

FIRST REPORT ON
ILLEGAL MINING OF
IRON AND MANGANESE ORES
IN THE STATE OF JHARKHAND

OCTOBER, 2013

VOLUME: IV

**Justice M. B. Shah
Commission of Enquiry
for
Illegal Mining of Iron Ore & Manganese**

I N D E X

Volume: IV

Individual cases of illegal mining or without lawful authority

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M/s. Jindal Steel and Power Limited (M/s. JSPL)
Jeraldaburu Iron Ore Mines

1. Letter of Intent for the grant of mining lease:—

The Government of India vide its letter No.g/93/2007.N.IV dated 24/08/2007 has conveyed the prior approval of the Central Government through a letter of intent under Section 5(1) of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act, 1957) for the grant of mining lease for iron ore over an area of 537.00 ha in Mauza Jeraldaburu, Ghatkuri Reserve Forest, District West Singhbhum in favour of **M/s. Jindal Steel and Power Limited (JSPL)** for a period of 30 years with certain conditions. Amongst others, the compliance of the prior approval of the Forest (Conservation) Act, 1980 and approval under Environmental Notification dated 27/01/1994 are required before issue of notification by the State Government.

The State Government has not issued the notification for grant of mining lease (fresh), so far as seen from the records.

The Commission has not analyzed the selection of the lessee to grant the lease under

the MM(DR) Act, 1957, because of time constraints. Therefore, the same should be done by an independent Agency.

2. Application in Form “A” for the diversion of forest land:—

M/s. Jindal Steel & Power Limited (user agency) has filed an application in Form “A” under Rule 6 of the Forest (Conservation) Rules, 2003 for the diversion of forest land to the extent of 512.56 ha, (Ghatkuri 356.6 ha., compartments G13, G14, G15 and G17) and (Kashia Pecha PF No.XXVI) 180.38 ha.

As per the FAC proceedings dated 21-22/01/2013, the total area diverted for this project is 538.93 ha. including safety zone. The lessee has applied 24.44 ha. less area than approved under the MM(DR) Act, 1957. The reason is not stated in the proposal.

The Form “A” Part-I submitted by the lessee for the short narrative of the proposal and Scheme, for the forest land is given as under:—

**Forest Diversion proposal of Jeraldaburu Iron
Ore mining project of M/s. Jindal Steel & Power
Limited.**

Form "A"

Part-I

Sr. No.	Project Details:	Particulars
1.	(i) Short narrative of the proposal and Project / Scheme for which the forest land is required.	<p><i>M/s. Jindal Steel & Power Ltd., a part of over USD 12 billion Jindal Organization, is having its corporate office at Jindal Centre, 12, Bhikaji Cama Place, New Delhi.110 066. It has business interests in steel production, power generation, mining, sponge iron, ferro chrome & heavy machinery. It is operating 2.9 MTPA integrated steel plant & 340 MW captive power plant at Raigarh in Chhattisgarh. It has newly commissioned a 1000 MW super thermal power plant at Rajgarh. The company has captive iron ore mines at Tensa (Orissa) and coal mines at Raigarh.</i></p> <p><i>Longitude 85°-22'-42"E and 85°-24-21"E in the Toposheet No. 73 F/7 of Survey of India. As a matter of fact, the area falls along the eastern boundary of the Saranda Forest Division where the State government has allotted several mining leases under its adopted policy, viz. SAIL Rungta, OMM which are active for a long time in this adjoining area. Part of this lease area was previously granted to and worked by M/s Khatau Liladhar Thacker of Gua, upto 1976.</i></p>

The proposed conveyor route will not pass through any other lease & no homestead will be affected in the proposed conveyor route.

Therefore, there will not be any relocation of human settlement. Relevant compensation for obtaining Right of Way (ROW) of the required land shall be considered as guided by District Authority under approved R&R Policy, 2008 of Government of Jharkhand for non-forest area and under F.C. Act, 1980 as guided by Department of Forests for area falling within notified forests.

3. Letter (Technical Note) dated 04.03.2010:—

M/s. Jindal Steel & Power Ltd. has submitted a letter as a technical note dated 4th March, 2010 to the Principal Chief Conservator of Forest (PCCF), Department of Forest, Jharkhand State, Ranchi. It is relevant to state here that Para-2 of the said letter contains that the Government has been granting the Jeraldaburu Iron Ore mine lease in Saranda Forest Division over an area of 537 ha for 30 years. The Company has no other source of iron ore in the State for the proposed steel plant.

4. Company is holding mining lease of iron ore in State of Orissa:—

It is seen from the above statement that the Company has not given the full facts about the leases that it holds in other States wherein it does have substantial mineral privileges in the adjoining State of Orissa. The details of the mining leases held by the Company with the production capacity and others are given as under:—

Sr. No.	Name of the lease	Production capacity per year	Area (ha.)
1.	Tantra Raikela Iron Ore mine, Sundargarh (Orissa)	3.11 Million Ton per annum.	297.848
2.	Thakuranki Iron Ore mines, Block A, Orissa State.	Applied on 18/03/1998 and pending for grant.	1036.16
3.	M/s. Sarda Mines Pvt. Ltd.	15.00 Million ton per annum – JSPL is having full control over the mine as discussed in Orissa Report.	947.046

5. Breakup of Forest areas:—

The break up of forest areas proposed for the utilization of various mining activities of the forest land of an extent of 512.56 ha. is given as under:—

Sr. No.	Pattern of utilization (ha.)	Area within lease (ha.)	Area outside lease (ha.)	Non forest land (ha.)	Total land (ha.)
1	2	3	4	5	6
1	Mining Area (Excavation)	323.18	—	—	313.18
2	ROM Stack for uncrushed Ore.	3.04	—	—	3.04
3	Low grade Mineral stacking for future use / blending.	15.78	—	—	15.78
4	Top soil stacking yard.	2.00	—	—	2.00
5	Dumping of OB / Waste	36.15	—	—	36.15
6	Water reservoir for rain water harvesting.	2.20	—	—	2.20
7	Settling tank and silt check dam	1.80	—	—	1.80
8	Rest shelter & first check dam	2.10	—	—	2.10
9	Ore fines stack with 3 retaining walls and garland drains.	30.10	—	—	30.10
10	Crushed one stack	1.00	—	—	1.00
11	Roads	15.10	—	—	15.10

1	2	3	4	5	6
12	Admin. Office, canteen, STP, security, workshop, garage for HEMM, HSD store, oil trap, substation, weighbridge & First aid room.	2.84	–	–	2.84
13	Laboratory, power house & site office.	1.72	–	–	1.72
14	Exploration equipment shed.	0.61	–	–	0.61
15	Magazine with safety zone.	5.00	–	–	5.00
16	Mobil & fixed crushing & screening plant, stores, repair shop etc.	13.04	–	–	13.04
17	Conveyor corridor	0.30	2.13	1.376	3.806
18	Land for future use in mining.	54.47	–	–	54.47
	Total	510.43	2.13	1.376	513.936
19	Safety zone maintained as Green belt.	26.57	–	–	26.57
	Gross Total	537.00	2.13	13.376	540.506

The site specific area required for mining where ore resources are located would be about **323.18 ha.** only. Rest of the area is non-site specific and can be avoided for lease grant.

6. Remarks made by the concerned authorities:—

After submission of the proposal by the applicant for diversion of forest land in the prescribed format, the proposal was further processed and the concerned authorities have made the remarks as given under:—

Sr. No.	Name of the Officer / Statutory Authority	Date of submission of proposal	Remarks / Recommendations/ others.
1.	Divisional Forest Officer, Saranda Chaibasa.	05/09/2009	Recommended subject to conditions. Average Density reported between 0.5 to 0.7.
2.	Conservator of Forrest, Southern Circle, Chaibasa.	20/01/2009	<p>Proposal forwarded with following conditions:</p> <p>(i) The user agency shall not store explosive material within the forest area.</p> <p>(ii) User agency shall strictly observe in letter and spirit, the conditions proposed by the Divisional Forest Officer, Saranda in its recommendation.</p>

Sr. No.	Name of the Officer / Statutory Authority	Date of submission of proposal	Remarks / Recommendations/ others.
3.	A. K. Gupta, Regional Chief Conservator of Forest, Singhbhum, Jamshedpur.	19/02/2010	Judicious decision at appropriate level may be taken. A average density between 0.4 to 0.7.
4.	Principal Chief Conservator of Forest	11/06/2010	Forwarded for decision on permission to divert forest land in this case would best be left to the Government of India.
5.	State Government, Environment and Forest Department, Jharkhand.	23/07/2010	MoEF to take decision at its level.

7. The Project is not to be recommended by the statutory authorities:—

From the above, it is observed that this project has not been recommended by all the four top statutory authorities. (Sl. Nos.2, 3, 4 and 5 as above). At the same time, they have highlighted the adverse impact of the project, if implemented. Further, the continuous linier barrier created due to

approvals of leases from the Orissa–Jharkhand border to the mine of Rungta Mines Ltd., would further extend towards North by granting this lease **(Annexure: 1).**

Under the Forest Conservation Rules, 2003, the State Government, Environment and Forest Department, submitted the proposal to the MoEF vide letter No.2582 dated 23/07/2010 signed by Shri Mukesh Kumar Varma, Deputy Secretary, Government of Jharkhand with a request to take appropriate decision at the Government of India level for the diversion of the proposed land for this proposal.

8. Site inspection report of the Regional Office, Bhubaneswar:—

After receipt of the said proposal, a new file No.8–60/2010 FC (FC Section) was opened and initiated the process by a Note dated 27/08/2010. The proposal was referred to the Chief Conservator of Forest, Regional Office, Bhubaneswar to submit inspection report of the area. The Regional Office, Bhubaneswar in response to the letter dated 06/09/2010 has submitted a site inspection report and the main salient feature of the said report is reproduced hereunder:–

“The Regional Office, Bhubaneswar, in response to MoEF letter dated 6th September, 2010 has submitted the State Inspection Report of the above mentioned proposal (as stated in MoEF file).

The proposed site was visited by the CF (Central) on 10th July, 2011 to 11th July, 2011. The major outcomes of the SIR are provided below:

- (i) The proposed area is reserved and protected forests.***
- (ii) The proposed area is located within the core area of elephant reserve. Area is rich in biodiversity, 107 variety of tree species were found in the sample plot.***
- (iii) The average density is between 0.5–0.7.***
- (iv) Total number of affected trees is 87,095, 34,402 below 60cm girth 52,693 tree above 60 cm girth.***
- (v) Entire CA land has not been identified. The land identified for CA has been encroached by the Naxalties and were found practicing agriculture on the land.***
- (vi) Proposal does not involve rehabilitation of people.***
- (vii) No violation of the Forest (Conservation) Act, 1980 has been reported.***
- (viii) The PCCF, Government of Jharkhand, considering the importance of the area from wildlife viewpoint, has not***

recommended the proposal and left the decision to the Government of India.

(ix) *The CCF (Central) has recommended the proposal subject to the outcome of the various studies to be conducted on Fragmentation of forest connectivity, flora and fauna, water management, transportation of iron ore, preservation of top soil, settlement of rights of the tenants, management of CA, etc.*

The CCF/APCCF, Regional Office has failed to put the Synergic impact of the project on fragmentation of wild habitat which is likely by further extension of the linier barrio.

It is observed here that inspite of all adverse factors, the CCF, Bhuvaneswar has recommended the proposal. The reasons are best known to him.

It is noted from the above that in the first instance, the user agency has not identified the complete non-forest land in lieu of the compensatory afforestation. Moreover, the land identified for the compensatory afforestation has been encroached by the Naxalties and farm practicing and doing agriculture on the said land. A letter in this regard was written to the State Government to submit the details on 21/11/2011.

It is pertinent to note here that without identifying the CA considering the proposal for diversion of the forest land is the violation of the guidelines of MoEF as well as defeat the spirit of diversion of forest land and consider as an undue favour extended to the user agency.

9. The matter regarding Inspection Report for the compensatory afforestation by the Forest Department as submitted and other facts put forth in the MoEF file by Shri C. J. Singh on 20/12/2011 is reproduced in brief as under:-

Fact Sheet

1.	<i>Name of the Proposal</i>	<i>Diversion of 512.43 ha of forest land for Ghatkuri Iron Ore mining lease project in favour of M/s. Jindal Steel & Power Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.</i>
2.	<i>Location</i>	
	<i>i) State</i>	<i>Jharkhand</i>
	<i>ii) District</i>	<i>West Singhbhum</i>
3.	<i>Particulars of Forests</i>	
	<i>a) Name of Forest Division</i>	<i>Saranda Forest Division</i>
	<i>b) Forest area involved</i>	<i>510.43 Ha. (within ML) + 2.13 Ha. (outside Lease Area) = 512.56 Ha.</i>

	c) <i>Legal Status/Sy. No.</i>	<p><i>Reserve Forests 356.62 ha (G-13, 14, 15 & 17)</i></p> <p><i>Protected Forests 180.68</i></p> <p><i>Kasiapocha and Nuea (K.26)</i></p>
	d) <i>Map</i>	<i>Enclosed. Falling in Toposheet No. 73F/7.</i>
4.	Topography of the area	<p><i>The proposed area is having undulating hilly terrain with moderate to steep slope covered completely with tree as well as ground vegetation. If canopy is opened make the area prone to soil erosion and it is obligatory to take up soil conservation work to check soils erosion.</i></p>
5.	(i) <i>Vegetation</i>	<p><i>The forest is a tropical Moist Deciduous Peninsular Sal Forest comprising around 30–33% of quality sal. The top canopy is mostly sal, the middle and lower canopy is of miscellaneous species. The proposed area is virgin and has vast floral diversity.</i></p> <p><i>Canopy is dense with sal forming the top canopy. There are large numbers of trees belonging to pole crop having dph less than 30 cm. there are few open spaces in the proposed area.</i></p>

	(ii) No. of trees which will be affected.	87095 Nos. (Based on sample tree enumeration– 8666 trees in 51 hecets.). Maximum number of affected trees falls in below 30 cm girth category.
	(iii) Density.	Average density 0.5 to 0.7.
	(iv) Approximate distance of mining from the forests boundary.	The proposed area falls within the parts of Ghatkuri R.F. Kasiapecha P.F. and Nuia P.F. surrounded by the Forest Compartment No. G-13, G-14, G-15, G-17, Kasiapecha P.F. XXVI and Nuia P.F.
6.	Whether area is significant from wildlife point of view.	The entire forests of Saranda Forest Division including the proposed mining lease area have been notified as Core Area of Singhbhum Elephant reserve. The Saranda forest is considered to be one of the finest habitat for elephants and houses a large population of Asiatic elephants. The user agency undertakes to implement a planed scheme for protection of wildlife and forest to mitigate the ill effect due to mining which is being submitted along with the proposal for approval.
7.	Whether any rare/endangered unique species of flora and fauna found in the area-if so details thereof.	Indian Elephant, Giant Squirrel, reptile, Sloth beer, barking Deer, etc. have been reported in the area.

“The inspection Report

The site inspection for the diversion of 512.56 ha of forest land for Ghatkuri iron ore mines in Saranda Forest Division of M/s. Jindal Steel & Power Ltd. was carried out on 10–11/05/2011 alongwith Shri Jitendra Prasad, A.C.F. Shri Bhuvan Mahto, Range Officer, al from the forest department and Shri Mahesh Raheja, Sr. G.M. JSPL, Shri J. Mahanta, DGM, JSPL Shri Sidharth Rakshit, AGM, JSPL Shri Mukesh Kumar Singh, Dy. Manager, JSL, all from the UA.

On 6th July, 2011 we visited the proposed CA site at Banjhi Tola of Village – Hela, Achal – Chandva, District – Latehar of area 163.22 acre under Latehar forest division alongwith Shri Madhu DFO, the local Range Officer from UA side Shri Mahesh Raheja, Sr. G.M. JSPL, Shri J. Mahanta, DGC, JSPL etc.

We were kidnapped by the Maoists from that village and taken to the denser forest and detained for more than seven hours and were released after 6 p.m.”

Whether forest area proposed for diversion is important from wildlife point of view or not:–

As per the DFO in part II, the entire forest of Saranda Forest Division including the proposed mining lease area has been notified as core area of Singhbhum Elephant Reserve vide Notification No. 72/2000 P.E. dated 24/03/2011.

The PCCF informed that the proposed area is located within the core area of elephant reserve.

The Saranda Forest is considered to be one of the finest habitats for elephants. Indian elephant, Giant Squirrel, Reptile, Sloth Bear, Wild Boar, Barking Deer, etc. have been reported in the area as per report of the DFO in Part II.

The PCCF also informed that the area is rich in biodiversity, 107 varieties of tree species were found in the sample plots.

Whether land for compensatory afforestation is free from encroachment/other encumbrances:-

Visited CA area as stated above. The land under Hesla village has been encroached upon, people were found cultivating there. The naxals have taken control of the land and distributed the land among the villages.

Rests of the CA areas were not visited after this kidnapping incident.

It is observed by the Commission that the performance of the compensatory afforestation in all the States is very poor including Jharkhand. Most of the areas for CA are identified in the naxalite affected areas.

Moreover, the funds are also not released for CA by State Government.

10. Recommendations of the Principal Chief Conservator of Forests / State Government:—

The PCCF has not recommended the proposal and left the decision to the Government of India. The salient points of the letter of PCCF, are as follows:—

- Forests of Saranda are an important habitat of wild elephants and a number of elephant corridors located in his area link this habitat to the adjoining forests of Jharkhand and Orissa.
- Any increase in mining operations in this area is likely to have an adverse impact on elephants and other wild animals.
- This will require integrated and extensive mitigative measures.

Naxal problems in CA land as well as proposed diverted land:—

Both the proposed diversion area and the CA areas fall in the Maoist affected locations. In Saranda where the mining is proposed has

significant presence of Maoists, in Latehar Districts while staff was inspecting the compensatory afforestation areas were kidnapped by the Maoists. More than 20 (Twenty) heavily armed Maoists with the automatic weapons and rocket launchers cordoned as inside deep forests and detained them for more than 7 (seven) hours and released after 6 p.m. the Naxal commander expressed concern and anguish over depriving the cultivators from the cultivation land in the name of industrialization.

