



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

Ph. & Fax (o) - 06541- 222303

वन भवन, चतरा- 825401 (झारखण्ड)

E-mail:- dfochatrasouth@gmail.com

सेवा में, पत्रांक दिनांक

वन संरक्षक,  
प्रादेशिक अंचल,  
चतरा।

विषय:- मेसर्स सी0सी0एल0 की आम्रपाली खुली खदान परियोजना फेज-II रकबा 431.59 हे0 वनभूमि अपयोजन के प्रस्ताव पर भारत सरकार द्वारा की गई पृच्छा का अनुपालन भेजने के संबंध में।

प्रसंग :- भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, न्यू दिल्ली का पत्र संख्या 8-48/2008-FC-(Vol) dt. 05.07.2022

महाशय, उपर्युक्त प्रसंगाधीन पत्र द्वारा विषयक परियोजना हेतु प्रस्तावित प्रस्ताव पर 10 बिन्दुओं पर पृच्छा की गई के आलोक में परियोजना पदाधिकारी, आम्रपाली खुली खदान परियोजना, होन्हे, टण्डवा ने अपने पत्रांक 1733 दिनांक 11.11.2022 द्वारा बिन्दुवार अनुपालन प्रतिवेदन समर्पित किया गया है। समर्पित बिन्दुवार अनुपालन प्रतिवेदन की स्थिति निम्नवत् है :-

S. No	Conditions	Comment of DFO Chatra South
1.	<p>Analysis of the Forest area proposed for diversion using DSS tools (report enclosed) revealed the following:</p> <p>a. Agriculture area, settlement, construction of new road and non-forestry activity is visible in the proposed area for diversion. The State Government may therefore submit its comments on the same along with detail of violation of Forest (Conservation) Act, 1980, if any, committed by the user agency.</p> <p>b. Another proposal of 13.70Ha of Forest land for the construction of road (FP/JH/ROAD/34877/2018), submitted by the State Govt. for the regularization of violation, passes through the area proposed in the instant proposal. It needs to be clarified by the State whether area of 13.70 ha used for road is also included in the extant proposal or otherwise. Factual position needs to be informed by the State.</p>	<p>1. (A)In this connection, the referred area in the queries were inspected on 21.12.2022 and it was found that the settlement and agriculture are around the settlement are in deemed forest area i.e. GMJJ which are neither owned nor managed by the state forest department rather these area are managed and owned by state revenue department and therefore no legal action was taken by the local forest department in this regard. These settlement and agriculture area along with 6'-7' wide pucca roads are very old and the roads connecting these settlement with others villages and local market appearsto be constructed by some govt. agencies prior to the commencement of the mining project of the user agency in Amarpali area. The user agency is being instructed to please make sufficient provision of these settlements in andmouja and any others also in the incumbent specific R&amp;R plan to be submitted by</p>

the user agency.

So far as the construction of new road is concerned, it is true that a new road over an old exiting road has been built by strengthening and widening the old road at a stretch of 700mt long and widening has been done upto 10mt i.e. 30ft approx including 4' to 4.5' flanks on both sides.

This has been done illegally by a company namely N.B.C.C. against whom a forest offence report has been registered on 15.12.2021 for commission of this illegal act. It is learned that the user agency has with the help of N.B.C.C. built or strengthened and widened this road for its various purposes as there is no sense of building/strengthening and widening this road by N.B.C.C. for having no cause. The user agency officials, did not provide any documents in this regard and therefore the involvement or connivance Of the user agency in strengthening and widening/making this 700mt. long road with the help of N.B.C.C. is not ruled out and for this the offence report case is being duly investigated by the investigation officer of the local forest department and the prosecution report will be submitted to the court of Chief Judicial Magistrate, Chatra without any farther delay against all erring officials and thus it may be deemed that this is a case of violation of the forest (Conservation) Act, 1980 by the user agency. (The xerox copy of the offence report resistered against N.B.C.C. company is enclosed here with)

(b) The proposed road of 13.70 ha. forest land for construction of Honhe-Saradhu road now has been withdrawn by the user agency by submitting a letter to the office of DFO, Chatra South (Xerox copy of the withdrawal letter is enclosed here with), and the withdrawl letter

