



**OFFICE OF THE DIVISIONAL FOREST OFFICER,
RAMGARH FOREST DIVISION RAMGARH**

(Near BRL Gate, Ranchi Road, PO-Marar, District-Ramgarh, Pin-829117)

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Letter No- **796** Date:-

29/04/23

To,

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

Sir,

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) <i>Notwithstanding anything contained in</i>	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

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	central government or should clearly specify the penal provisions to be undertaken along with recommendation of the department having jurisdiction on the land.	<p><i>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".</i></p> <p>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.</p> <p>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.</p> <p>On 17.12.2019, a letter was issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक-5/संभू.विविध-250/2018 4908(5)/रा.झारखण्ड सरकार to DC of every district, in which it was</p>	<p>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 under CBA Act 1957. Hence, the penal provisions against violation over GMJJ land lied only in the Forest Conservation Act 1980.</p> <p>In light of letter issued by Joint secretary, government of Jharkhand vide letter no. पत्रांक-5/संभू.विविध-250/2018 4908(5)/रा.झारखण्ड सरकार to DC of every district, in which it was directed that <u>the Government company must pay 80% of the value of acquired GMJJ land under CBA Act 1957, to the State Government.</u> 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, <u>payment was done by CCL to the state government on 30.09.2021.</u> 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.</p>

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		<p>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.</p> <p>Also, as per section 25 of CBA Act 1957, as quoted below:</p> <p><i>"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.</i></p> <p><i>(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".</i></p> <p>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.</p> <p>Thus, considering above scenario and existing legal provisions, penal action was not taken by revenue authorities.</p>	<p>Also, as per section 25 of CBA Act 1957, as quoted below:</p> <p><i>"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.</i></p> <p><i>(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".</i></p> <p>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.</p> <p>Thus, considering above scenario and existing legal provisions, penal action was not taken by revenue authorities.</p>
2	The committee opined that a detailed report in the may be	<p>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</p>	<p>Since, at the time of violation in 2018 there was no Act/guideline enumerating the penal provisions of State Government in respect of</p>

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	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.	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 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.	<p>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 Geo-reference 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:</p> <table><tr><th>S.No</th><th>Documents</th><th>Attachments</th></tr><tr><td>1.</td><td>Geo-reference Map</td><td>Annexure A</td></tr><tr><td>2.</td><td>Toposheet Map</td><td>Annexure B</td></tr><tr><td>3.</td><td>KML File</td><td>CD</td></tr><tr><td>4.</td><td>CA Suitability Certificate</td><td>Annexure C</td></tr><tr><td>5.</td><td>CA Estimate</td><td>Annexure D</td></tr><tr><td>6.</td><td>Undertaking regarding CA and Additional NPV payment</td><td>Annexure E</td></tr></table>	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 CA and Additional NPV payment	Annexure E	<p>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.</p> <p>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).</p> <p>Thus, Geo-reference Map, Toposheet Map, KML, CA Land Suitability Certificate, CA estimate and undertaking regarding payment related to penal CA/NPV has been submitted. In this regard, please find enclosed herewith the relevant documents mentioned below:</p> <table><tr><th>S.No</th><th>Documents</th><th>Attachments</th></tr><tr><td>1.</td><td>Geo-reference Map</td><td>Annexure A</td></tr><tr><td>2.</td><td>Toposheet Map</td><td>Annexure B</td></tr><tr><td>3.</td><td>KML File</td><td>CD</td></tr><tr><td>4.</td><td>CA Suitability Certificate</td><td>Annexure C</td></tr><tr><td>5.</td><td>CA Estimate</td><td>Annexure D</td></tr><tr><td>6.</td><td>Undertaking regarding CA and Additional NPV payment</td><td>Annexure E</td></tr></table>	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 CA and Additional NPV payment	Annexure E
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Yours Sincerely

[Signature]
29/4/23

Divisional Forest Officer,
Ramgarh