During the inspection, the forest staff found that the proposed CA area at Banji Tola of Hesal village was under some kind of cultivation. The habitation area of the Tola was just adjacent to the proposed CA land. It appears that the actual owner of the CA land is an absent landlord and the land has been seized by the Maoist; and they have distributed the land to common people of the village for cultivation. During the visit it was found some portion of the land had been ploughed, and on some portions manuring of the field was going on. A 11 KV transmission line for rural electrification was passing through the area. The proposed CA land appears to be suitable for plantation but was under occupation of the local villages, though legally they are not the owners. During discussion with the Maoist commander it was transpired that in many

areas, the right of the actual cultivators (not legal owners) are not recognized in different Government transactions. The industries and other user agencies many a times transfer this kind of lands to the Forest Department for rising of CA and it appears that the actual field situation are not proper on many occasions and many a times fear to visit the field or stay there for longer period because of the Naxal presence. As a result when a project actually comes up in the field or land is actually transferred to the forest department, serious sociological problems crops up.

There is a provision of forest rights and meeting of Palli Sabha before department, though in a dilapidated condition if strength of front line staff position like Range Officer and ground officials below are considered. In fact there are hardly any forest guards in their twenties – they are mostly around fifty years of age or more; and under these circumstances, they are delivering good result in Naxal affected area, the proof is the good behavior of the Naxal commander towards the DFO and his staffs. Probably strengthening the hands of the forest department by appointing sufficient frontline staffs in ground level and providing more maneuverability in the terms of finance and administration, would probably deliver much better

result at the field and probably they can win the confidence of people living in deep interior of the forest.

Connectivity between the forests:-

Saranda Forest is a bio diversity rich forest, considered as zenith of Sal forests of India and the present proposal falls in the Saranda Forest and at the proposed location the crop is very good, canopy is thick. The richness of Saranda forests has been described in many forestry books and sited as model example.

At present, though little area of the entire Saranda has been opened up for mining and the rest of the forest is very dense, virgin and very rich in bio diversity which are under leased areas are to be opened. Due to further mining the virgin area are going to be further destroyed and there will be fragmentation of the forests, creation of non-forest islands in the forest land, forcing the wildlife to be confined to smaller and smaller entities and finally flayed away and extinct.

The forest connectivity is required for the exchange of gene pool of wildlife; else the vitality of wild animals is confined area will be low. Since

there is chance of fragmentation of further forest areas, there is a much greater need to ensure connectivity between large chunks of forests in Saranda itself, also with adjacent forested areas in Jharkhand and Orissa, West Bengal and Chhatishgarh in general; the Saranda forests is likely to lose its distinctiveness unless properly protected and properly connected. The study on bio diversity, its conservation and propagation should be carried out by multiple expert agencies using most modern techniques from a much broader angle, instead of narrowing down to smaller locations alone.

There should be proper planning to ensure proper connection between significant chunks of forests, this lease is located in the northernmost corner of different contiguous leases over continuous forest patches and the southern forest are partly distributed due to some mining as per the submitted map; and further north the non forest lands occur; so the importance of this portion increases from the angle of connectivity and it should be ensured that no significant chunk of forests go without proper connection. No mitigative action would be helpful when the basic forest area itself gets destroyed.

Protection of river systems:-

Saranda Forest is the origins of different streams, many of them are perennial, though the volumes of water during the summer months are much less, and they mainly feed to Karo and Koena river systems.

The thick vegetation of the Saranda forests facilitates good precipitation and even during the peak summer months the water is available. Due to the mining there will be complete destruction of some areas which may lead to shortage of water and will result in pollution of river unless proper steps are taken.

11. Meeting of the Forest Advisory Committed dated 27th December, 2011:—

The matter was placed before the Forest Advisory Committee meeting held on 27th December, 2011. The Members present on that day were:-

- (i)** Shri Ullhas Karanth, Member;
- (ii)** Shri A. K. Srivastav I.G.F.(FC), Member Secretary;
- (iii)** Shri A. K. Bansal, Additional DGF FC;
- (iv)** Dr. P. J. Dilip Kumar, DGF and SS, Chairman.

The minutes of the meeting approved in this regard is reproduced as under:–

Sr. No.	File No.	Name of the proposal	State	Area (ha.)
5	8-60/ 2010-FC	<i>Diversion of 512.43 ha of forest land for Ghatkuri Iron Ore mining lease project in favour of M/s Jindal Steel & Power Limited in Saranda Forest Division West Singhbhum district of Jharkhand district of Jharkhand.</i>	Jharkhand	512.43
<p><i>The Committee discussed the proposal for diversion of 512.43 ha of forest land for Ghatkuri Iron Ore mining lease project in favour of M/s Jindal Steel & Power Limited in Saranda Forest Division West Singhbhum of district of Jharkhand. The Committee noted that the proposal is for diversion of fresh unbroken forest area for mining of iron ore in Saranda Forest Division. The Committee observed that the entire forests of Saranda Forest Division fall under the core area of Singhbhum Elephant Reserve and are one of the finest habitats for elephants. The Committee also noted that a Wildlife Management Plan (refer to Sl. No.4 above) is under preparation for the Saranda Area. In view of the possibility that any area including the proposed area may be required to be left as wildlife corridor the Committee recommended that the proposal be considered after the Wildlife Management Plan is submitted and processed as above.</i></p>				

4.	8-251/ 1986-FC	<i>Diversion of 635.986 ha of forest land of Daraguiburu Iron ore lease (total lease area 1443.756 ha) for iron ore mining in favour of M/s. Steel Authority of India Limited (SAIL) in Saranda Forest Division in West Singhbhum district of Jharkhand.</i>	<i>Jharkhand</i>	635.689
	<p><i>The matter was discussed further. The Committee recorded its displeasure and dissatisfaction over the fact the Wildlife Management Plan has yet not been prepared even after a lapse of two years. The User Agency informed the Committee in their presentation that they have done certain progress on preparation of Wildlife Management Plan through a Committee of experts constituted by the State Government and the plan is likely to be ready by the end of March, 2012. The Committee recommended that the Wildlife Management Plan may first be submitted by the State Government and the Ministry may then seek views of the Wildlife Institute of India and Dr. R.K. Singh on the Plan. The matter be then placed before the FAC for consideration along with the plan and views thereon.</i></p>			

12. Note (02.01.2012) put up by Shri C. J. Singh:—

Having discussed the matter in the said meeting, a Note in this regard was put up by Shri C. J. Singh (TO-FC) on 02/01/2012 to communicate the recommendations of the Forest Advisory Committee to the State Government for further necessary action in the matter. The note of file No. 8-60/2010-FC as put up by Sri C. J. Singh is reproduced herein.

The Committee discussed the proposal for diversion of 512.43 ha of forest land for Ghatkuri Iron Ore mining lease project in favour of M/s. Jindal Steel & Power Limited in Saranda Forest Division in West Singhbhum district of Jharkhand. The Committee noted that the proposal is for diversion of fresh unbroken forest area for mining of iron ore in Saranda Forest Division. **The Committee observed that the entire forests of Saranda Forest Division fall under the core area of Singhbhum Elephant Reserve and are one of the finest habitats for elephants.** The Committee also noted that a Wildlife Management Plan is under preparation for the Saranda Area under the aegis of Steel Authority of India Limited (SAIL).

The proposal of Duraiburu Mine of SAIL was also discussed in the meeting wherein committee noted that Committee of experts constituted by the State Government and the plan is likely to be ready by the end of March, 2012. The Committee recommended that the Wildlife Management Plan may first be submitted by the State Government and the Ministry may then seek views of the Wildlife Institute of India and Dr R.K. Singh on the Plan. The matter may be placed before the FAC for consideration along with the plan and views thereon.

In view of the above discussion on SAIL proposal, the FAC, considering the possibility that the area including the proposed area may be required to be left as wildlife corridor, **the Committee recommended that the instant proposal of Jindal Steel and Power Limited in Saranda Forests may be considered after the Wildlife Management Plan is submitted and processed as above.**

Accordingly, the decision of the FAC has been communicated to State Government on 05/01/2012.

13. FAC meeting dated 02.04.2012:—

After this FAC meeting for the another similar matter of the diversion of forest land in favour of SAIL, a FAC meeting was convened. The relevant part of the matter discussed in the meeting for Saranda forest is stated as under:—

**Minutes of the Forest Advisory Committee
Meeting held on 2nd April, 2012**

1	8-251/ 1986	<i>Diversion of 635.986 ha. of forest land of Duarguiburu Iron ore lease (total lease area 1443.756 ha. for iron ore mining in favour of M/s. Steel Authority of India Limited (SAIL) in Saranda Forest Division in West Singhbhum district of Jharkhand.</i>	<i>Jharkhand</i>	<i>Mining</i>	<i>635.986</i>
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The Committee discussed the proposal for diversion of 635.986 ha. of forest land of Duarguiburu Iron ore lease (total lease area 1443.756 ha.) for iron ore mining in favour of M/s. Steel Authority of India Limited (SAIL) in Saranda forest Division in West Singhbhum district of Jharkhand. The Committee noted that the proposal was discussed earlier and it had recommended that the wildlife management plan may first be submitted by the State Government and the Ministry may then seek views of the WII AND Dr. R.K. Singh on the plan. The Committee noted that the draft wildlife management plan prepared by the Committee constituted by the State Government

has been submitted and the draft plan has been sent by the Ministry to WII and Dr. R.K. Singh. Comments on the draft plan are awaited from WII and preliminary comments have been received from Dr. R.K. Singh. The Committee desired that the views of the State Government on the draft plan may also be sought.

The Committee also heard representatives from the User Agency. The Committee noted that the Ministry while according approval for another year on 15th June 2010 had mandated that the State Government constitute a team to look into the ecological wildlife and indigenous population aspects to identify those contiguous parts of Saranda forest which need to be kept free of mining leases. The Committee noted that the State Government had failed to identify such areas even though a proposal in this regard had apparently been submitted by RCCF, Jamshedpur, long back.

The Committee perused the preliminary comments submitted by Dr. R.K. Singh on the draft wildlife plan and observed that, while the draft plan reflects the good intentions of the State Government in protecting the ecology and biodiversity of the Saranda area, it fails to specify the precise measures to be taken by the State Government and user agencies to translate good intentions into practice on ground. The plan does not indicate inviolate areas in relation to mining blocks. Further, the criteria on the basis of which these proposed inviolate areas were delineated is not clear in scientific and ecological terms. Who will monitor and assess the remedial measures is also unclear. The MOS order in the China case in 2011 had asked for a comprehensive wildlife, forest and ecology plan for Saranda as a whole. This was to be prepared by experts from WII, WTI and WWP and funded by SAIL. Any action in this case needs to be dovetailed as part of such a wider plan. The ecological significance of the Saranda sal forest, among India's finest, and the presence of a large Scheduled Tribe population makes it all the more imperative that the highest standards of forest conservation be maintained here.

The Committee desired the user agency to come up with site specific implementable plan with concrete measures time schedules and details of responsibilities for various levels. They should also specify the positive actions proposed to protect the biodiversity of the area and core area in general. They should also spell out and implement good practices to minimize the impact of mining, including stopping mining and closure of roads at night, switching off lights in non-working hours, avoiding blasting, controlling dust and its run-off to water sources and erosion and run-off from mine product as well as dumps. The Committee also desired presentation from the State Government on identification of proposed inviolate areas, including criteria used for their determination, as well as the overall mining scenario, mines working as well as likely to come up for consideration in Saranda. The Committee desired to discuss these aspects with Principal Secretary (Mines), PCCF, Jharkhand, PCCF (Wildlife), Jharkhand and accordingly, they may be invited in the next meeting of the FAC.

14. Meeting of the FAC dated 15/05/2012:—

Subsequent to this meeting, another meeting dated 15/05/2012 was convened by the FAC and the matter of Wildlife Conservation Plan for Saranda Forest was discussed with reference to diversion proposal of SAIL (Durguiburu).

The matter was discussed and decision taken in this regard is stated as under:—

Minutes of FAC dated 15.05.2012 for SAIL

Sr. No.	File No.	Name of the proposal	State	Category	Area (ha.)
1.	8-251/1986	<i>Presentation by officials of State Government of Jharkhand in respect of diversion of 635.986 ha. of forest land of Duarguiburu Iron ore lease (total lease area 1443.756 ha.) for iron ore mining in favour of M/s. Steel Authority of India Limited (SAIL) in Saranda Forest Division in West Singhbhum district of Jharkhand</i>	Jharkhand	Mining	635.986

The proposal for diversion of 635.986 ha. of forest land Duarguiburu Iron ore lease (total lease area 1443.756 ha.) for iron ore mining in favour of M/s. Steel Authority of India Limited (SAIL) in Saranda Forest Division in West Singhbhum district of Jharkhand was considered by the FAC earlier on 2nd April, 2012. The Committee had desired to discuss certain aspects with Principal Secretary (Mines), PCCF Jharkhand and PCCF (Wildlife) Jharkhand. Shri A.K. Sarkar, Additional Chief Secretary, Forest, Environment & Mines, Government of Jharkhand, Shri A.K. Singh, PCCF Jharkhand and Shri A.K. Malhotra, PCCF (Wildlife) Jharkhand were present for discussion. Dr. R.K. Singh, WWF India was also present as an invitee.

PCCF Wildlife stated that the Wildlife Conservation Plan submitted by the Expert Committee constituted by the State Government is a draft plan and as per terms of reference, the Chief Wildlife Warden is required to submit his comments for its incorporation in the Management Plan which is to be submitted to the Ministry. The Wildlife Institute of India and Dr. R.K. Singh, WWF India have already submitted their comments on the Draft Management Plan which were provided to CWLW, Jharkhand in the meeting. Government of Jharkhand is to finalize the Wildlife Management Plan and furnish to the Ministry.

The Additional Chief Secretary, Forest, Environment & Mines, Govt. of Jharkhand observed that the Saranda area has a unique combination of rich forest mineral deposits and emphasized the necessity of extraction of the minerals for development of State and local population, though under strict regulation.

The PCCF Jharkhand emphasized that there should be intensive mining and not extensive mining. He mentioned that instead of opening mines all around, the existing leases should be utilized fully. He brought to the notice of FAC that only about 10% area of the various leases granted for mining has been opened up. He advocated that all the forest area which has yet not been leased out should be inviolate area and no mining should be allowed

at least for the time being till existing leases are fully exhausted. The emphasized that new leases may be granted from amongst the existing leases where large areas have not been broken up even after several years.

The ADG (Forest Conservation), in view of non-use of the already diverted forest land desired the State Government to furnish a long term plan about unbroken areas in existing leased out areas. The Additional Chief Secretary agreed that details about broken and unbroken areas in existing leases can easily be furnished by the State.

Regarding the overall scenario of mining in Saranda, it was brought by Dr. R.K. Singh, WWF India that out of 818 sq.km. of forest land of Saranda, the State is seeking to mine over more than 500 sq.km (excluding the currently leased out areas of about 98 sq. km). The Additional Chief Secretary informed that 40 applications for mining area pending with the State Government. The Committee desired that the State Government should depict all these mining areas under consideration on map in a GIS domain with digital elevation model and drainage to have a clear picture.

The representative from the project proponent, M/s. SAIL, informed the Committee that they have already complied with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Considering the issues discussed above and their considerable efforts in formulating a Wildlife Management Plan, it was requested by the State Government that the project proponent M/s. SAIL, a major Public Sector Undertaking of Government of India, may be granted clearance for mining of iron ore in the already broken up forest area. The Additional Chief Secretary categorically confirmed and assured that this clearance granted to M/s. SAIL shall not be cited as an example to seek clearance for proposals for mining from other project proponent(s).

Keeping in view the above submissions, the Committee recommended grant of forest clearance only for already broken up area from amongst the area demanded.

The Committee also recommended as below :

The State Government may be requested to ensure that the wildlife Management Plan must address the issues related to the whole area and must spell out the long term vision of the State Government in respect of Saranda, as specified in by the FAC in its minutes of 2 April 2012 meeting taking into account the recommendation and remarks furnished by the Wildlife Experts in WII, Dehradun and Dr. R.K. Singh, WWF. These recommendation and remarks should also be made part of the stage-I clearance conditions to make it fool proof and clear and not leave any room for ambiguities on what is required from the different parties.

In view of reported non-use of the already diverted forest land the State government may be asked to furnish details of unbroken up area from amongst the existing leased out areas and furnish a long term plan for the phased utilization of those areas.

The proceedings of these two meetings are stated here because it is relevant to know the sequences of events and decision of FAC in the matter of Saranda forest which is equally applicable to this matter and the matter of M/s. JSW Steel Ltd.

15. Note submitted by Shri C. J. Singh on 14/01/2013:—

As per the note sheet of the file No.8-60/2010(FC), there is no movement of file from 06/01/2012 (page-17) to 14/01/2013 (page-18) for almost a year. On 14/01/2013, a note was submitted by Shri C. J. Singh (TO-FC). The same is reproduced as under:—

Ref. : Fr. at page 632-634/c

Diversion of 512.43 ha of forest land for Ghatkuri Iron Ore mining lease project in favour of M/s. Jindal Steel & Power Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.

- (1) *The above mentioned proposal was considered by the FAC in its meeting held on 27th December, 2011 and after detailed discussions on the project, the committee noted that the entire forests of Saranda Forest Division fall under the core area of Singhbhum Elephant Reserve, which is one of the finest habitats for elephants. The Committee also noted that a Wildlife Management Plan is under preparation for the Saranda Area under the aegis of Steel Authority of India Limited (SAIL), which is likely to be ready by the end of March, 2012.*
- (2) *Deliberating upon the development of the Wildlife Management Plan, being prepared by*

the SAIL, the FAC, considering the possibility that any area including the proposed area may be required to be left as wildlife corridor, the Committee recommended that the instant proposal of Jindal Steel and Power Limited in Saranda Forsts may be considered after the Wildlife Management Plan is submitted by the State Government.

- (3) *This Ministry vide its letter dated 5/01/2012 has conveyed the observations of the FAC to the State Government to inform the project proponents accordingly and direct them to coordinate with SAIL in the preparation of Wildlife Management Plan for the area.*
- (4) ***In view of the above, it is worth motioning that Wildlife Management Plan referred above has been prepared by the Expert Committee constituted by the State Government and is already considered by the FAC. The Plan is presently under consideration in the State Government for their further comments.***
- (5) ***The project proponent vide their letter dated 17/12/2012 has submitted that since the Wildlife Management has been prepared for the Saranda Area and mitigative measures and other conditions suggested in the Plan will be complied with by the project proponent. The project proponent has further submitted that they have already submitted an undertaking to the PCCF (Wildlife), Ranchi to abide by the***

recommendations of the integrated Wildlife Management Plan prepared for entire Saranda area and Chaibasa South Forest Division and to contribute proportionately in the cost of implementation of the said plan. Accordingly, the project proponent has requested to consider the proposal for forest clearance.