		<p>forwarded to CF Chatra vide letter no. 2277 Dated 22.09.2022 Some area of this 13.70 ha. earlier proposed road of Honhe-Saradhu, now abandoned by the user agency for road in letter are included in the instant proposal but in practice this 1.05 ha. area is being used by the user agency also for its uses as road.</p>
2	<p>Analysis of the are proposed for CA revealed the following:</p> <p>a. DSS analysis of CA land revealed that out of total 865 ha of DFL identified for CA, 11 ha falls under VDF category and 116 ha under MDF category which may not be suitable for afforestation.State Government needs to reconfirm suitability of the land proposed for raising CA.</p> <p>b. KML files pertaining to sites of Kanti, Mahesha, Jojbari, Guli, Semratand,JasपुरandMahuarisitesindicate grossareainsteadofnetplantaablearea. Vide its letter dated 17.10.2019, this Ministry had conveyed its 'in-principle approval to accept the mined out and reclaimed non-forest lands available with the CIL subsidiaries. The Ministry of Coal, vide their letter dated 20.01.2022,informed the availability of 300.75 Ha of non-forest, biologically reclaimedlandwiththeM/sCCCL.TheStateG overnmentmaythereforeassessthe suitability of such Non- Forest Land to include the same in the CA proposal.</p> <p>c. Cultivation, settlement,road, water bodies are observed in certain sites; suitability of such sites for CA needs to be reconfirmed by the State. The State Government may therefore confirm the suitability of such area for raising afforestation and their contiguity with the existing RF/PF.</p>	<p>2(a), 2(c). The reply made by the user agency against the query no. 2(a), 2(c) may be accepted while reply made against the query no. 2(b) requires comment upon it at higher/state level as the same is not related to this division.</p> <p>In this regard, it is to mention that in the light of the queries made by GoI of CA land a fresh forest area of 127 ha. of degraded forest land which is having few cultivation, settlement road and water bodies area has been identified and the same is not falling under VDF and MDF category of forest land. The agriculture area and settlement shall not pause the Compensatory Afforestation as these hurdles shall be removed and therefore the forest/new patch of degraded forest land of 127 ha. as required for this project may be suitable for compensatory afforestation and may be accepted.</p>
3.	<p>As the area has Schedule-I species, comments of PCCF (Wildlife) and CWLW Jharkhand on the likely impact of the project on the movement of wildlife in general and elephant in particular needs to be furnished by the State.</p>	<p>3. The desired comments of PCCF(Wildlife) and CWLW, Jharkhand on the likely impact of the project on the movement of wildlife in general and elephant in particular is being furnished with this report and is</p>

annexed here with.

Hence, it is to mention that the comments of the PCCF(wildlife) and CWLW, is very valuable and worthy and may be applicable to the 531.64 ha. of forest land diverted to the user agency earlier in the same villages and forest more or less for mining projects vide GOI approval date 12.10.2010 and therefore it is time that wildlife conservation and management plan for 531.64 ha. of earlier diverted forest land should also be stipulated and implemented before delay in the interest of wildlife, as the same in my opinion is mistakenly left so for and mining operation over 531.64 ha. of forest land is ongoing and leaving its impact on all types of wild animals of adjoining forests and it is time to correct it now while granting in principle approval for the instant 431.59 ha. of proposed forest land diversion.

4. Analysis of purposed breakup of the area revealed the following:

- a. An area of 85.09 ha of forest land proposed for infrastructure. Detail of infrastructure activities proposed in the forest land may be informed by the State along with the possibility to shift these activities to non-forest areas of the project.
- b. Consolidated KML files containing various project components viz. quarry, OBs, road, etc, needs to be submitted.

The user agency has submitted the reply as follows.

S. No	Infrastructure activities	Notified Forest Area
1	CHP	20.35 Ha
2	Workshop	21.00 Ha
3	Washery	43.74 Ha

The total area of present proposal is 763.50 Ha. including an area of 431.59 Ha Forest land and an area of 331.91 Ha Non-Forest Land. It includes the following components: -

S. No.	Component	Forest Land (Ha)	Non-Forest land
1	Quarry	326.8	185.11
2	Infrastructure	85.09	21.3
3	Embankment	12.2	73.2
4	Green Belt Zone	0	5.1
5	Safety Zone	7.5	0

6	OB Dump	0	47.2
<b>Total</b>		<b>431.59</b>	<b>331.91</b>

From the above breakup it is clear that 85.09 Ha Forest land and 21.30 ha non forest land is available for placing the infrastructure as most of the non-forest is being utilized for Quarry Embankment and OB dump, all of which are site specific land use which cannot be shifted to other place, as such there is no other non-forest site which can be utilized for shifting the infrastructure proposed within the diversion proposal, also shifting of these infrastructure components will not be economically viable.

