construction, they are almost devoid of vegetation. Further, User Agency has obtained NOC from the revenue authorities.</p> <p>However, User Agency undertakes to make payments of all applicable levies and implement all compliances as directed by the authorities. (As Annexure V A)</p> <p>Rehabilitation and Resettlement benefits have been extended to all eligible tenants as per CIL's R&R policy on the basis of authentication provided by State Govt.</p>	
9	<p>A report on action, as taken by the State Forest Department against the violation of Forest (Conservation) Act, 1980 shall be submitted.</p>	<p>The land which was already in use by the tenants prior to use of User Agency has been identified as GMJJ Land, which comes under administrative control of District authority of Jharkhand govt.</p> <p>The land which has been broken was already settled to the tenants by the state Govt.</p>	<p>The land which has been broken by the User Agency is GMJJ Land, which comes under administrative control of District authority of Jharkhand govt.</p> <p>However, User Agency agrees to make payments of all applicable levies and implement all compliances as directed by the authorities.</p>
10	<p>Detailed report including nature of violation, chronology, total area under the violation of the FCA, 1980 along with Shape/KML file shall be submitted.</p>	<p>KML of Broken Area included as Annexure-VI.</p> <p>Total broken area of GM JJ is ((4+1.59) 5.59 Ha in Saradhu and 11.2 Ha in Masilong) total 16.79 Ha</p> <p>Prior to use of the said land by CCL from 2018-19, it was already in use by the respective tenants as explained at point no. 8.</p>	<p>KML of Broken Area included as Annexure-VI.</p> <p>Total broken area of GM JJ is (5.59 Ha in Saradhu and 11.2 Ha in Masilong) total 16.79 Ha</p> <p>The land was broken during 2018-19</p>
11	<p>As per the information received, the condition no. 18 of the Stage-II approval dated 18.10.2010 for diversion of 96.72 ha forest land has not been complied, which needs justification Moreover, a copy of</p>	<p>The condition 18 states that "The user agency to bear the cost of implementation of conservation plan to be prepared in consultation with the CWLW of the State for the Hazaribagh National Park and its buffer zone adjoining CCL mining zone." The delay in preparation of WLMMP occurred due to confusion, as to who has to prepare the WLMMP. User agency has been ever ready to bear the related implemented cost of WLMMP.</p>	<p>The User Agency has submitted WLMMP for Chatra District (96.72 Ha & 192.36 Ha) as Annexure VII</p> <p>The Same has been forwarded to PCCF by RCCF Hazaribagh on 18.07.2023 vide letter No 1766</p> <p>The User Agency has also submitted undertaking to bear the cost of implementation of wildlife management plan as Annexure-IV.</p>


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<p>Wild life Management Plan approved by the CWLW shall be submitted.</p>	<p>Combined Wild Life Management Plan for 96.72 & 192.36 has been submitted to DFO Chatra South on 02.06.2023 at cost of 7189.00 Lakhs for 10 years in which 4836.34 Lakhs is for the management of wildlife in chatra south forest division and Rs 2352.66 Lakhs is for wild life Hazaribagh National Park (Receiving copy enclosed as Annexure-VII). The undertaking to bear the cost of implementation of wildlife management plan is being enclosed as Annexure-IV.</p>	<p>The green belt zone proposed in the instant proposal is different from the safety Zone and includes the area left out after subtracting Safety zone, OB Dump, Quarry area, Conveyor and roads from project boundary of 495.92 Ha, which comes out to 110.92 Ha</p>
<p>12 The State Govt. shall clarify whether the Green Zone now proposed in the proposal is different from the Safety Zone or otherwise.</p>	<p>The green belt zone proposed in the instant proposal is different from the safety Zone and includes the area left out after subtracting Safety zone, OB Dump, Quarry area, Conveyor and roads from project boundary of 495.92 Ha, which comes out to 110.92 Ha Justification of CMPDI Enclosed as Annexure-IX.</p>	<p>The WLM of Chatra South Division (96.72 & 192.36) has been submitted by the User Agency and which is under Presently the revised plan is in the final stage of approval.</p>
<p>13 The State Government shall furnish details of steps taken by the State Forest Department to rectify the lapses happened in the past regarding the implementation of WLM of 96.72 ha proposal in the past.</p>	<p>The combined WLM of 96.72 & 192.36 has been prepared with the help of State Forest Department and submitted to DFO Chatra South on 02.06.2023.</p>	<p>User Agency has submitted that Settlements within the proposed area are old, which has mostly been settled to the tenants by the state Govt.</p>
<p>14 As reported by the State Govt. the settlements within the proposed area are old. In this regard the state shall intimate whether the settlements are encroachment or otherwise. The future plan to evict or rehabilitate as the case may be shall also be submitted.</p>	<p>Settlements within the proposed area are old, which has mostly been settled to the tenants by the state Govt. Sample Settlement copy of tenant enclosed as Annexure-X. The settlement present shall be rehabilitated as per R&R policy of Coal India Limited</p>	<p>Sample Settlement copy of tenant enclosed as Annexure-X. The settlement present shall be rehabilitated as per R&R policy of Coal India Limited</p>

Shaba Alam Anasari (IFS)

Divisional Forest Officer

Chatra South Division

सबा आलम अंसारी, (आ.व.से.)
वन प्रकृत पर्यावरण,
वतसा दक्षिणी वन प्रकृत