On careful perusal of the Note dated 14/01/2013 of Sri C. J. Singh (TO-FC), it is observed that the note is misleading and incomplete. There is no mention of the decision taken in the FAC meeting dated 02/04/2012 and 15/05/2012. The proceedings of these two meetings are found crucial to consider the matter of forest diversion in the Saranda Forest. Though the matter of JSPL & JSW was discussed by a new FAC (constituted on 03/08/2012), the Chairman in FAC meeting on 21st/22nd January, 2013, was present in both meetings (02/04/2012 and 15/05/2012).

The FAC minutes dated 27/12/2011 pertains to AIGF (SPS) in regard to the diversion of 635.986 ha. forest land of SAIL and diversion of 512.43 ha. of forest land in favour of M/s. JSPL. It is observed that the FAC has recommended to prepare a Wildlife Management Plan from an Expert Committee and the same should be weighed by the State Government and to submit it to the Ministry

(MoEF). After receipt of the Wildlife Management Plan by the Ministry, it would seek views of the Wildlife Institute of India and Sri R. K. Singh on the plan and once that is received, matter should be placed before the FAC for consideration along with the plan and views there on.

It is noted here that the Wildlife Management Plan is prepared by the Expert Committee and pending with the State Government as on date. The Deputy Secretary of Government of Jharkhand (Forest & Environment Department) has informed to the Commission on 20/09/2013 that the plan is under the process of being considered by the State Government for its final approval. Then, how a plan was considered by FAC as stated in the note of Sri C.J. Singh? The approved Wildlife Management Plan has not yet received by the MoEF and no views of WII and Dr. R. K. Singh is taken on the final report (since the Plan is submitted by the State Government to MoEF, any views of WII and Dr. R.K. Singh on draft plan will not be proper). In spite of that, Shri C.J. Singh has put up a Note on 14/01/2013 based on letter dated 17/12/2012 of project proponent (JSPL) to place the matter before the FAC for consideration in the next meeting.

Though, the matter was well known to the then Officiating Chairman of the FAC, the subject of diversion of forest land for this lease has been considered by the FAC on 21st / 22nd January, 2013 and the diversion was approved by overlooking and without attending the recommendation of FAC dated 15/05/2012.

It is further noted that when this matter was considered in FAC, Shri A. K. Srivastava ADGF (FC) and DGF and SS (I/c), acted as Chairman; Shri M. S. Negi IGF FC, as Member Secretary and Professor M. P. Todria as Member. **On perusal of the entire file, it is observed that this matter has been considered without attending the observations of the FAC dated 02/04/2012 and 15/05/2012. The matter should be further enquired in this regard by a Competent Agency.**

16. Meeting of the FAC held on 21st and 22nd January, 2013:—

The matter was discussed in the FAC meeting on 21st–22nd/01/2013. The minutes of the meeting (dated 21st–22nd/01/2013) is reproduced as under:—

Minutes of the meeting of the Forest Advisory Committee held on 21st and 22nd January, 2013.

Sr. No.	File No.	Name of the proposal	State	Area (ha.)	Category
10	8-60/2010-FC	<i>Diversion of 512.43 ha of forest land for Ghatkuri Iron Ore mining lease project in favour of M/s Jindal Steel & Power Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.</i>	Jharkhand	512.43	Mining

The Committee discussed the proposal of diversion of 512.43 ha of forest land for Ghatkuri Iron Ore mining Lease project in favour of M/s Jindal Steel & Power Limited in Saranda Forest Division in West Singhbhum district of Jharkhand. The Committee noted that the proposal was earlier considered by the FAC in its meeting held on 27th December, 2011 wherein it was noted that the forest of Saranda Forest Division is part of core area of Singhbhum Elephant Reserve which is one of the finest habitat for elephants. The Committee had also noted that a Wildlife Management Plan was under preparation for Saranda Area under the aegis of SAIL Ltd. and wanted to discuss the proposal after the Wildlife Management Plan is submitted by the State Government. The said Plan has been prepared by the Expert Committee constituted by the State Government and is under consideration in the State Government for final submission.

The user agency has submitted an undertaking to abide by the recommendations of the Wildlife Management Plan and contribute proportionately to the cost of the implementation.

The Committee noted the conflict of interest between conservation of natural resources and need for economic activity. The Saranda region is rich in forest and wildlife and at the same time has rich mineral deposits. Taking a view purely in the interest of conservation or on the other hand in the interest of economic activity will amount to taking an extreme side. The Committee felt the need to take a view wherein economic activity may be permitted to the extent possible and at the same time conserve the natural resources and take sufficient effective mitigative measures.

The Committee also noted the observations of the CCF (Central) in its site inspection report especially pertaining to fragmentation of forest connectivity.

In the light of above, the committee deliberated upon the proposal. The Committee noted that the proposal involves diversion of 512.26 ha of forest land including 2.13 ha outside mine lease area for conveyor corridor. In addition, another 26.37 ha has been included in the safety zone which has not been sought to be diverted. However, as per the guidelines in force as of now the safety zone area is also required to be diverted for the purpose of FC Act. Therefore, a total of 538.93 ha of forest land is to be considered for diversion.

The compensatory afforestation has been proposed over non-forest land. However, the entire land for compensatory afforestation has not yet been identified and some of the land identified for Compensatory Afforestation and visited by the site inspecting team was found to be encroached and under control of Left Wing Extremists. No violation of Forest Conservation Act has been noted. The PCCF Jharkhand has not given his clear recommendation and has left the decision to the Government of India. The State Government has also left the decision to the Government of India.

The forest land sought to be diverted has 87,095 trees which will be affected. It has been reported that maximum no. of these trees fall below 30 cm girth. The forest has a density of 0.5 to 0.7. Animals like elephant, giant squirrel,

reptiles, sloth bear and barking bears etc. have been reported. No forest land has been required for residential use. The proposal does not involve any displacement of persons. The coal is proposed to be evacuated by the use of closed conveyor and for this purpose certain forest land has also been required. The committee noted that there are other mines within 10 km radius which are operating.

After considering the proposal in detail, the Committee recommended the proposal subject to fulfillment of standard conditions and following additional conditions.

- (i) The State Government shall assess the extent of forest land for the purpose of forest connectivity and the use by wildlife and elephants in particular by undertaking scientific study for direct and indirect signs related to occupancy/habitat utilization. The State Government shall take the services of independent experts especially those having an experience and exposure of Saranda region and shall submit the findings along with a proposal delineating out the forest area from the lease which should not be approved for diversion before seeking State II approval.
- (ii) The State Government shall assess the mining/reclamation plan in a holistic way along with similar plans of adjacent operational mines and modify them, if required, with a view to ensure that the connectivity of the forest patches is maintained by breaking up fresh land nearer to already broken up area and reclaiming them simultaneously as the mining progresses.
- (iii) The user agency shall contribute proportionately towards execution of the comprehensive wildlife management plan.
- (iv) The user agency shall support in-situ capacity building program for forest officials and local community on topics like wildlife monitoring, crime prevention, habitat management, law enforcement etc.

- (v) *The user agency and other lessee will celebrate wildlife week to create awareness programme amongst their staff and transporters for ecological and wildlife conservation of Saranda like Mines Environment and Mineral Conservation week which is celebrated every year by every mines under the aegis of Regional Controller of Mines, Indian Bureau of Mines, Kolkata Region.*
- (vi) *The user agency and others will up skill the knowledge of their mines manager, environmental consultants and local forest officials towards best practices in mining like progressive mining and successive reclamation through exposure visits and training.*
- (vii) *Only working mining pits will be properly fenced instead of creating a linear barrier for wildlife movement through fencing of safety zone around the whole mining leases.*
- (viii) *Adequate water sprinkling will be ensured along the entire haul road within the mines. Proper dust suppression chemicals will be used while sprinkling the water to minimize the dust load in ambient air.*
- (ix) *Lessee should ensure plying of only Pollution under Control (PUC) vehicles in their lease area without the use of pressure horn.*
- (x) *To prevent the silt and fines flow into river Koina and Karo, the user agency shall construct suitable civil structure and the harvested rain water needs to be utilized in mines.*
- (xi) *Blasting in night at mines and night transportation of ore through public roads will not be allowed. Transportation of ore by trucks/dumpers within the forest limit shall be replaced with aerial mode in phased manner.*
- (xii) *Proper lighting system in the mine will be used to reduce the glare to open sky to facilitate the migration path of avifauna.*

- (xiii) *Insulated power transmission cable will be used in stretches passing through forests and the transmission line will be aligned along the roads only.*
- (xiv) *The user agency will be responsible to control fire in and around mining leases under the supervision of state forest department.*
- (xv) *Paramilitary forces must be advised to consult local forest officials to put fires in forest area for making the visibility during combining operation and other purposes. Supply of LPG cylinder must be ensured by the local administration to discontinue the practice of large scale fire wood collection for cooking in the camp of paramilitary forces.*
- (xvi) *The State Government shall ensure that various mines are worked in such a way that the required elephant corridor/intermittent vegetation zones are always maintained without any long gap / disturbances.*
- (xvii) *The user agency shall ensure reclamation and rehabilitation the mined out area with gentle negotiable slope of sufficient width so that connectivity is maintained beyond the ridge to allow animals to cross easily.*

The Committee also recommended that the State Government shall separately create GIS based database by hiring the services of organization of repute and having expertise in GIS technology. The database shall include all the mining leases whether in operation, under various stages of clearance or proposed. The broken up areas shall also separately form part of the database. The GIS database shall include layers of vegetation cover drawn from latest satellite imagery, drainage, roads, human habitation and contour lines. These layers along with other necessary data shall be used to present a digital elevation model for better understanding of landscape.

Based on the minutes, Sri C. J. Singh put up a lengthy note on 14/02/2013 to obtain approval of Honorable MEF for diversion of 512.43 ha of forest land for Ghatkuri Iron Ore mining of M/s. JSPL subject to conditions stated there in the note.

17. Letter from PMO with annexures enclosed therewith:—

The DGF (I/C) has placed a note in the file stating the letter received from PMO with a copy of letter of Minister of Rural Development.

After approval of the minutes of the FAC dated 21/22 January, 2013 on 04/02/2013, a letter from the Office of the Honorable Prime Minister, South Block, New Delhi has been received. This letter was received in the Ministry on 19/02/2013. The copy of the said letter along with the letters of Shri Jairam Ramesh, Minister of Rural Development, Government of India and annexures is reproduced as under:—

A. Letter from PMO:—

***“Prime Minister’s Office
South Block, New Delhi – 110 011***

Please find enclosed, for action as appropriate a copy of the letter dated 6/2/2013 addressed to the Prime Minister by Shri Jairam Ramesh, Minister of

Rural Development, regarding the permission given by the Ministry of Environment & Forests for the diversion of forest land in Saranda for mining.

No. 1250/R

Dated 22/2/13.

*SD/–
(Sanjay Lohiya)
Director
Tel : 23018876.*

Secretary, Ministry of Environment & Forests

PMO ID No. 250/31/C/3/2013–ES.II

Dated 18/2/2013.

1253/PMO

20/2/13

Secy. On tour Pl.

Sd/– 19/2.

*DGF (I/C). Please put up urgently for
Kind perusal of Hon'ble MEF.*

DGF/(FC) Sd/– 20/02/2013

*Sr. AIGF (SPS) Urgently Pl.
Sd/– 22/2/13.*

*SO(FC) Sd/– 25/2/13.
Sr. AIG 3.31.630*

O/o. Secretary (E&F).

Dy.No. 1253. Date: 19/2/2013.”

B. The copy of the letter dated 06/02/2013 of the Honorable Minister of Rural Development is reproduced as under:-

“Jairam Ramesh 6TH February 2013.
Ministry of Rural
Development
Government of India
Krishi Bhavan,
New Delhi 110 114.

Most Esteemed Prime Minister Sir,

1. *I have been keeping you informed regularly on the implementation of the Saranda Development Plan. My last letter to you on this subject was on January 28th, 2013, after unfurling the National flag at Digha Gram Panchayat on January 26th, an event that could take place after well over a decade. There is a silent but very visible transformation going on, on in Saranda, which was relevance for other such areas in different states.*
2. *In one of my earlier letters to you dated July 3rd, 2012 (a copy of which I enclose) I had drawn your attention to the propaganda that is being spread that the Saranda Development Plan is only meant to subserve private mining interests. I have been at great pains to counter this propaganda and dispel this impression. Many people are not convinced but I have repeatedly spoken on this issue and said that our government is sensitive to strong local*

sentiments against opening up this rich forest areas to mining by new players.

3. ***In this context, I was most depressed to learn today that the Forest Advisory Committee of the MoE&F has just given its permission for the diversion of 512.43 hectares of forest land in Saranda for iron ore mining by Jindal Steel and Power and for the diversion of another 998.70 hectares of forest land for mining of iron and manganese ore by JSW Steel.***
4. *Sir, I think if these approvals go ahead, I would not be able to guarantee to you any further success on the Saranda Development Plan and the cooperation of local people in its full and enthusiastic implementation. Ultimately it is a decision of the Government of India and of the Government of Jharkhand but it is my duty to alert you to the deeply adverse consequences this decision would have not just in Saranda but elsewhere as well.*

With highest of regards;

Yours sincerely,

Sd/– (Jairam Ramesh)

Dr. Manmohan Singh
Prime Minister.”

C. Letter dated 03/07/2012:—

**“Jairam Ramesh
Ministry of Rural
Development
Government of India
Krishi Bhavan,
New Delhi 110 114.**

3rd July 2012.

Most Esteemed Prime Minister Sir,

1. *I had written to you on October 24th, 2011 and May 2nd, 2012 on the Saranda Development Plan (SDP) that has been formulated by the Ministry of Rural Development and the Government of Jharkhand. This plan covers 6 gram panchayats and 56 villages of Manoharpur block of West Singhbhum district. The population is around 36,000 (7000 households), all of whom belong to tribal communities. This forest area covers about 900 sq. km. and is rich in minerals. It was ‘liberated’ from Maoist domination last July by the security forces led by the CRPF. The SDP is significant because it integrates security and developmental operations and consolidates on the success achieved by the security forces.*
2. *I have been visiting Saranda periodically to see for myself how the development plan is progressing. Mr. T.K.A. Nair had also visited the area on December 15th, 2011. I was in Saranda again day before yesterday and spent the*

entire day in the area, including spending the night in Chaibasa. The implementation of the SDP is progressing but not as rapidly as I had hoped for. The highlights are as follows:

- *6 out of 17 security camps are already in place. Each camp would have about 200 security personnel drawn equally from the CRPF and the Jharkhand state police. These security camps would facilitate implementation of basic developmental activities;*
- *Of the 11 PMGSY roads, with a total length of 130 kms identified, 2 roads with a total length of 7 kms have been completed. Contracts for the balance have been awarded. This is a big change because in the past contractors were not forthcoming. PMGSY roads would be completed by end-2013.*
- *Of the 6000 families identified for assistance under Indira Awaas Yojana (IAY), 2500 families have already received the first installment of Rs.24,500. About 260 families have already built these houses. There have been some administrative problems regarding assistance to the remaining 3500 families and I am sorting these out so that by end – September / October, 2012, they would have received their first installment as well;*

- *Under the Integrated Watershed Management Programme, projects covering 36,000 hectares at a total cost of around Rs.40 crore have been identified and execution teams are in place. Two check-dams have already been constructed.*
- *128 hand pumps were to be installed in the 56 villages and of these 118 have already started functioning. The balance will be completed about a month's time.*
- *56 Rozgar Sewaks have been appointed to get MGNREGA going. MGNREGA has evoked a good response. About Rs.81.4 lakhs has been distributed as wages to 2852 households.*
- *SAIL was to distribute 7000 cycles, 7000 transistors and 7000 solar lanterns as part of its CSR. All these lanterns and transistors have already reached Manoharpur and the district administration has started the process of distribution. The bicycle distribution programme is taking some time because of procedural formalities within SAIL. But I am expecting that by end-October, this would get completed. SAIL is also establishing an integrated development centre at a cost of about Rs.5 crore in order to provide a single-point facility for delivery of essential public services. There has been a delay in the construction of*

this facility also but by end of the year this would get fully operational. In addition, SAIL is operating 5 mobile health units in the area.

3. *The SDP has both been criticized and welcomed. It has been criticized for slow progress but on the whole it has received considerable support from the local people. In my meetings in Saranda with women's self-help groups, elected panchayat representatives and people at large, I did hear complaints particularly in regard to lack of electricity but, on the whole, the SDP was hailed as a positive step forward. New hopes and expectations have been aroused. In my meeting with the CM of Jharkhand yesterday, he and his officials were appreciative of the SDP and said that they consider this to be of great significance not only to Saranda but to other areas in the state and elsewhere.*
4. *However, Sir, I must bring to your attention one more burning issue that has a bearing on the SDP and its long-term impact. **Maoists and their front organizations and sympathizers have already started a propaganda that the SDP is only meant to subserve private mining interests.** They have been saying that the roads are being built to facilitate entry of private mining companies. At every occasion, I have tried to dispel this impression and have been insisting that the SDP is only meant to ensure that the tribals get what the Constitution*

provides for to every citizen of our country. I have also tried to argue that SAIL being public sector company must be treated differently and that SAIL's track record on CSR has been commendable in places like Bhilai, Rourkela and Bokaro. However, there are a number of private mining companies who have been given permission in mining of iron-ore and other minerals in the area and this could stymie any positive impact on the SDP.

5. *My own personal view, Sir, **for whatever is not to open up the area for mining except by SAIL till such time that the SDP has been fully implemented and the local tribals become comfortable with the local administration and see the benefits of development flowing to them in visible and tangible measure. Many people I have spoken to have expressed the fear that mining only results in an influx of outsiders and that local youth would never get productive employment.** When I was Minister for Environment and Forests, I had given permission to SAIL to work the Chiria mines on very special considerations and grounds and it was never my intention to allow SAIL as a precedent for other companies to establish their operations here. I think this is a very sensitive matter and I thought I should apprise you of it and of the strong local sentiments prevailing against opening up this rich forest area to mining by new players, other*

*than the ones who have been operating there for quite some time. There is need to take a **political**, not a legal view on this critical issue.*

With the highest regards;

Yours sincerely,

Sd/– (Jairam Ramesh)

***Dr. Manmohan Singh
Prime Minister.”***

18. Note dated 01/05/2013:—

The above letters were brought to the notice of the Hon’ble Minister for Environment and Forest. A note in this regard was put up by Shri Shivpal Singh (AIGF FC) on the same day (26/2/2013) and marked the file to the IGF FC. The IGF FC has again placed the file before the ADGF & SS for consideration to the Minister. The Honorable Minister of MoEF has put up a Note on 01/05/2013 and the same is reproduced as under:—

“Hon’ble MEF

With regard to the letter of Minister for Rural Development, I have written a substantive speaking order in File No. 8-46/2018. That order may be extracted and placed here, since the reasoning of that order applies equally to this case, and may be applied mutatis mutandis to this case.