1. The aforesaid reply of the user agency may be accepted.

5. Project specific R& R plan has not been submitted and the copy of R&R Plan uploaded online is not in compatible format; project specific R&R Plan may be uploaded online and submitted to Ministry.

5. The user agency has submitted the compliance in following words :

CCL follows the R&R policy 2012 of Coal India Limited. Project specific R&R plan and beneficiaries (PAFs) details mentioned below:-

**1. Employment benefit:-**

S. n	Village	Eligible PAF	Employment Provided	Under Process
1	Honhe	100	73	19
2	Binglat	101	30	10
3	Ursu	114	4	1
4	Kumrangkala	85	6	8
5	Kumrangkhurd	21	7	2

**2. Compensation Paid:-**

S. n	Village	Area (Acre)	Compensation Paid(rs)
1	Honhe	19.9825	18039887
2	Binglat	16.45	14853346
3	Ursu	1.06	957074
4	Kumrangkala	2.445	2207590
5	Kumrangkhurd	1.3850	1250516
<b>Total paid</b>			<b>37308415</b>

**3. Resettlement benefit:-**

1. One time lumpsum payment of Rs 6 lakh as per CIL R& R ploicy.
2. Shifting allowance Rs 50,000 per PAF.
3. One time Resettlement allowance Rs 50,000 per PAF who opts for plot of 5 decimalat R& R Site.
4. Provision of Rs 50,000 as

		<p>incentive to those PAFs whose house and similar Civil structure is demolished within 100 days from the dates of demolition order issued by Project authority.</p> <p>The reply made by the user agency is not acceptable, since the user agency has not submitted the desired project specific R &amp; R plan. The user agency is being requested to prepare the desired project specific R &amp; R plan and submit the same in the interest of the state without delay for further action by the government.</p>																		
6.	Detail of coal evacuation plan may be informed by the State.	The reply submitted by the user agency may be accepted.																		
7.	It may be ascertained from the compliance of FRA, 2006 that proposal has been submitted for an area of 431.59 ha while the compliance of FRA, 2006 has been submitted in respect of 651.16 Ha. Discrepancy in the forest area needs to be rectified by the State.	<p>The FRA 2006 compliance certificate issued by DC, Chatra for 651.16 ha. of forest land is for 04 (four) different projects of the user agency the details of which is mentioned here in below-</p> <table border="1"> <thead> <tr> <th>Sl. No.</th> <th>Name of project</th> <th>Area of FRA compliance certificate (in ha.)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Amrapali OCP</td> <td>431.59</td> </tr> <tr> <td>2</td> <td>Magadh OCP</td> <td>115.51</td> </tr> <tr> <td>3</td> <td>NBCC Road</td> <td>28.07</td> </tr> <tr> <td>4</td> <td>R. Siding</td> <td>75.99</td> </tr> <tr> <td colspan="2"><b>Total :-</b></td> <td><b>651.16</b></td> </tr> </tbody> </table> <p>From the above said facts it is clear that the FRA 2006 compliance certificate issued by DC, Chatra vide his office letter no. 833 dated 10.08.2018 for 651.16 ha. of forest land include the area of 431.59 ha. of forest land also to be diverted by GoI for this mining project.</p>	Sl. No.	Name of project	Area of FRA compliance certificate (in ha.)	1	Amrapali OCP	431.59	2	Magadh OCP	115.51	3	NBCC Road	28.07	4	R. Siding	75.99	<b>Total :-</b>		<b>651.16</b>
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8.	Mining Plan along with Progressive Mine Closure Plan has not been submitted along with the proposal. The same needs to be submitted by the State along with Progressive Mine Closure Plan. State Government may submit its comments on the consistency of the land uses proposed in the Mining plan and in the extant proposal submitted under the FC Act, 1980.	Mining Plan along with progressive mine closure plan as submitted by the user agency is not fully approved by the competent authority or higher authority.																		

9.	<p>No violation of Forest (Conservation) Act, 1980 has been reported by the DCF in Part-II and various other authorities in the State. DSS analysis revealed construction of a road in the project area. Further examination of the matter revealed that the said road has been constructed without prior approval of the Central Government under the Forest (Conservation) Act, 1980 and a proposal for ex post facto approval has also been submitted by the State. Despite the continuing violation of FC Act, 1980 in the project area, incorrect information indicating no violation of the FC Act, 1980 has been reported in the extant proposal. A justification in this regard may be submitted by the State.</p>	<p>It is true that construction of Honhe (Amrapali OCP) to Shivpur railway siding road of 3.00Kms comprising 5.44 ha. GMJJ and 2.94 ha. Protected forests is an example of illegal construction, encroachment upon forest land and violation of IFA, 1927 also for which the officials of the user agency i.e. CCL and the transportation company namely NKAS Services Pvt. Ltd. and RKTC have been prosecuted by the DFO under the provision of IFA, 1927. Now GoI vide its letter no. FP/JH/ENRCH/150436/2021/533dt. 15.09.2022 has granted in principal approval in respect of the illegally constructed road of Honhe to Shivpur and the compliance as obtained by the user agency has been forwarded to higher officials for stage-II/final approval for this project, which is the encroached one.</p> <p>In regard of the violation of FC Act, 1980 in respect of the instant proposal it is clarified that the abovesaid encroached area now under regularization by GoI does not fall or included in the instant proposal and therefore no violation of forest (Conservation) Act 1980 was reported by DFO in Part-II.</p>
10.	<p>Approval dated 12.10.2010 was granted over an area of 531.64 Ha of forest land by the Ministry in the past for the same project. The following details in respect of said approval may be provided by the State:</p> <ol style="list-style-type: none"> <li>a. Updated status on compliance of conditions stipulated in the approval dated 12.10.2010.</li> <li>b. Details of safety zone maintained in lieu of diversion of 531.64 ha and activities viz plantation, ANR and afforestation over 1.5times the area of safety zone may be confirmed by the State.</li> <li>c. Detail of NPV realized from the user agency in lieu of diversion of forest land accorded in the past may be informed by the State.</li> </ol>	<p>10(a) The compliance report submitted by the user agency in report of 531.64ha. of forest land diverted to the user agency for mining project vide approval dated 12.10.2010 was examined and site inspection were also conducted on 21.12.2022 in this regard to comment upon the compliance submitted by the user agency and the same has also been done and is annexed with this report.</p> <p>(b) Safety zone area in lieu of diversion of 531.64 ha. have been found not to be maintained properly as safety zone area have been found to be maintained on southern sides of the diverted area only while the northern sides being covered under the instant proposal is not being maintained which may be termed as a fallacy of the project.</p>

However, afforestation over 1.5 times of the area of safety zone has been done by the state forest department.

(c) The user agency i.e. M/s CCL has at together 04 (four) area working under the territorial jurisdiction of Chatra South Forest Division and these 04 (four) areas have their different open coal projects and other projects against which NPV has been realized as per the GoI guidelines and SC decision. Area wise and projectwise details of NPV realized from the user agency in lieu of diversion of forest land accorded in the past are as follow :-

Sl ..	Name of Site	Name of projects	Area (in ha.)	Amount of NPV (in lakh)
1	Amrapali Chandragup ta	Amrapali OCP	17	208.86
2	MagadhSan ghmitra	Magadh OCP	17	208.86
3	Piparwar	Piparwar OCP	74.30	912.84
4	Piparwar	Ashok OCP	66	810.86

Moreover, it is to mention that the user agency has to deposit the amount of NPV for many safety zone area involved in different projects for which no NPV amount had been realized earlier and for which now GoI guidelines has been issued and the user agency has been requested vide DFO letter no. 2979dt.08.12.2022 (Xerox Copy enclose) to deposit all such outstanding balance amount of NPV which is to the tune of Rs. 208.86030 lakhs as on date.

अतः प्रयोक्ता अभिकरण द्वारा समर्पित बिन्दुवार अनुपालन प्रतिवेदन की मूल आठ प्रतियाँ अधोहस्ताक्षरी का मंतव्य सहित इस पत्र के साथ संलग्न कर भेजते हुये अनुरोध है कि अपने स्तर से अग्रेतर कार्रवाई करने की कृपा की जाय।  
अनु०-यथोक्त।

आपका विश्वासी

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वन प्रमंडल पदाधिकारी,  
चतरा दक्षिणी वन प्रमंडल।

ज्ञापांक 3124 दिनांक 23/12/2022  
प्रतिलिपि :- महाप्रबंधक, आम्रपाली, चन्द्रगुप्त क्षेत्र, सी०सी०एल०, बचरा, चतरा की सूचनार्थ प्रेषित।

वन प्रमंडल पदाधिकारी,  
चतरा दक्षिणी वन प्रमंडल।