“X” approved. SD/– Jayanthi Natrajan
1/5/13.

The copy of order of file No. 8–46/2010 issued by the Hon’ble Minister of Environment and Forest is reproduced here in for ready reference.

Office of MOS (I/C) Environment and Forest.

The diversion of forest land concerns diversion from the Ankua Reserve Forest for mining of iron and manganese ore. This issue was discussed first by the FAC on 15/05/2012 at which time, the FAC recommended that the Wildlife Management Plan was being formulated by the State Government of Jharkhand in connection with the proposal of SAIL for mining of iron ore in the Durguiburu iron ore lease. Thereafter, this proposal was once again discussed in the FAC on 21st and 22nd January, 2013 and a recommendation was made to accord clearance for diversion of forest land subject to certain conditions.

It is important to note that Saranda forest division is rich in biodiversity and is also known for the movement of elephants. The area is also rich in iron and other ore, and is therefore a crucial area in terms of exploitation in our mineral wealth for the development of the nation.

As the Ministry of Environment and Forests, our forest duty is to protect the integrity of the environment and our flora and fauna. We are also mandated to implement the FC Act, in letter and spirit in addition to ensuring that the forest wealth of

our national is preserved and protected. Keeping the above primary objective in mind, I pass the following speaking order:

- 1) *Subsequent to the decision of the FAC to accord approval for FC clearance for the above project, I received a letter (6/2/2013) from the Minister of Rural Development Shri Jairam Ramesh, enclosing a copy of his letter to the Hon'ble Prime Minister wherein Shri Ramesh strongly objected to the decision of the FAC to accord FC for this proposal, even before the proposal was placed before me, on the ground that such FC given would adversely impact upon the tribals living in that area, and that mining should NOT be allowed in Saranda except by PSUs like SAIL. I placed the letter of Shri Ramesh before the Cabinet Committee on Investment chaired by Hon'ble Prime Minister but the CCI declined to accept the merits of Shri Ramesh's contentions and his letter was not accepted.*
- 2) *It is important to note that the above proposal of diversion of forest land at Ankua, concerns land which is surrounded ON ALL SIDES by means being operated actively by SAIL. Thus the forest land in question is not undisturbed virgin forest, but already surrounded by operating mines. Thus it is difficult to explain why FC should be denied for this project alone.*
- 3) *Apart from SAIL mines, which I shall advert to later, my predecessor Shri Jairam Ramesh had as then Minister of State (I/C) for Environment*

and Forests accorded forest clearance on 23/02/2011 for diversion of 117.0059 ha of forest land in the very same Saranda Forest Division in favour of another Private user agency namely Usha Martin Pvt. Ltd. for the Vijay-II Iron Ore Project. Thus, the Ministry of Environment has already granted forest clearance in Saranda to private user agencies, and not just to PSUs, thereby creating a strong precedent. Had the MoEF always rejected private user agencies, the issues to be addressed might have been different. However, it would be highly discriminatory for MoEF to give forest clearance to one private agency and reject it for another in very same Saranda area. If forest clearance was given to M/s. Usha Martin by Shri Jairam Ramesh and the then FAC on 23/02/2011, it is difficult to justify why the same should not be given to another private user agency in January, 2013 especially in the backdrop of the severe shortage of iron and other ores required for infrastructure development at this time, and the particular challenges of economic development being now faced by the country.

- 4) *Earlier, MoEF has already permitted, SAIL to mine in 635.986 ha of forest land in Saranda for its Durgaiburu mines, subject to certain conditions. Further SAIL has been granted forest clearance for 1936.06 – that is nearly 2000 ha of forest land in Saranda SUBJECT to the phasing out of mining in the Chiriya area. At*

that time the FAC Durgaiburu as the core sensitive area in terms of migration of elephants and ecological sensitivity. Despite this, the forest clearance was granted.

Despite all the above, Shri Ramesh gave forest clearance for the Chiriyas mines of SAIL after rejecting the FAC recommendations on 8/2/2011.

In recording the history of the above decision, it is not my intention to comment upon the decisions made by my predecessor. However, in view of his letter to the Hon'ble Prime Minister and to me, – objecting to the granting of forest clearance in the Saranda area, I am constrained to briefly recapitulate the previous history.

- 5) *In any event, in this case, the FAC has recommended the diversion of forest land, and the issuance of forest clearance on the basis of stringent conditions. My predecessor has already in permissions given earlier outlined the importance of implementation of a strong wildlife management plan, and biodiversity management. This initiative should be scrupulously followed in this case also.*

FRC approved and may be issued.

*Sd/– (Jayanthi Natarajan)
MoS E&F (I/C)”*

19. As per the para-4 of the speaking order of the Honorable Minister of Environment and Forest the Minutes of the FAC meeting dated 18/01/2011 for rejecting of diversion proposal of SAIL in Chiria mines is reproduced hereunder:-

Recommendations of the Forest Advisory Committee (FAC) in its Meeting held on 18/01/2011 (C.D. Singh)

Sr. No.	Decision of FAC
2.	<i>Diversion of 153.036 ha (total lease area 323.740 ha) of forest land of Ajitaburu Iron ore lease for Manoharpur ore Mines, Chiria in favour of M/s. Steel Authority of India Limited (SAIL) in Saranda Forest Division in West Singhbhum district of Jharkhand (File no. 8-70/2009-FC)</i>
	<i>The Committee considered the proposal of iron ore mining from Manoharpur group of mines at Chiria in Saranda Forest Division falling in the core area of Singhbhum Elephant Reserve and noted that the SAIL has 6 mining leases in Chiria, namely – Budhaburu (323.749 ha), Ajitaburu (323.775 ha), Dhobil (513.036 ha), Sukri Luturburu (609.554 ha), Anqua (67.178 ha), and Tatiburu (38.86 ha). The first 3 leases are adjacent to each other and at present only Dhobil lease is working in that cluster of 3 mines. The Committee also noted that the proposed site is ecologically very sensitive, rich in flora and fauna, and is the only un-fragmented forest having dense mixed forests. The Wildlife Institute of India in its report dated 03/10/2008 has observed that the opening of this proposed site for mining will lead to disturbances, pollution to the rivers and fragmentation and depletion of forest resources and in this region. The Committee also considered the suggestion of</i>

regional CCF that passage should be maintained between bigger chunks of forests inside the Saranda, as well as forests of nearby districts and States. The RO further suggested that a proper study to avoid possible fragmentation of wildlife habitat be carried out and the areas, so identified, should not be diverted in future. Due to unique nature of the Saranda forest, inviolate areas should be identified and conserved by providing them special protection. The Committee listened to the submissions made by the representatives of SAIL and noted that about 25% of the total area involved in these mines required for mining in next 20 years as per the details given below:

Sr No	Lease	Lease area	Broken up area	Fresh area for diversion	Total proposed area for diversion
1.	Budhaburu (McLellan)	823.617	73.251	305.977	379.228
2.	Ajitaburu	323.887	58.250	94.786	153.036
3.	Sukri-Luturburu	609.5554	33.40	–	33.40
4.	Dhobil	513.036	29.411	–	29.411
5.	Ankua	67.178	–	–	–
6.	Tatiburu	38.850	–	–	–
	Total	2376.122	194.312	400.763	595.075
		(100%)	8.18%	(16.87%)	(25.0%)

The Committee also noted that earlier the FAC on 10/10/2008 had recommended the rejection of another proposal for iron and manganese ore mining over 55.79 ha forests area in Kodolibad RF in Saranda Forest Division on account of being part of core zone of Singhbhum Elephant Reserve and critical to wildlife conservation, and is ecologically very sensitive and rich in flora and fauna. The Wildlife Institute of India (WII) in that case had, inter-alia, observed that “opening of this proposed site for mining will lead to disturbances, pollution to the rivers and fragmentation and depletion of forest resources and in this region. Saranda Forest Division is the only un-fragmented forest having dense mixed forests. The increasing pollution in the Koyna river system has not been a matter of concern

for wild animal only but also to the people who are largely dependent on this water resources”.

The Committee further noted that another proposal for exploration of iron ore over 700 ha of forest land in compartment No. 13, 18, 19, 20 and 21 of Dhobil Ankua RF was recommended for rejection by the FAC on 27/03/2008 on account of being part of core zone of Singhbhum Elephant Reserve and critical to wildlife conservation and that the compartment no. 18 forms virgin forestland and very important for wildlife conservation.

*The Committee also noted that SAIL has already been permitted mining in **Darguiburu iron ore lease** over 635.986 ha of forest land (total forest land 1443.756 ha), even though the area was important for the migration of wild elephants and formed part of the ecological sensitivity core area of Singhbhum Elephant Reserve with the Karo and Koena rivers, the lifeline of people and animals living in the nearby surroundings. The permission was subject to additional conditions of proportionate contribution towards comprehensive wildlife conservation plan to be prepared in period; and to implement the plan prepared by JIT, Kharagpur for reducing water pollution level in Karo & Koena rivers.*

*The SAIL has also been accorded another forest clearance recently over 644.26 ha forest land (total forest area 1936.06 ha) for **Kiruburu – Meghahatuburu group of iron ore mines** in West Singhbhum district of Jharkhand subject to additional condition that the user agency will explore the possibility of phasing out of mining from Manorapur group of mines in Chiriya area.*

*After discussion the proposal and taking all above factors of ecological sensitivity of the area for wildlife and its habitat, vis-à-vis, iron ore requirement of SAIL, the Committee recommended all the proposals for mining of iron ore from Chiriya **area for rejection.***

20. The approval note of the then Minister of Environment and Forest dated 9/2/11 is reproduced hereunder.

**Ministry of Environment and Forests
Government of India**

Subject: Forest Clearance for SAIL's Chiria Iron Ore Mines.

I. Background:

1. The erstwhile privately-owned Indian Iron and Steel Company (IISCO) took control of the Chiria iron ore mine complex in the Saranda forest in Paschimi Singhbhum district of Jharkhand in 1936. IISCO became a fully-owned subsidiary of SAIL in 1978 and final merger took place in 2006 on the premises that the mines would be made available to SAIL since it had been forced to absorb substantial losses on IISCO's account.
2. The Chiria mine complex covers about 2376 hectares which is about 3% of the entire Saranda forest area. Of this, around 194 hectares (8%) has already been broken up. SAIL's proposal that has come to MoE&F for forest clearance (environmental clearances have already been obtained) comprises two components; (i) renewal of permission to mine in the 194 hectares already broken

up; and (ii) permission to divert an additional .401 hectare (17%) for mining. ***Thus, permission is being sought for diversion of a total 595 hectares which is 25% of the total Chiria mine area. The permission is being sought for a period of 20 years.***

II. Factors Weighing in the Decision

3. While **deciding to accord approval for SAIL's proposal**, I have kept the following factors in mind.
 - SAIL is a “maharatna” public sector company with a good track record of corporate social responsibility and as such deserving of special treatment even in this era of a certain economic orthodoxy.
 - SAIL has a Rs.18,000 crore IPO on the anvil, 50% of whose proceeds will accrue to the Government of India. Thus, an early decision has to be taken without waiting for “perfect” information.
 - The Honorable Prime Minister had written to the Chief Minister of Jharkhand in August 2007 requesting for renewal of mining-lease in Chiria in favour of SAIL in the broader national interest.

- Forest clearances had been given to SAIL earlier in July 1988 and October 1998 for two leases in Chiria itself.
- Chiria is essential for the future of SAIL. Over the next 50 years, around 40% of the iron ore requirement of SAIL will be met from the Chiria mines. Quite apart from this, this is the only compact deposit available to SAIL.
- Giving permission only for renewal would be grossly insufficient for SAIL's raw material requirements. Moreover, mechanization would not be possible in the leases under consideration for renewal and they would deplete by the year 2020.
- The existing steel plants Bokaro, Burnpur, Durgapur and Rourkela will necessarily have to be run from iron ore coming from Chiria once the mines presently feeding them are depleted in 10–12 years time.
- Chiria is in a left-wing extremist affected region with a substantial tribal population. CSR activities by SAIL could help in the socio-economic development of this region, particularly as far as the Ho Tribal communities are concerned.

- There is also an urgency to accord approval given the long lead times involved in starting production in an area that is not easy to work in because of various factors.

III. Specific Conditions Governing the Decision.

4. While the approval is being given subject to the usual conditions governing forest clearance (like those relating to compensatory afforestation* and Net Present Value) there are 13 specific conditions that are being stipulated for this approval. These are:

- Only mining and primary and secondary crushing would take place in the forest area. Processing, beneficiation, blending, stockpiling, railway sidings, infrastructure and all township facilities will be 15 km. away in non-forest land. Only conveyor systems will be used for transportation of ore.
- A cluster management approach will be adopted for mining-related activities to avoid excessive fragmentation. Thus, the diverted area will be broken up in phases.
- The forest areas above their water collection points should be kept inviolate.

- Forest roads will not be used by SAIL during night time.
- SAIL will position a wildlife management team at Chiria from the start of operations to monitor impacts and take remedial measures as the project proceeds.
- Over the next 20 years only 25% of the total forest area being diverted (equivalent to around 595 hectares) will be broken up.
- SAIL will make a contribution of Rs.20 crore over the next five years for programmes relating to wildlife-related and biodiversity-related programmes in the region with particular focus on the Sarinda Forest Division.
- In keeping with the guidelines issued by the Department of Public Enterprises, SAIL will earmark at least 2% of net profits for CSR activities (as distinct from wildlife and biodiversity management programmes). The CSR will include vocational and skill-development programmes for local youth to begin as the mining activities commence. Employment of local tribal youth will be maximized in a transparent manner.

- Proper mitigative measures to minimize soil erosion and choking of streams will be undertaken.
- There will be zero discharge into the Korena River and steps will be taken to ensure that the river does not get polluted. This will be subject to regular field reviews by the Central Pollution Control Board (CPCB). The river ecology is critical to the health of the forest.
- The entire mine lease covering 2376 hectares will remain with SAIL as at present. Five-year plans should be prepared for land-use and the fellings will be regulated accordingly.
- SAIL will support the preparation of a comprehensive wildlife and biodiversity management plan by the Wildlife Institute of India, the Wildlife Trust of India and the WWF. This study will also identify areas that should be kept inviolate in the Saranda forest. This study should be commissioned immediately.
- Given that in recent months, it has been permitted mining in ecologically sensitive areas (in Duarguiburu as well as in Kiriburu–Meghahatuburu), SAIL should set

up a full-fledged forest management team under a full-time Executive Director whose sole responsibility will be forest management.

5. **Given the ecological sensitivity of the Saranda forest area, the MoEF&F will assume direct responsibility and set up a multi-disciplinary expert group (that would include not only ecologists but also anthropologists) to be responsible for this monitoring.** The monitoring, evaluation and compliance reports will be made available in the public domain once a quarter. **This committee will pay special attention to the concerns relating to the impact of mining on elephant habitats and migratory routes.**

IV. And Final Word

6. The FAC is a statutory body and I have made no effort what so ever to interfere in its functioning. On the contrary, I have gone out of my way to ensure that it functions professionally and in an independent manner. I have brought in distinguished experts from outside government as members of the FAC.
7. Most of the time I have accepted the recommendations of the FAC. But there have been occasions when the FAC has recommended approval and I have

exercised my own judgment and rejected that particular case giving clear reason why I am doing so. An example of this is the Renuka Dam project in HP which the FAC had recommended but that I ended up rejecting on purely ecological grounds. On the other hand, there have been two occasions when FAC has recommended rejection and I have exercised my own judgment and overturned the FAC recommendation – the first being POSCO and the second being the present Chiria case.

8. ***The FAC will continue to focus single-mindedly on forest-related, biodiversity-related issues and concerns, while as Minister I will have to necessarily take a broader view but placing on public record in a complete manner the reasons for taking that view.*** That has always been and will continue to be my approach.

SD/- Jairam Ramesh
MOS(I/C)E&F
9/2/11

*There has been a demand from the Jharkhand government that degraded forest land should be used for compensatory afforestation because of the great difficulty in finding other government owned land. I find much merit in this demand and a beginning will be made with SAIL in this project.

21. View of the Commission:—

Based on the above facts and circumstances the following inferences are drawn for further needful action.

An area of 512.56 ha. (538.95 ha.) in the compartments No.G13, G14, G15 and G17 in Ghatkuri and compartment No.26 of Keshia Pecha PF of Saranda Forest has been requested by the JSPL for diversion of forest land for the proposed mining lease of iron ore. The user agency submits that he has signed a MOU with Government of Jharkhand for setting of a 6 million tonne per year Steel Plant of Patratu on 8/11/2007 and another MOU for 5 million tonne per year steel plant Asanboni on 5/7/2005 in Jharkhand State.

After perusal of records of State Government, MoEF and others carefully, it is observed that most of the parameters / factors are adverse for diversion of forest land for this project and similar other mining projects but all the projects are considered one after the other without application of mind and merits. It is observed that a rubber stamping is done on the proposed proposal of the user agencies for the whole areas by adding some more conditions which are never implemented in past in almost all similar projects and also not monitored properly by

MoEF and State Government. Addition of certain conditions should not be taken as justification for approval of this project. Mining is one of the most detrimental activities for destruction of forest. The gone natural forest would not be resumed in its original state due to loss of soil profile. No mitigative measures can substitute the lost natural forest.

After analysing the whole area of Saranda forest the Commission has observed that the creation of permanent linear barrier of 35 K ms (aerial distance) which divides the forest into two parts (East and West) is one of the prime important factors. The same has been completely ignored by all authorities.

On the available records with the Commission it is noted that the proposed lease area is having no surrounding leases except at the southern side of this lease. The proposed area is an extension of the block which are having already mining leases towards the southern side. Hence, it is wrong to say that this lease is surrounded by the other leases. Further the lease is a fresh lease and cannot be compared with the leases which were granted before 1980 and now the renewal / approval are being accorded for diversion of the forest land. It is not correct to mix both the issues, as done in this case and the other similar cases in recent past. The approvals in favour of M/s. Usha Martin Ltd., has

been taken as yardstick for approvals to many others including this proposal. The proposed lease area is a part of the Core Zone of Notified Elephant Reserve with a very high tree density of 0.5 to 0.7 of virgin forest. It is estimated that about **87095 number** of trees are likely to be felled while implementing this project. The number of trees likely to fell may be more by seeing the tree density of the area.

Further, it is noted here that the present MEF has approved the Stage II of the forest diversion for an area of 117.0059 ha. on 02.11.2012 in favour of M/s. Usha Martin Ltd. If the Hon'ble Minister was so particular about the diversion of forest in favour of M/s. Usha Martin Ltd., the same could have been reconsidered, while approving the Stage II.

This mater was placed before the Forest Advisory Committee on 27/12/2011, wherein it was noted that the entire area of this proposal is for diversion of fresh unbroken forest area of Saranda Division. The area falls in the Core area of Singhbhum Elephant Reserve which is one of the finest habitats for Elephant. In the said meeting it was also observed that the Wildlife Management Plan is under preparation for the Saranda area. The said Wildlife Plan should be submitted to the State Government and the State Government in turn to

weigh the plan and submit it to the MoEF. After submission to the MoEF the Wildlife management plan would be weighted by the Wildlife Institute of India and the expert Dr. R.K. Singh.

Contrary to the decision taken in the FAC dated 27/12/2011 the new FAC has considered and approved the project proposal in a meeting dated 21-22 January, 2013, without adhering to the decisions in the earlier FAC. It is observed that such hasty action of the FAC is not based on merits, but could be some other consideration and requires further investigation in the matter.

The applicant holds two mines in Orissa State for the area of 297.848 ha. (Tantra Rurkela Iron Ore mine) and 947.046 ha (Thakurani Iron Ore mines of Sarda Mines Pvt. Ltd.) for extraction of about 18.11 million tons Iron Ore per year. This may meet the requirement to be established State Plants.

The observations made in the matter of JSW Steel Ltd. and relevant to this matter should also be considered as part and parcel.

Further many of the observations made in the matter of M/s. JSW Steel Ltd., is also applicable to this lease as regards the decisions taken by FAC in SAIL and others.

The proposed lease area has been indicated to exclude from the proposed Conservation reserve as suggested by the Expert Committee based on a proposal of a middle level officers of the rank of CCF/CF/Dy CF without going through the merits of the area. The officers who have suggested for the exclusion of this area were also recommendatory authorities for the said proposal. Hence there is a conflict of interest. Further the same area was recorded as **involute areas** during 2007 by the same officers. Why the earlier stand is changed? This matter should be further enquired.

It is stated here that the Principal Chief Conservator of Forest and State Government have not recommended the proposal considering the sensitivity of the area and on other various grounds as discussed in this chapter.

22. Recommendation:—

- 1)** It is therefore, recommended to reconsider the Stage I approval of diversion of forest land and also the approvals accorded under the Section 5(1) of MMDR Act, 1957, should be withdrawn.

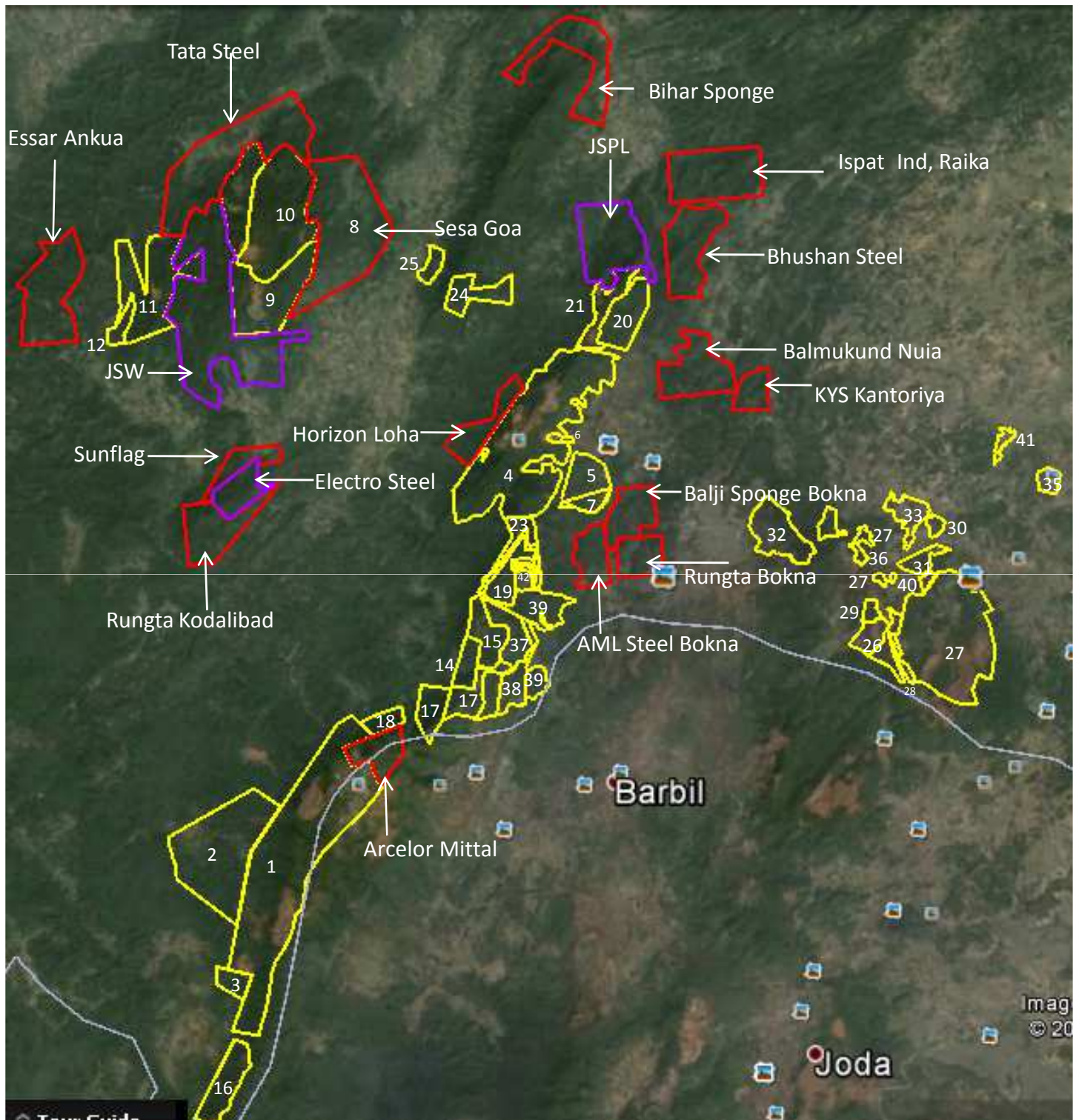
2) Out of 512.56 ha., 323.18 is only iron ore reserve:—

In any case, out of the proposed lease area contains an area of 323.18 ha. iron ore bearing reserve deposited (site specific) and the remaining 115.75 ha non-iron bearing area (non site specific). It is to state that only the area which is having the reserve deposits may have been considered as site specific project and the remaining areas should not have been considered as site specific. All the mining activities (non site specific) can be done somewhere else also. In the area of 323.18 ha, the mining can be easily done in phased manner. During the approval of this proposal, this aspect has not at all been considered. As pointed out in similar cases FAC does not have an expert member on mining/geology, observed as demerit for the formation of FAC. **This does not mean that Commission is advocating for grant of part lease land.**

3) Action should be initiated against all the concerned as stated in this Chapter.

* * *

LOCATION OF EXISTING, PROPOSED AND STAGE-I MINING LEASES IN WEST SINGBHUM DISTRICT.



Existing old Leases



Proposed leases



Proposed leases where Stage-I approval granted

Usha Martin Limited**Vijay – II Iron Ore Mine – Ghatkuri**

- i.** Usha Martin Limited (formerly Usha Beltron Ltd.) used to be the manufacturer of the wire ropes. The lessee submits that the steel required for wire ropes is produced by miniblast furnace of two lakh tonnes annual capacity. The plant is situated at Gamaharia, (near Jamshedpur), in Saraikela, Kharswan District of Jharkhand. The company is intending to expand its business by integration of acquiring iron ore mines and coal blocks in association with IFC Washington. He further submits that the company has drawn up a programme to produce about 5 lakh tonnes of sponge iron and about 3 lakhs tonnes of pig iron from its steel making unit. The proposed Vijay-II Iron Mine is a part of this Endeavour to produce required quantity and quality of iron ore as feed for MBF & DRI plants. It is observed here that the M/s Usha Martin Ltd. is not exclusively holding the Steel plants and require further investigation.
- ii.** The original lease application was filed in the name of M/s. Usha Martin Industries, which was a division of M/s. Usha Beltron Ltd. The name of company has since been changed to 'M/s. Usha Martin Limited', during the process of grant of lease.

- iii. The mining activities are part & parcel of M/s. Usha Martin Limited as a division of the Company.

Grant of Mining lease under MMDR Act, 1957.

Grant of Vijay-II Iron Ore Mine, Village Ghatkuri, Tehsil: Noamundi, District: West Singhbhum, Jharkhand.

1. The Bihar State Government issued a Notification No.1906 M dated 26th December, 1985 (Published in Bihar gazette on 08/01/1986) for inviting applications to grant of Mining lease in the village Ghatkuri as per Rule 59 of MCR, 1960. The notification is reproduced hereunder:—

बिहार गजट, 8 जनवरी 1986

26 दिसम्बर 1985

सं० 1906 – एम० – जनसाधारण को सूचना दी जाती है कि सर्वश्री ठाकुर प्रसाद साव द्वारा धारित लोह अयस्क का खनन पट्टा के नवीकरण की स्वीकृति हेतु आवेदन-पत्र राज्य सरकार द्वारा अस्वीकृत कर दीये जाने के फलस्वरूप एम० सी० रूल्स, 1960 के नियम 59 के धारित खनन पट्ट पर धारित क्षेत्र, जिसका विवरण नीचे दिया गया है, यह बिहार राजपत्र में प्रकाशित होने की तिथि से 30 दिनों के पश्चात बन्दोबस्ती के लिए रिक्त होगा।

जिन व्यक्तियों या कम्पनियों के पास राज्य सरकार का मान्य अनुमोदन प्रमाण-पत्र है वे खनिज रियायत की स्वीकृति हेतु आवेदन कर सकते हैं। पूर्ण जानकारी हेतु अधीहस्ताक्षरी के कार्यालय से कार्यालय के दिन सम्पर्क स्थापित कर सकते हैं।

क्षेत्र विवरण

ग्राम	–	घाटकुडी (सरण्डा रक्षित वन प्रमंडल)
रकबा	–	383.20 एकड़
थाना	–	कोल्हान
सबडिवीजन	–	सदर चाईबासा
जिला	–	सिंहभूम
दिनांक:		26 दिसम्बर 1985

नमोनाथ झा

जिला खनन पदाधिकारी।

2. The said notified area was earlier held by Shri Thakur Prasad Sao and made free by rejection of his renewal application under the deemed refusal provisions of Rule 24A of MCR, 1960.
3. In connection with veracity of notification dated 26.12.1985, the Rule 59 of MCR 1960 is inter-alia reproduced as under:–

59. Availability of area for re-grant to be notified:-

5[(1) No area –

- (a) **which was previously held or which is being held under a Reconnaissance permit or a prospecting licence or a mining lease ; or**
- (b) which has been reserved by the Government or any local authority for any purpose other than mining ; or
- (c) in respect of which the order granting a permit or licence or lease has been revoked under Sub-rule (1) of Rule 7A or Sub-rule (1) of Rule 15 or Sub-rule (1) of Rule 31, as the case may be; or
- (d) in respect of which a notification has been issued under the Sub-section (2) or Sub-section (4) of Section 17; or
- (e) which has been reserved by the State Government or under Section 17A of the Act;

shall be available for grant unless –

- (i) _____
- (ii) **the availability of the area for grant is notified in the Official Gazette and**

specifying a date (being a date not earlier than thirty days from the date of the publication of such notification in the Official Gazette) from which such area shall be available for grant:

.....

.....

4. The Central Government may, for reasons to be recorded in writing relax the provisions of sub-rule (1) in any special case.

On careful examination of Rule 59 of MCR, 1960, it is clearly stated that, **“the availability of the area for grant is notified in the Official Gazette and specifying a date (being a date not earlier than thirty days from the date of the publication of such notification in the Official Gazette) from which such area shall be available for grant”** meaning thereby that closing date of receipt of application shall invariably be stated. But in the notification issued on 08.01.1986 the closing date for receipt of applications was not mentioned and kept open for infinitely. There was a willful violation of Rule 59 of the MCR, 1960 in its letter and spirit of the said Rule. The notification suffers with proper application of provisions of law hence should be considered as void and no effect. Any subsequent

action on this faulty notification would also be null and void.

5. As per noting of Ranjan Singh, Under Secretary dated 14.11.1998 and noting of Shri S.K. Ghosh (Additional Secretary) dated 13.01.1999 the following applications were received.

In reference to this notification, six applications were received as detailed below:

Sr. No.	Name of Applicant	Date of application
1	Shri Ravindra Kumar Sao	07/02/1986
2	Shri Sandip Kumar Sao	08/02/1986
3	M/s. Misrilal Mines Pvt. Ltd.	08/02/1986
4	Shri Ravindra Kumar	08/02/1986
5	M/s. Amar Shakti Industries	07/10/1994
6	M/s. Usha Martin Industries	19/01/1998

It is noted that the application of M/s. Usha Martin Industries was the last application considered after a gap of 12 years.

6. Out of these six applications, application of **Shri Ravindra Kumar Sao was rejected** at district level itself as application was not complete as per rule.

As per noting of Shri I.D. Paswan, Director (Mines) dated 09.04.2003 and noting of Shri S.P.

Singh (Under Secretary) dated 21.05.2003 the matter was decided as under.

- 7.** Applicant, M/s. Amar Shakti Industries, remain absent during hearing on 09.04.2003.
- 8.** Applicant, Shri Ravindra Kumar also remain absent during hearing on 09.04.2003.
- 9.** District Mining Officer, Chaibasa remain present in hearing and submitted establishment of Mineral base industries and financial investment to be considered for deciding the priority among other applicant.
- 10.** Applicant Shri Sandip Kumar Sao made following submission on 09.04.2003;
 - In the hearing he has represented that he is the first applicant as per rule,
 - Applicant submitted that he has started diversion procedure (Purvanumodan) under Section 2 of F.C. Act, 1980 but consent was not granted by MoEF,
 - Regarding Mineral development in the State no submission was made by applicant
 - In case of more than one application in particular area there is provision in the

rule. But no submission made by applicant.

11. Applicant M/s. Misrilal Mines Pvt. Ltd made the following submission on 09.04.2003;

- In the hearing he has represented that he is the first applicant as per rule,
- Applicant company has approached to the revisional authority, MOM – GOI, as State Government has not decided his application within time limit. Revisional authority has directed the state govt. to decide the application on merit.
- Applicant company also submit that he will also establish the mineral bases industries in the State. And he is also financial capable of establishing the industries. He is also ready to invest any amount to mining and industries if lease is granted to him.
- Applicant company already appointed experience technical man power,

12. The applicant company M/s. Usha Martin Industries made following submission during hearing on 09.04.2003;

- Company submitted his CSR work related with School, college, Hospital, Community centre, blood bank etc. ... in the state,
- Company submitted to decide his case on priority basis under Rule 11(3) of MMDR Act, 1957.
- Company submitted that, they are operating Mini Blast furnace Plant at Gamharia. The Plant annual production capacity is about 2,00,000 MTPA and requirement of iron ore is about 3,20,000 MTPA. Another cast iron plant of 1.25 lakh MT capacity are under preparation stage which would require additional 4.0 lakh ton of iron ore per year. As such total requirement of Iron ore would be 7.5 lakh tonne per year.
- Company submitted that, as per state industry policy, priority should be given to the company which will establish mineral base industries in the State of Jharkhand.
- Company submits to decide his application on priority basis under rule 11 (3) & 11 (4) of MMDR Act, 1957. Presently company faces serious crisis of Iron ore.
- Company is second largest investor group in the State with annual net worth 460 crore and also technically associated with Central

Govt. Organisation like MECL, BIT – Mesra, BRGM – UNFC etc...

- Company also proposed for signing MOU with state government for 600 crore.
- Company also taken a loan of Rs.114 Crore from IFC – Washington for establishing Sponge Iron plant in Jharkhand.
- Company also submitted mining plan proposal to IBM. Company also started procedure for obtaining NOC from JSPC Board.
- Company also started procedure (Purvanumodan) for diversion of Reserve forest under FC Act, 1980 and also identified land for Compensatory afforestation.

13. While comparing the above submission, following submission are recorded in the noting of **Director (Mr. I.D. Paswan) dated 09.04.2003 and Deputy secretary (Mr. S. P. Singh) dated 02.05.2003** to give advantage to **M/s. Usha Martin Co.**

- While deciding priority on the basis of Rule 11 of MMDR Act, 1957 case of M/s. Usha Martin is stronger than other because company already holding

mineral bases industries in the state and due to non availability of raw iron ore, production capacity is badly affected. But as per the fact it is not true. Because other company like **M/s. Misrilal Mines Pvt. Ltd.** was also equally eligible in the same category.

- For grant of lease of this area, Mr. Sandip Sao has filed revision petition before the MOM- GOI. After that he has also filed petition in Patna High Court (CJC no. 1920/87(IR). High court issued order dated 29/11/1995 to decide the case within six months also mentioned that approval under Sec.2 of F.C. Act, 1980 if required, should also be obtained. **M/s Misrilal Mines Pvt. Ltd.** had also filed petition in the High Court, Patna.
- All the three applicants appeared for hearing has said that they have started follow up action to obtain FC approval under F.C. Act, 1980. It is stated that the process of FC approval can't be initiated till the applicant is decided under MMDR Act, 1957 for grant of lease. But it is claimed that the M/s. Usha Martin case was stronger than others as it has started the process

(Purvanumodan) for diversion of Reserve forest land under F.C. Act, 1980 and further claimed of having also identified land for Compensatory afforestation.

➤ **This can't be legally correct, as FC approval procedure can not be started prior to selection of applicant by competent authority to grant lease by State Government. Also the same thing would be applicable to Mining Plan and other statutory clearances.**

14. With the above information M/s. Usha Martin was decided on priority as per the following two reasons,

- (i)** M/s. Usha Martine is already holding mineral based industries in the State and due to non availability of raw iron ore, production capacity is badly affected. Company is also planning for **“expansion of existing Sponge iron plant”**
- (ii)** This lease grant would be for **“captive purpose”** only.

On the above grounds its application was referred to the MOM-GOI

for approval under Section 5 & Section 11 (5) of MMDR Act, 1957. Accordingly MOM-GOI accorded his prior approval under Section 5 & Section 11 (5) of MMDR Act, 1957 on 07.11.2003.

15. In the file noting dated 17.12.2004 of **Secretary submitted to Chief Minister** it is clearly mentioned that priority of M/s. Usha Martin is given only on the basis of that company faces crisis of iron ore for their existing plant and they will use this iron ore for its own industries. But reason best known to authority this **condition was not stated in the Letter of Intent & also in the grant order no. kh.ni.-3/BM-4-7/98/476/m/Ranchi/, dated 22.03.2005.**

16. The Application submitted by M/s. Usha Martin on 19.11.1998 in Form-I, under MCR, 1960, following information were submitted by the Company,

- Point.3 (iii) (b) : In case the applicant is a Public Limited Company, Nationality of its directors, the percentage of share capital held in Indian nationals along with its place of incorporation and copy of certificate of incorporation : : as per the submission of the company following were the directors of company at that point of time ...

In the annexure list of application at sr. no. 10 it was mentioned as.

1. Mr. J.A. Kennedy, Nationality: British

➤ At Point.3 (XIX) the manner in which the mineral raised is to be utilised : **for captive use at** our plant in Gamharia, district. Singhbhum (W) for making pig iron in mini blast furnace already in operation.

Hence with the above there is violation of Section 5(a) of MMDR Act, 1957.

Company has submitted undertaking on 17.01.1998 as under:-

“That the iron ore will be used only for our captive plant, i.e. this mine will be our captive source for the plant which is at a distance of about 130 km from Badajamda railway station.”

- 17.** This under taking was not stated in **Cabinet Note of Govt. of Jharkhand** for the approval by Mine department. There fore the word captive was not included in the mine lease deed. **Copy of Submission** of cabinet note is enclosed as **Annexure: A.**

- 18.** Commission has also received a complaint from Mr. P. K. Gupta dated 11.05.2012 in which he has stated that the undertaking was also not produced before the Hon'ble High court of Jharkhand. The above fact shows that Mine department may have misguided the Cabinet and the High Court, both. This requires further investigation.
- 19.** As per the order No. NCR/RN/91621 dated 1st May 2003 the name of the said Company has been changed from M/s. Usha Martin Industries to M/s. Usha Martine Ltd. Mining lease application of 1998 was filed in the name of M/s. Usha Martin Industries Ltd.
- 20.** The Ministry of Mines, Government of India vide their letter of intent No.-5/27/2003-M.IV dated 07.11.2003 has informed the Government of Jharkhand about the approval of the Central Govt. under Section 5(1) of the Mines and Minerals (Development and Regulation) Act, 1957 to grant the mining lease for iron and manganese ore over an area of 383.20 acres (155.078 ha.) to M/s. Usha Martin Industries Ltd. for a period of 20 years. Accordingly, Director of Mines, Government of Jharkhand vide letter No.160 M Ranchi, dated 16.02.2004 directed M/s. Usha Martin Industries Ltd., Ranchi to get Mining Plan duly approved and obtain Environmental

Clearance and Forest Diversion approval so that grant of lease can legally be approved. Since Mining Plan approved by the Indian Bureau of Mines under Rule – 22 of the MCDR, 1988 is one of the essential documents required for the grant of the mining lease. The State Government granted the lease vide Notification No. 476 dated 22.03.2005 for 155.078 ha.

Forest Land:

The whole of 155.078 ha. mining lease area is located in the Ghatkuri Reserved Forest. It is claimed that 11.97 ha. were broken before 25th October, 1980 when the Forest (Conservation) Act, 1980 became Law. But there is no record produced in this regard. Moreover, it is observed that the lease was granted only in 2005. The justification for broken-up area before 1980 which was identified in 2003 (after a gap of 23 years) is totally unacceptable. The natural vegetation and tree growth in the area also confirms that this area should not have been treated as broken up area.

The location of the lease area is strategically very important because it closes the gap of 1.6 km (arial distance) between the leases of Devki Bhai Valji and SAIL Gua. By grant of this mining lease it has completely blocked the free movements of wild animals

from East to West and Vice-versa. The location of the lease is bad in wildlife management point of view. It has completely bifurcated the area into two halves. The lease should not have been granted. The Forest Department had totally failed to observe this critical issue. The location of the lease as per satellite images is enclosed as Annexure-I.

Life of Mine:

The estimated proved and probable reserves of 5.9 million tons in Sector-I mineralized zone area with 5.00 lakh tones per annum production from 4th year to 7th year and 8.5 lakh tonnes per annum from eight year onward, will last for 11 years. However, deep borehole core drilling exploration proposed in Sector-I and Sector-II mineralized zone may prove further increase in reserves and thus the life of this mine will get further increased. But the question is how much?

First FC Clearance:-

From the records submitted by the PCCF, Jarkhand, it is noted that a proposal for diversion of Forest land was submitted by one Shri S.C. Verma on 14.02.2003 on behalf of **M/s. Usha Martin Industries Ltd. i.e. almost 9 months before the approval accorded under Section 5(1) of the MMDR Act, 1957, by Govt. of India.**

The Director of Mines has informed to M/s. Usha Martin Industries on 16.02.2004 that his application has been selected in principle to recommend to Government of India for approval.

After receipt of the proposal, it is surprised to note that the Dy.CF has processed the proposal for diversion of forest land and submitted it with recommendations to the Conservator of Forest on 05.08.2003 though there was no lease at that point of time. It is pertinent to note here that on this date (05.08.2003) there was no any kind of approval of the lease or letter of intent in favour of the applicant – M/s. Usha Martin Industries. It is learnt that two other user agencies have also submitted the proposal for diversion of forest land. The fate of those proposals for the same area is not known. It is noted that Dy. CF is not the authority to decide the lease under the MMDR Act, 1957 and cannot process the application when there is no cause of action arisen. By doing so he has misused the power and authority and extended undue favour to the applicant. It is not known whether proposal was transferred from the Nodal Officer to him. Such type of process of proposal for diversion of forest land in favour of a person who has not been granted lease has made additional pressure to grant the lease in such a strategic location. It seems that the forest

department was very eager to grant the forest area of a density as high as 0.9 (as reported by Dy. FC in Part-II). The reasons best known to him.

On perusal of Part-II of the proposal, it is noted that the area was proposed in Compartment Nos.G-33, G-29, G-30, G-26, G-23, G-25, G-24 and G-28. It is further noted that the DCF has not enumerated the trees inside the proposed area and also no land for compensatory afforestation was identified by the lessee at that time and did not attach along with the proposal. The DCF reports that the area in question is very important from wildlife point of view and it forms the part of Singhbhum Elephant Reserve notified on 24.03.2001.

The DCF further states that the area is of special importance from wildlife management point of view. But at the same time, he recommended the project with so called some mitigation measures.

It is further noted that the user agency has intentionally applied for diversion of forest land twice in two phases. The first phase he applied only for an area of 29.4648 ha. out of total proposed lease area of 155.078 ha. The same was approved by RCCF, Bhubaneswar. Hence, during the grant of Mining lease under MMDR Act, 1957

by State Government on 22.03.2005 it was only 29.4648 ha. approved area under FCA, 1980. The rest of the area (125.6132 ha.) was not approved. It is pointed out here that the lease cannot be granted in favour of applicant for the forest areas which have not been diverted under Section 2 of the FCA, 1980. If doing so, it was a flagrant violation of Section 2 (iii) of the FCA, 1980. **It is made clear that in the present case, the lease for an area of 125.6132 ha. has been illegally granted under the MMDR Act, 1957 in violation of Section 2(iii) of the F.C. Act, 1980.**

It is noted from Part-III of the proposal submitted by the Conservator of Forest after having inspection on 07.10.2003 (that too even before approval under Section 5(1) of the MMDRA, 1957 from Ministry of Mines, Government of India) emphasized the importance of the area from wildlife point of view but he has also recommended the proposal for consideration with certain conditions which do not find place in the approval accorded by the Government of India, MoEF. Even having all adverse factors against forest and wildlife, the proposal was recommended. Why did the proposal process for the part area ? To grant the lease for entire area it was supposed to be diverted the entire area under

Section 2(ii) as required under Section 2(iii) of the F.C. Act, 1980.

The Regional Chief Conservator of Forest who has inspected the area on 29.12.2003 has also emphasized the importance of the area from the forest point of view as well as wildlife management point of view but he too recommend the project.

It is pertinent to note here that the basic requirements for any wildlife habitat is not to allow fragmentation of the area. This has not been taken into consideration in this case. Because of this lease, a permanent barrier has been created which has stopped completely the movement of wild animals from East to West and vice versa **(Annexure-I)**. Due to grant of this mining lease just for a life span of 11 years or so of the lease, the department authorities have created permanent barrier between the East and West of the wildlife habitat area and extended the barrier for 34.00 km (aireal distance). The 1.6 km open area between the SAIL Gua lease and Devika Bhai lease is closed due to this lease. This is clear from the **Annexure-I**.

It is to state here that any proposed mitigation measures would not substantiate the damage caused to fragmentation of the habitat due to mining. The measures suggested by the

Forest Department are very ordinary in nature and even that too hardly complied with. No any kind of study was done of the area at that point of time.

For the conservation of forest, the Forest (Conservation) Act, 1980 was brought into force with effect from 25.10.1980 by an Act 69 of 1980. The said Act has been amended by adding Sub-section (iii) of Section 2 with effect from 15.03.1989 to prohibit any State Government or any other authority to assign forest land by way of lease or otherwise to any private party or any authority, corporation, agency or any organization not owned or controlled by the Government. In the present case this has been violated for an area of 125.6132 ha. (the area for which no FC approval was not obtained but the lease was granted under MMDR Act, 1957.

The relevant part of the Act is reproduced as under:—

“2. Restriction on the dereservation of forests or use of forest land for non-forest purpose.

Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority

shall make, except with the prior approval of the Central Government, any order directing—

- (i) that any reserved forest (within the meaning of the expression "reserved forest" in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved;*
- (ii) that any forest land or any portion thereof may be used for any non-forest purpose;*
- (iii) that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organisation not owned, managed or controlled by Government;*
- (iv) that any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for reafforestation.*

Explanation – *For the purpose of this section, "non-forest purpose" means the breaking up or clearing of any forest land or portion thereof for—*

- (a) the cultivation of tea, coffee, spices, rubber, palms, oil-bearing*

plants, horticultural crops or medicinal plants;

(b) any purpose other than reafforestation;

but does not include any work relating or ancillary to conservation, development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.”

In the present matter, grant of mining lease for an area of 383.20 Acres (155.078 ha.) of forest land has been accorded by the State Government vide Notification No.476 dated 22.03.2005 for an area of 155.078 ha.

Hence, an area of 125.6038ha. has been granted as lease under MMDRA, 1957 in violation of Section 2(iii) of the F.C. Act, 1980.

It is pertinent to note here that the approval under the FCA, 1980 was taken only for 29.4648 ha. of the forest land and remaining forest land

has not been diverted under the FCA, 1980. Hence, it is a clear violation of Section 2 (iii) of the FCA, 1980.

Surprisingly, in the approval accorded on 12.07.2005 MoEF has added Condition No.(xiv) by ignoring the facts that no lease can be granted without prior approval under the FCA, 1980. Hence, MoEF is also equally responsible for allowing to grant of the forest land to an extent of 125.6132 ha. in violation of Section 2(iii) of the said Act. It is noted here that the provisions of the FCA are misused for the convenience by imposing a condition like (xiv) in FC approval dated 12.07.2005.

The condition (xiv) is reproduced as under:–

“Only 29.4648 ha. forest land shall be diverted in favour of user agency for mining and related activities as proposed and rest of the forest area in the leasehold will be in possession of Forest Department and the user agency shall extend all required infrastructural assistance to the State Forest Department, if need, in its protection, conservation and enrichment.”

Further, it is noted here that a note put up for the Cabinet approval, the para at part ख (kha)

was also not in conformity with Section 2(iii) of the FCA, 1980.

For the above both violations, action should be taken under Sections 3(A) and 3(B) of the FCA, 1980 against all those who are responsible in this matter. The State Government and Central Government should identify all officers and others and to take action under the FCA, 1980.

It is further noted here that approval given for an area of 117.0059 ha. (total lease area was 155.078 ha) on 09.11.2012, surprisingly, there is no mention regarding violation under Section 2(iii) of the FCA, 1980.

From the records submitted by the PCCF, Jharkhand, it is observed that the process of diversion of the forest land has been initiated even much before approval of the mining lease u/s 5 (1) of the MMDR Act, 1957 (dated 07.11.2003).

Second FC Clearance:-

The State Government has submitted the second proposal for diversion of forest land of an area of 117.0059 ha. in favour of M/s. Usha Martin Limited, Vijaya-II Iron Ore Mines in Ghatkuri Reserve Forest on 29.05.2010. The

State Government has recommended the proposal. It is observed here that the State Government has already granted the mining lease under MMDR Act, 1957 for an area of 155.078 ha. without having diversion under FCA, 1980 at that point of time in violation of the Section 2(iii) of the said Act (FCA, 1980). On perusal of the complete file it is noted that neither the State Government nor the Central Government has taken note of it. They have processed the proposal in complete disregard of the law and finally granted the diversion of the forest land under the FCA, 1980 without pointing out the violation under Section 2(iii) of FCA, 1980.

It is observed that the FCA, 1980 is used for the convenience and had been diluted to a large extent by framing various guidelines not in commensurate with the Act and Rule framed thereunder. This has already been pointed out in the report of Orissa by the Commission.

After the receipt of the proposal in the MoEF, a note was put in the file no.8-88/2007-FC(part) on 23.12.2010. The inspection report has been called from the Regional Office, Bhubaneshwar and the same was received.

F.No.8-88/2007-FC

Fact Sheet

1.	<i>Name of Proposal</i>	<i>Diversion of additional 117.0059 (total lease area 155.078 ha.) of forest land for Vijay-II Iron Ore mining project in favour of M/s. Usha Martin Private Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.</i>
3.	<i>Particulars of Forests</i>	
	<i>a) Name of Forest Division</i>	<i>Saranda Forest Division</i>
	<i>b) Forest area involved</i>	<i>117.0059 ha.</i>
	<i>c) Legal Status/Sy. No.</i>	<i>Reserve Forest & notified as core area of Singhbhum Elephant Reserve</i>
	<i>d) Map</i>	<i>Enclosed (p-536/c)</i>
5.	<i>(i) Vegetation</i>	<i>Aasan, Bel, Bija, Amla, Gamhar, Haldu, Jamun, Mahua, Rai, Tija, Sal, Semal, Chatni, Dola, Kusum, Pipal at p-274 to 291/c.</i>
	<i>(ii) No. of trees which will be affected.</i>	<i>50,545 trees.</i>
	<i>(iii) Density</i>	<i>0.5 to 0.7</i>
6.	<i>Whether area is significant from wildlife point of view.</i>	<i>The entire forest area of Saranda Forest division including the proposed mining lease area has been notified as core area of Singhbhum Elephant Reserve. The Saranda forest is considered to be one of the finest habitats for elephants.</i>

Other remarks:-

1. The proposed lease area involving 155.078 ha. of forest land is located in the Ghatkuri Reserved Forest in Saranda Forest Division in Jharkhand.
2. So far, 29.4648 ha. of forest area has already been diverted vide RO, Bhubaneswar letter No.12(21)51/2004-FCE dated 12.07.2005.
3. The instant proposal is for diversion of additional area of 117.0059 ha. to be mined during next 20 years.
4. Item-wise break-up of the forest land ((in ha.) proposed for renewal is given below at p-44/c.

Sr. No.	Purpose	Already diverted	Proposed to be diverted	Total
(i)	Mining and its ancillary works	23.6878	114.3059	137.9937
(ii)	Overburden/dump	4.1170	–	4.1170
(iii)	Roads	1.660	2.7000	4.3600
(iv)	Infrastructure (store, workshop, veh/shed)	–	(0.30 included in mining area)	–
(v)	Mineral separation plant with generators	–	(1.25 included in mining area)	–
(vi)	Ropeway	–	(1.2 included in mining area)	–
(vii)	Weigh bridge-3 units	–	(0.05 included in mining area)	–
	Total	29.4648	117.0059	146.4707
	Green belt	–	8.6073	8.6073
	Grand Total	29.4648	125.6132	155.078

7. The area proposed for diversion is having hilly terrain with steep slopes covered completely with trees as well as ground vegetation. The area forms part of Singbhum Elephant Reserve.

Site Inspection Report:–

4. The wildlife found in the area includes Giant squirrel, Asiatic elephant, Sloth bear, Barking deer, etc. The entire forest of Saranda Forest Division including the proposed mining lease area has been notified as core area of Singbhum Elephant Reserve.
5. The wildlife found in the Saranda Forest includes Elephant, Tiger, Panther, Hyena, Wolf, Wild dog, Common Otter, Sambhar, Spotted deer, Barking deer, Sloth bear, Jackal, Fox, Monkey, Jungle cat, etc.
6. The density of the forest is reported to be between 0.5 to 0.7
7. The proposed mine is located in Ghatkuri reserve forest with Gua township towards north and Barajamda township towards east.
8. The other working mines around the proposed area are M/s. SAIL's Gua Iron Ore mines towards North-east, M/s. Devki Bhai Belji mines towards south and M/s. M.L. Jain mines towards south.

9. About 50,545 numbers of trees are required to be felled.

Below 60 cm girth: 34,196 no. of trees in the proposed area including green belt.

Above 60 cm girth : 16,349 no. of trees in the proposed area including green belt.

10. Important species are Gambhar, Garur, Gharing, Goinar, Goyor, Halda, Hama, Harmu, Harsingar, Sasandu, Hasing, Hosseyo, Jamun, Kaka, Kundeyar, Kanuar, Karam, Kasima, Kaatber, Kendu, Kayad, Kindo, Sal etc.
11. The CA has been proposed over equivalent non-forest area spread over in 7 villages. The details are as under:–

Village	Thana/ Thana No.	District	Area (in acre)
Chandwar	Panki/499	Palamau	99.51
Birdandh	Ranka/69	Garhwa	31.25
Bhauri	Ranka/41	Garhwa	26.79
Arraiya	Basia/133	Gumla	43.26
Putto	Ghagra/111	Gumla	40.00
Ratanpura	Birni/18	Giridih	60.00
Oskaya	Khanit	Khunti	49.41
		Total	346.22(140.11ha.)

It is observed here that the CA land proposed is in 7 villages at different places in 4 districts. Such type of CA would not be substitute to the kind of area of Saranda forest is diverted.

15. The proposal is for obtaining prior permission for the balance area, i.e. 125.6132 ha. of Vijay-II iron ore mine. Out of total lease of 155.078 ha. which is located in the Ghatkuri Reserved Forest, compartment no.31 of Saranda Forest Division of Singhbhum West District.
17. The CCF (central) while forwarding the proposal has recommended the following :
 - i. The Ghatkuri ridge : The 48 km long and 800 m high Ghatkuri ridge in the Saranda Forest, over which the present mine and also other mines are operating, is rich in iron ore deposit.
 - ii. The Saranda forest and the entire stretch of Ghatkuri range inhabit the prized and pristine Sal Forest of the country.
 - iii. **As per the available information from various quarters, the entire ridge will be mined out in the coming 30 years or so and the lowest level to which different mines shall go will be several hundred meters below the maximum level. In the**

process of mining over the entire areas there will be several benches from top to bottom for the entire stretch of the Ghatkuri ridge. The slender safety zones between the lease holders will come under mining towards the end of the mine life. The height of the each bench will be around 15–20 m, with a width of 15–20 m. So, it will be difficult for the animals including elephants to cross this artificial barrier even after the mines are reclaimed, as the basic nature of the benches will remain as such, though the area may be afforested.

With the above detailed note of Shri C.D. Singh the matter was placed before the FAC on 11.02.2011.

Proceedings of the FAC:–

G.No.8–88/2007 – FC (Pt)

Diversion of additional 117.0059 ha. (total lease 155.078 ha.) of forest land for Vijay-II Iron Ore mining project in favour of M/s. Usha Martin Private Limited in Saranda Forest Division in West Singhbhum district of Jharkhand (File No. 8-88/2007-FC(pt)).

The Committee considered the proposal of iron ore mining from Vijay-II project in the Ghatkuri RF in Saranda Forest Division and noted that this is an ongoing mine for which 29.4648 ha of forestland was diverted by RO, Bhubaneswar on 12.07.2005 and the instant proposal is for additional area for expansion of mine for its captive use. The mining has been proposed in phased manner about 66 ha. forests area will be used in first phase of 5 years, followed by 37 ha in next 5 years and remaining 11 ha. in last 5 years. The mineable reserve of 41 MT will be mined at an enhanced rate of 4 MTPA. It was noted that the proposed mine is surrounded by other working mines of M/s. SAIL's Gua Iron Ore mines towards north-East; M/s. Devki Bhai Belji mines towards south, and M/s. M.L. Jain mines towards south. The Committee further noted that the Environmental clearance dated 22.12.2008 has already been given. The Committee also noted that the entire forest area of Saranda Forest division including the proposed mining lease area has been notified as core area of Singhbhum Elephant Reserve and is considered to be one of the finest habitats for elephants and is ecologically very sensitive, rich in flora and fauna, and is the only un-fragmented forest having dense mixed forests. It was further noted that as a compliance to the conditions of FC clearance of 29.4648 ha, the project

proponent had already deposited Rs.81.03 lakhs as their contribution to Regional Habitat Management Plan (to be prepared by the CWLW) to mitigate the adverse impact of mining on the flora and fauna of the area. About 50,545 numbers of trees are required to be felled of which about 16,349 no. of trees have more than 60 cm girth. The CA has been proposed over equivalent non-forest land for which 139.83 ha. non-forest has already been identified and found suitable by the concerned DFO. The Committee listened to the presentation made by the user agency and noted that the coal evacuation have been proposed through aerial ropeway and closed conveyor belt and the mine trenches are so designated to avoid any flow of debris into the Koyna and Karo rivers.

The Committee, after discussing the proposal and taking into account the continuity of mining activities in the surrounding areas, recommended the proposal for diversion of additional forest land for mining of iron ore from Vijay – II mine on the following conditions.

- i. Standard conditions of CA and NPV;
- ii. Report on movement of wildlife in the area by a reputed person well conversant with the area such as Mr. RK Singh of WWF;

- iii. Proportionate contribution towards comprehensive wildlife conservation plan to be prepared in consultation with CWLW and WIL.
- iv. Reclaim and rehabilitate the mined out area with gentle negotiable slope of sufficient width so that connectivity is maintained beyond the ridge to allow animals to cross easily;
- v. Mine trenches to be designed to bring zero pollution to Karo & Koena rivers.
- vi. State Government to ensure that various mines are worked in such a way that the required elephant corridor / intermittent vegetation zones are always maintained without any long gap / disturbances.

Obtained over Email (Dr. Ullas Karanth) Member	Obtained over Email (Dr. Mahesh Rangrajan) Member	Obtained over Email (Dr. Amita Baviskar) Member
(Ansar Ahmed) IGF (FC) Member Secretary	<i>Not attended</i> (Dr. A.K. Bansal) ADGF (FC) Member	Vacant Addl. Commissioner Soil Conservation Member
Sd. (Dr. P.J. Dilip Kumar) DGF & SS Chairman		

On perusal of the minutes of the FAC dated 11.02.2011, it is noted that FAC was completely failed to observe the violation of Section 2(iii) of FCA, 1980. Action should be initiated accordingly.

Recommendations of the forest advisory committee in its meeting held on 11.02.2011

Diversion of additional 117.0059 ha (total lease 155.078 ha) of forest land for Vijay-II Iron Ore mining project in favour of M/s. Usha Martin Private Limited in Saranda Forest Division in West Singhbhum district of Jharkhand.

The Committee considered the proposal of iron ore mining from Vijay-II project in the Ghatkuri RF in Saranda Forest Division and noted that this is an ongoing mine for which 29.4648 ha of forestland was diverted by RO, Bhubaneswar on 12.07.2005 and the instant proposal is for additional area for expansion of mine for its captive use. The mining has been proposed in phased manner about 66 ha forests area will be used in first phase of 5 years, followed by 37 ha in next 5 years and remaining 11 ha in last 5 years. The mineable reserve of 41 MT will be mined at an enhanced rate of 4MTPA. It was noted that the proposed mine is surrounded by other working mines of M/s. SAIL's Gua Iron Ore mines towards north-East; M/s. Devki Bhai Belji mines towards south, and M/s. M.L. Jain mines towards south. The Committee further noted that the Environmental clearance dated 22/12/2008 has already been

given. The Committee also noted that the entire forest area of Saranda Forest division including the proposed mining lease area has been notified as core area of Singhbhum Elephant Reserve and is considered to be one of the finest habitats for elephants and is ecologically very sensitive, rich in flora and fauna, and is the only un-fragmented forest having dense mixed forests. It was further noted that as a compliance to the conditions of FC clearance of 29.4648 ha, the project proponent had already deposited Rs.81.03 lakhs as their contribution to Regional Habitat Management Plan (to be prepared by the CWLW) to mitigate the adverse impact of mining on the flora and fauna of the area. About 50,545 numbers of trees are required to be felled of which about 16,349 no. of trees have more than 60 cm girth. The CA has been proposed over equivalent non-forest land for which 139.83 ha non-forest has already been identified and found suitable by the concerned DFO. The Committee listened to the presentation made by the user agency and noted that the coal evacuation have been proposed through aerial ropeway and closed conveyor belt and the mine trenches are so designated to avoid any flow of debris into the Koyna and Karo rivers.

After discussing the proposal in detail and taking into account the continuity of mining

activities in the surrounding areas, the FAC recommended the proposal for diversion of additional 117.0059 ha of forest land for Vijay – II Iron Ore mining project in favour of M/s. Usha Martin Private Limited in Saranda Forest Division in West Singhbhum district of Jharkhand subject to fulfillment of the prescribed conditions.

After going through the proceedings of the FAC dated 11/2/2011 and also the report of CCF Regional Office, the proposal of Forest Department, it is noted that most crucial issue i.e. the strategic location of this project has been left unnoticed. Grant of this lease has caused to create a barrier by linking the SAIL Gua mine (north east) to Devki Bhai Belji mine (south). This has resulted into stoppage of free movement of wild animals East to West and vice versa. The free passage is now completely blocked by a **linier barrier** of 35 Km. length (north to south) by granting this mine. Because of grant of this mine, there is continuous mines on the ridges of 35.00 Kms. distance from north of Rungta Mines to the South of Shah Bros. Not only this, the barrier further extended by linkup mines of SAIL in Orissa State. Hence there would likely be discontinuity of gene pool flow. Long run damage has been generated apart from the violation of Section 2(iii) of FCA, 1980.

The recommendation of FAC was submitted with a note among others as under for approval of Hon'ble Minsiter. The note was approved by DGF & SS.

12. The State Government shall submit a copy of the study on impact of various projects that are coming up in West Singhbhum on the wildlife and forest habitat before the state-II clearance.

MEF approved with the additional condition that on equivalent amount of degraded forest land were also be regenerated at the campus of Usha Martin Private Limited.

Sd/-

MEF

24/2/11

The Hon'ble Minister approved the proposal as above.

After having approved by MEF, the Stage-I approval was sent on 25.2.2011 to the State Government for compliance of the conditions.

Dr. R.K. Singh in his letter dated 04.06.12 has, inter alia, stated that he has noticed no attempt by the expert committee to look into Wildlife movement aspect around the mining lease under consideration here and that no field

data has been collected. It may be noted that the study of wildlife movement itself was mandated in the stage-I clearance. **It has further been stated that the location where the diversion of forest land is sought is very important in the terms of elephant movement.** He has backed this statement with his study during pursuing for Ph.D. Dr. Singh feels that a committee comprising of Ministry of officials and experts conversant in local ecology may undertake a 4–5 days visit and suggest site specific actionable/protective measures before grant of final clearance.

Taking note of above fact this Ministry has requested Dr. R.K. Singh to visit the area and submit a report to this Ministry. Dr. R.K. Singh vide his letter dated 12/10/2012 has submitted report on study of wildlife in the proposed area. Based on his findings during the visit; Dr. R.K. Singh has made following recommendations to conserve environment and ecological importance of the area with special reference to Wildlife.

- (1) *M/s. Usha Martin will set up a full-fledged forest and wildlife management team at mining site for environmental /ecological conservation of area as corporate environmental responsibility in accordance with guidelines of MOEF.*

- (2) *State forest department with the support of M/s. Usha Martin will further undertake an intensive survey through suitable scientific method such as camera trapping to ascertain the presence of Four-horned antelope outside their mining lease under the supervision of a wildlife expert. If the presence of Four-horned antelope is confirmed then the compartment Nos. 26, 28 and 29 of Ghatkuri Reserve Forest should be fenced by chain link. Availability of clean water throughout the year and adequate fire control measures in fenced area must be ensured till the sizable population of animal is achieved. Regular patrol must be ensured through community participation.*
- (3) *M/s. Usha Martin will provide a four wheel drive vehicle to Gua Range to facilitate the frontline field staff for regular patrolling of area. The monthly running cost needs to be met on proportionate basis by all three mines i.e. M/s. Usha Martin Ltd; M/s. Devkibhai Vheljee and M/s. M.L. Jain and Sons.*
- (4) *M/s. Usha Martin will support in-situ capacity building program for forest officials and local community on topics like wildlife monitoring, crime prevention, habitat management, law enforcement etc.*

- (5) *M/s. Usha Martin and other lessee will celebrate wildlife week to create awareness programme amongst their staff and transporters for ecological and wildlife conservation of Saranda like Mines Environment and Mineral Conservation week which is celebrated every year by every mines under the aegis of Regional Controller of Mines, Indian Bureau of Mines, Kolkata Region.*
- (6) *M/s. Usha Martin and others will up skill the knowledge of their mines manager, environmental consultants and local forest officials towards best practices in mining like progressive mining and successive reclamation through exposure visits and training.*
- (7) *Only working mining pits needs to be properly fenced instead of creating a linear barrier for wildlife movement through fencing of safety zone around the whole mining leases.*
- (8) *GIS tool needs to be used to implement mining and reclamation plan. Progressive mine closure plan to be prepared so that reclamation should progress along with mining. In reclamation process the pioneer succession species needs to be identified*

from abandoned area and the same species should be considered for restoration.

- (9) Adequate water sprinkling system needs to be ensured along the entire haul road within the mines. Proper dust suppression chemicals to be used while sprinkling the water to minimize the dust load in ambient air.*
- (10) Lessee should ensure plying of only Pollution under Control (PUC) vehicles in their lease area without the use of pressure horn.*
- (11) To prevent the silt and fines flow into river Koina and Karo, individual mines must construct suitable civil structure and the harvested rain water needs to be utilized in mines.*
- (12) Blasting in night at mines and night transportation of ore through public roads should not be allowed. Transportation of ore by truck/dumpers within the forest limit needs to be replacing with aerial mode in phased manner.*
- (13) Proper lighting system in the mine should be used to reduce the glare to open sky to facilitate the migration path of avifauna.*
- (14) Insulated power transmission cable to be used in stretches passing through forests and*

the transmission line to be aligned along the roads only.

- (15) All lessee should be made responsible to control fire in and around mining leases under.*
- (16) The supervision of state forest department.*
- (17) The earthen flank should be made available to facilitate the movement of wild animals by reducing the width of blacktop road from Chotanagra to Saddle forest check post.*
- (18) Paramilitary forces must be advised to consult local forest officials to put fires in forest area for making the visibility during combining operation and other purposes. Supply of LPG cylinder must be ensured by the local administration to discontinue the practice of large scale fire wood collection for cooking in the camp of paramilitary forces.*

It is to state here that to appoint Dr. R.K. Singh as an expert, was actually a suggestion of the project proponent. It is noted here that how user agency can suggest an expert of his own choice and also paid by them. No impartial report would be generated in such dealings. The Commission has observed that report of Dr. R. K. Singh is taken as final words in all matters. **Does it help in saving the Saranda Forest?**

After receipt of compliances of Stage-I and recommendation of Dr. R.K. Singh, a note was put up.

In view of the above recommendation of the Dr. R.K. Singh and the compliance report submitted by the State Government, if approved State-II approval may be accorded to subject to the condition that project proponent will comply all the conditions as recommended by Dr. R.K. Singh in his report on, on study of wildlife in the proposed area.

“The approval of Hon’ble MEF is solicited in respect of following:

- 1. Applicability of the guidance issued by Wildlife Division to the present proposal which is falling in Singhbhum Elephant Reserve.*
- 2. Payment by user agency on pro rata basis towards implementation of the Wildlife Management Plan with a condition that additional payment required if any after the plan is finalized shall be made by the user agency.*
- 3. Conditions suggested by Dr. R.K. Singh to be included as part of Stage-II approval.*

*Submitted for perusal and kind approval of
Hon'ble MEF please.*

Sd. C.J. Singh

TO-CF

12.10.2012"

"IGF(FC)

For kind consideration of Hon'ble MEF and further direction to issue stage II approval, with the relevant conditions of stage I approval and additional conditions suggested by Dr. R.K. Singh, WWF as listed on pages 26 – 27/N, apart from recovery of the proportionate cost of wildlife management plan, as mentioned at para (3) above and a direction with respect to 'A' above. This is also with reference to the Hon'ble MEF Office' endorsement dated 26/10/2012 for submission of the status note.

Sd.

(A.K. Srivastava)

Inspector General of Forests (FC)

26.10.2012

ADG(FC) on leave

Hon'ble MEF 'X' approved. Stage 2 approval granted.

Jayanthi Natarajan

02/11/12"

After the approval of MEF, Stage-II approval was accorded by MoEF on 09.11.2012.

M/s. Usha Martin Limited has given an undertaking for the captive consumption of ore against the lease grant of this area. The undertaking submitted by the company is reproduced as under:

Undertaking

1. That the Iron Ore will be used only for our Captive Plant, i.e., this mine will be our captive source for the Plant, which is at a distance of about 130 Kms. From Badajamda Railway Station.
2. That the Mining Plant will be prepared after the grant of lease and before execution of mining and also the D.R.P. (De Reservation Proposal).
3. That the area was worked prior 1980 i.e., before the enactment of Forest Act. (Forest Act has been enacted in the year 1980) (Exact date – 25.10.1980). Concept of Broker Area Map was not there at that time. However, enclosed Broken Area Map.

4. Shri N.C. Ojha has already been appointment as Mining Engineer and Shri Prashant Kuamr as Geologist.

For USHA MARTIN INDUSTRIES LTD.

Sd/–

(R.K. SONTHALIA)

PRESIDENT (WORKS)

The Commission has obtained the production data as per **Annexure: 9, Proforma B** from the lessee. As per the said Annexure, it is observed that the lessee has exported the quantity of 832397.24 MT from 2006–07 to 2009–10 in violation of undertaking filed by him. The value of quantity equivalent to the export quantity should be recovered from the lessee at the then prevailing market rates with applicable penalties. The data regarding production, self consumption, exports, etc. as submitted by the lessee is reproduced in **Table: A**.

Table: A Statement of Production, Dispatch, Domestic Consumption and Export (Metric Tonne) Year : 2006-07 to 2011-12								
Sr. No.	Year	Balance of Year	Production		Dispatch	Domestic consumption		Quarterly Export Quality
1	2	3	4	5	6	7	8	9
1	2006-07	111303.00	1) ROM	648571.18	ROM 627904.49	Transfer to own Plant at Jamshedpur	536254.20	56809.38
			2) OB/Waste/SUB -GRADE	240000.00		Sale from Mine division	66324.00	
						Sale from Jamshedpur	11199.51	0
						Sale from Kolkata	0	
2	2007-08	371969.69	1) ROM	649972.18	ROM 81681.63	Transfer to own Plant at Jamshedpur	581015.02	156460.48
			2) OB/Waste/SUB -GRADE	239960.00		Sale from Mine division	89072.00	
					Fines 122217.03	Sale from Jamshedpur	730.92	0
						Sale from Kolkata	0	

1	2	3	4	5	6	7	8	9
3	2008-09	509337.40	1) ROM	995629.63	SG 85111.59	Transfer to own Plant at Jamshedpur	686997.80	151914.57
			2) OB/Waste/SUB-GRADE	339948.00	CLO 732008.02	Sale from Mine division	306709.02	
					Fines 626868.37	Sale from Jamshedpur	56593.89	131975.00
						Sale from Kolkata	0	
4	2009-10	400927.42	1) ROM	1258029.61	SG 181178.47	Transfer to own Plant at Jamshedpur	658160.75	188735.81
			2) OB/Waste/SUB-GRADE	436998.47	CLO 623668.26	Sale from Mine division	152961.71	
					Fines 625148.23	Sale from Jamshedpur	74087.68	146502.00
						Sale from Kolkata	0	

1	2	3	4	5	6	7	8	9
5	2010-11	665960.54	1) ROM	1593087.05	SG 14333.81	Transfer to own Plant at Jamshedpur	1096572.21	0
			2) OB/Waste/SUB-GRADE	114333.81	CLO 814724.63	Sale from Mine division	0	
					Fines 598073.01	Sale from Jamshedpur	0	0
						Sale from Kolkata	0	
6	2011-12	846249.95	1) ROM	1476961.88	ROM 52340.33	Transfer to own Plant at Jamshedpur	1216457.29	0
			2) OB/Waste/SUB-GRADE	187880.31	SG 34643.91	Sale from Mine division	0	
					CLO 775138.01	Sale from Jamshedpur	0	0
					Fines 691764.73	Sale from Kolkata	0	
	Total			8181372.12			5533136.00	832397.24

Illegal expenditure for payments to naxals:-

A diary (note book) was seized by the police of Manoharpur Police Station, West Singhbhum on 21.08.2011 during **Operation Monsoon**. This diary was recovered from one of the naxals operating in the jungle – **Rongo**. The copy of this diary duly attested by Addl. S.P. (operation), West Singhbhum, Chaibasa has been submitted to this office by Income Tax Department.

Perusal of this diary shows that M/s. Usha Martin Ltd. pays levy to the naxals @ Rs60,00,000=00 (sixty lacs) per year as mentioned on the page no. 3 of the diary. At various entries in the diary, Usha Martin has been abbreviated by **“US” or “उषा”**. The entries in this regard are reproduced as under:

Page no. 1 of the diary is dated 31.08.2010 and mentioned as below:-

“1) रूंगटा का	28,00,000.00
2) उषा का	29,00,000.00
3) इंडीया का	<u>19,50,000.00</u>
	<u>76,50,000.00”</u>

Page no.3 of the diary mentions as below:

“दिनांक 16/10/2010 का प्राप्त राशी R.T का 28,00,000/- ये राशी जनवरी, फरवरी, मार्च, अप्रैल, मई 2010 का है।

“R.T प्रत्येक माह 6.50 लाख जमा देता है।”

“R.T का 2010 का पांच माह का 32,50,000/- जमा दिया।
पर 2L बड़ा घर गया और 2L50H दूरसंचार खरीद के लिए रखकर शेष
28,00,000/- का Anmol da के लिए 26 नवम्बर 2010 को भेज
दिया गया। 50H RT के पास बाकी।

Page no. 10 mentions as below:

“सालाना”

“उ. का	60,00,000.00
अशिर्वद का	60,00,000.00
रुंगटा का	78,00,000.00
आधुनिक का	<u>72,00,000.00</u>
	<u>2,70,00,000.00”</u>

Page no. 16 contains as below:

“दिनांक 16/10/2010 का –

US जनव., फर., मार्च 2011 का 15 L

RT जनव., फर. 2011 का 13 L

RT का 2H कम है।”

Page no. 17 contains as below:

“Manthali of Tax

(1) AK – 6.00 L

(2)	RT	–	6.50 L
(3)	Udi	–	5.00 L
(4)	Indicom	–	6.50 L
(5)	Ad	–	5.00 L
(6)	M Lal	–	2.00 L”

Page no. 18 contains as below:

“दिनांक 13/02/2011 को रूंगटा ने 20 लाख पेंचा में सुनील लाकर जमा दिया था। 2010 का।”

The Central and State Governments should take note of the above payments and initiate appropriate action. The Central Government should also check out a policy being the matter very serious.

During the discussion in this chapter, various violations have been noted and actions have been recommended. The State Government and Central Government should take action accordingly by following due course of law.

*** * ***

ज्ञापांक :- 145/000/40 / एम0, राँची, दिनांक 16/3/05

प्रतिलिपि :- इस संलेख की अतिरिक्त 35 (पैंतीस) हिन्दी प्रतियाँ मंत्रिमण्डल सचिवालय एवं समन्वय विभाग को इस अनुरोध के साथ अग्रसारित किया जाता है कि इसे मंत्रिपरिषद की आगामी बैठक की कार्यावली में सम्मिलित करने की कृपा की जाय।

सं. क्र. 155/000/40

सं. क्र. 155/000/40

सरकार के सचिव।

सं. क्र. 155/000/40

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mod

प्रति संख्या -

झारखण्ड सरकार खान एवं भूतत्व विभाग

मंत्रिपरिषद की स्वीकृति हेतु संलेख

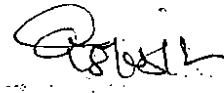
गोपनीय

विषय :- पश्चिमी सिंहभूम जिलान्तर्गत मौजा- घाटकुड़ी विजय II रक्षित वन के 155.078 हे० क्षेत्र पर सर्वश्री उषा मार्टिन लि०, राँची के पक्ष में लौह अयस्क खनन पट्टा की स्वीकृति।

सर्वश्री उषा मार्टिन लि० द्वारा पश्चिमी सिंहभूम जिलान्तर्गत मौजा- घाटकुड़ी विजय रक्षित वन के 155.078 हे० क्षेत्र पर लौह अयस्क खनन पट्टा की स्वीकृति हेतु दिनांक को आवेदन पत्र दाखिल किया है।

2. प्रस्तुत आवेदन दिनांक 19-01-98 को दिया गया है, जिसमें वर्णित भूमि उपायुक्त, सिंहभूम पश्चिम के पत्रांक- 828, दिनांक 18-8-98 के अनुसार सम्पूर्ण क्षेत्र वन क्षेत्र है, जिसके लिए केन्द्र सरकार के वन एवं पर्यावरण मंत्रालय की पूर्वानुमति आवश्यक है।
3. भारत सरकार के खान मंत्रालय से उनके पत्रांक-5/27/2003-एम०आई०भी०, दिनांक 7-11-03 द्वारा एम०एम०डी०आर० एक्ट, 1957 की धारा 5(1) एवं 11(5) के प्रावधानों के तहत पूर्वानुमोदन प्राप्त है, जिसकी प्रतिलिपि अनुलग्नक 'ख' में संलग्न है।
4. वन एवं पर्यावरण मंत्रालय भारत सरकार के पत्रांक - 12(21)51/2004 एफ०सी०ई० दिनांक 16-12-04 द्वारा निम्नांकित शर्तों के साथ पूर्वानुमति प्रदान की गई है, जिसकी प्रतिलिपि अनुलग्नक 'क' में संलग्न है।

- I. The State Govt. should charge Net Present Value from the user agency as directed by Hon'ble Supreme Court and as per the guidelines issued by the Ministry of Environment & Forests vide letter No. 5-1/98-FC/4Pt-II½ dated 18th September and 22nd September, 2003.
- II. 29.4648 Hect. of non-forest land identified for raising compensatory afforestation shall be mutated in favour of State Forest Department and handed over to the Forest Department for raising compensatory afforestation and shall be declared as PF/RF. The Nodal Officer will submit a report regarding the above issue within 6 months.
- III. The funds received from the User Agency towards compensatory afforestation and NPV shall kept in fixed deposits in the name of concerned Divisional Forest Office or the Nodal Officer ¼ Forest




Conservation½ of the State in a Nationalised Bank till the CAMPA intimates head of account for transfer/deposition of funds.

- IV. State Govt. will comply with para¼v½ of the guidelines issued by the Ministry vide letter No. 2-1/2003-FC dated 20-10-2003, 9-02-2004 as well as further clarification issued vide letter of even number dated 9-02-2004, if the forest area proposed for diversion falls in the Tribal area recognized in the schedule V and VI of the constitution of India.
 - V. As the area proposed for diversion is part of proposed "Singhbhum Elephant Reserve". So the user agency will be required to erect and maintain solar power electric fencing around the lease area. The State Government shall be prepare a Regional Habitat Management Plan and its implementation in time bound manner as well as a scheme for development of local population in the neighbourhood to ameliorate any hardship will be required to be implemented to reduce the acuteness of man-animal conflict. Cost of all such plan and scheme shall be born proportionately by all the user agency working in the region.
 - VI. The user agency should fund the scheme for soil and water conservation prepared by the State Forest Department. Strict implementation of soil conservation measures and reclamation plan as per an annual calendar of operation will be required to be stipulated. Further, if the gap between target of reclamation and physical achievement is more than 20% at the end of each 5 year period further breaking of forest land shall not be allowed.
 - VII. Only 29.4648 hect. forest area shall be diverted in favour of user agency for mining purpose and rest of the lease area will be in possession of Forest Department and the user agency shall extend all required infrastructural assistance to the State Forest Department, if needed, in its protection, conservation and enrichment.
 - VIII. A strict schedule for reclamation of mined out areas should be prepared and implemented meticulously under regular supervision of Forest Department of Jharkhand.
- ख. उपर्युक्त वर्णित शर्त संख्या-I से IV के अनुपालन के उपरान्त पर्यावरण एवं वन मंत्रालय, भारत सरकार से वन संरक्षण अधिनियम, 1980 की धारा 2 के अन्तर्गत प्राप्त औपचारिक स्वीकृति के उपरान्त आवेदक सर्वश्री उषा मार्टिन के पक्ष में आवेदित क्षेत्र 383.20 एकड़ (155.078 हेक्टेयर) क्षेत्र पर खनन अधिकार की स्वीकृति इस शर्त के साथ दी जा सकती है कि पर्यावरण एवं वन मंत्रालय, भारत सरकार द्वारा प्रदत्त अनापत्ति पत्र/सहमति के आलोक में तत्काल मात्र 29.4648 हेक्टेयर क्षेत्र पर ही उत्खनन कार्य किया जाएगा एवं शेष क्षेत्र पर वन विभाग की सहमति प्राप्त होने के उपरान्त वन विभाग के निदेशन में खनिज की उत्खनन का कार्य किया जाएगा। इस संबंध में सीमांकन एवं अनुश्रवण किए जाने की जिम्मेदारी राज्य सरकार के वन एवं पर्यावरण विभाग को दी जाए।

पर्यावरण एवं वन मंत्रालय, भारत सरकार से वन भूमि के अन्यत्र इस्तेमाल हेतु निर्गत अन्तिम आदेश के पूर्व प्रसंगाधीन वन भूमि का हस्तांतरण पट्टेधारी को नहीं किया जाएगा और न ही इसके गैर वानिकी कार्य के इस्तेमाल हेतु कोई अनुमति ही दी जाएगी।

5. अतः प्रस्ताव है कि आवेदन पत्र में निम्नांकित शर्तों एवं बंधेजों पर लौह अयस्क के खनन पट्टा स्वीकृति प्रदान की जाय।

- | | |
|---------------|--------------------------------------------------------------------------|
| I. क्षेत्रफल | :- 155.078 हे० (383.20) ए० (मौजा घाटकुड़ी विजय II रक्षित वन क्षेत्र में) |
| II. खनिज | :- लौह अयस्क |
| III. अवधि | :- 20 (बीस) वर्षों के लिए। |
| IV. स्वामित्व | :- लौह अयस्क |

(क) अयस्क

I. लम्पस

(क) 65 प्रतिशत एफ० ई० कन्टेन्ट : 27.00 (सत्ताईस रु०) प्रति या अधिक टन।

(ख) 62 प्रतिशत एफ० ई० कन्टेन्ट : 16.00 (सोलह रु०) प्रति या अधिक परन्तु 65 प्रतिशत एफ० ई० कन्टेन्ट से कम टन।

(ग) 62 प्रतिशत से कम लौह : 11.00 (ग्यारह रु०) प्रति तत्व टन।

II. फाईन्स

प्राकृतिक रूप से पाये जाने वाले फाईन्स एवं खनन तथा लम्प के साईनिंग के दौरान उत्पन्न फाईन्स भी सम्मिलित है।

(क) 65 प्रतिशत एफ० ई० कन्टेन्ट : 19.00 (उन्नीस रु०) प्रति या अधिक टन।

(ख) 62 प्रतिशत एफ० ई० कन्टेन्ट : 11.00 (ग्यारह रु०) प्रति या अधिक परन्तु 65 प्रतिशत एफ० ई० कन्टेन्ट से कम टन।

(ग) 62 प्रतिशत से कम : 8.00 (आठ रु०) प्रति टन।

(घ) निम्न ग्रेड अयस्क जिसमें 40 प्रतिशत या उससे कम लौह तत्व हो। : 4.00 (चार रु०) प्रति टन।

परन्तु स्वामिस्व की उपर्युक्त दर में हेर-फेर केन्द्रीय सरकार द्वारा निर्मित माईन्स एण्ड मिनरल्स (डेवलपमेंट एण्ड रेग्यूलेशन) एक्ट, 1957 एवं एम0सी0 रूल्स, 1960 के अनुसार समय-समय पर लागू की दर के अनुसार होगा।

V. ज़ियत लगान (डेड रेंट) :-

- a) प्रथम एवं दूसरे वर्ष तक :- 200 (दो सौ) रू0 प्रति वर्ष प्रति हे0।
- b) तृतीय वर्ष से आगे तक :- 800 (आठ) रू0 प्रति वर्ष प्रति हे0।

परन्तु स्वामिस्व की उपर्युक्त दर में हेर-फेर माईन्स एण्ड मिनरल्स (डेवलपमेंट एण्ड रेग्यूलेशन) एक्ट, 1957 तथा एम0सी0 रूल्स, 1960 के अनुसार समय-समय लागू दर के अनुसार होगा।

VI. भूतल लगान (सरफेस रेंट) :- सरकारी नियमानुसार प्रसंगाधीन भूखंड के विधि सम्मत मूल्य के वाणिज्यिक दर (अधिकतम 5 प्रतिशत) के आधार पर देय होगा, जिसे समय-समय पर नियमानुसार पुनरीक्षित किया जा सकेगा।

VII. प्रतिभूति (सेक्यूरिटी) :- 10,000 (दस हजार) रू0।

VIII. पट्टाधारी को खनन कार्य की निगरानी के लिए मिनरल कंजरवेशन एण्ड डेवलपमेंट रूल्स, 1988 के नियम 42 के अनुसार योग्यता प्राप्त खनन अभियंता (माईनिंग इंजिनियर) अथवा भूतत्ववेत्ता (जियोलोजिस्ट) की नियुक्ति अनिवार्यतः करनी होगी।

IX. पट्टाधारी को वन क्षेत्र में खनन कार्य करते समय राज्य सरकार द्वारा बनाये गये नियमों का पालन अनिवार्यतः करना होगा।

X. अन्य शर्तों माईन्स मिनरल्स (रेग्यूलेशन एण्ड डेवलपमेंट) एक्ट, 1957 तथा एम0सी0 रूल्स, 1960 (यथा संशोधित) के अनुसार होगी।

XI. पट्टाधारी जिला पदाधिकारी अथवा उनके बदले में अधिकृत अन्य पदाधिकारी द्वारा खनन कार्य के लिए निर्धारित सीमा के अतिरिक्त कृषि योग्य भूमि का अर्जन नहीं करेंगे।

XII. जहाँ कृषि योग्य भूमि स्थायी रूप से अर्जित नहीं की गई है और खनन कार्य प्राईवेट एरेंजमेंट के द्वारा किया गया है वहाँ खनन कार्य के सिलसिले में खुदे हुए गड्ढे आदि को जिला पदाधिकारी अथवा उनके बदले में अधिकृत अन्य पदाधिकारी के इच्छानुसार पट्टाधारी भर देंगे।

XIII. पट्टाधारी भूमि अर्जन से अथवा अन्य प्रकार से प्रभावित कृषकों तथा उनके आश्रितों को उचित न्यूनतम पारिश्रमिक पर नियोजन के लिए जिला पदाधिकारी अथवा उनके बदले में अधिकृत अन्य पदाधिकारी की इच्छानुसार प्रबंध करेंगे।

XIV. अगर रैयतों की आपत्ति के कारण पट्टाधारी क्षेत्र में कार्य नहीं करेंगे तो वे लगान की माफी के लिए सरकार से न तो दावा करेंगे और न इसके लिए किसी तरह का दावा मान्य होगा।

XV. पद्ध यदि खनिज का स्वामिस्व किसी कोटि और श्रेणी पर निर्धारित है और पट्टाधारी उसे सर्वोच्च कोटि का घोषित करते हैं तो किसी प्रकार के जाँच प्रमाण-पत्र की आवश्यकता नहीं होगी।

पद्ध यदि पट्टाधारी खनिज को निम्न कोटि का घोषित करते हैं तो उन्हें इस आशय का टेस्ट सर्टिफिकेट राजकीय भूतात्विक प्रयोगशाला, हजारीबाग से प्राप्त कर प्रस्तुत करना होगा। खनिज के विश्लेषण का खर्च पट्टाधारी को वहन करना पड़ेगा। अगर जाँच प्रमाण-पत्र 60 (साठ) दिनों में प्रस्तुत नहीं करेंगे तो यह समझा जायेगा कि डिस्पैच किया गया सभी खनिज सर्वोच्च कोटि का है।

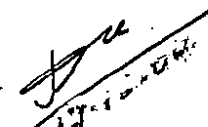
XVI. i) अधिनियम का इन नियमों के अतिरिक्त किसी अन्य नियम में उल्लिखित प्रावधानों के रहते हुए भी राज्य सरकार 24 प्रतिशत वार्षिक की दर से किसी भी लगान, स्वामिस्व या शुल्क (नियम- 54 के उप नियम "1" के अन्तर्गत देय शुल्क को छोड़कर) या अधिनियम या इन नियमों या किसी अन्य खनन पट्टा के शर्तों के अन्तर्गत अन्य रकम जो सरकार का बाकी है, उस पर सरकार द्वारा भुगतान के लिए निश्चित की गयी तिथि के 60 दिनों के बीत जाने के दिन से साधारण सूद तब तक चार्ज कर सकती है जबतक स्वामिस्व लगान, शुल्क या अन्य राशि का भुगतान नहीं हो जाता है।

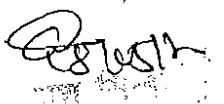
ii) फार्म "के" में पार्ट-6 खण्ड-3 तत्संबंधी बकाये सूद के साथ शब्दों के स्थान पर 24 प्रतिशत वार्षिक सूद की दर से तत्संबंधी सूद के साथ शब्द जोड़ दिये जायेंगे।

iii) फार्म "के" में पार्ट-9 में प्रावधान-8 के बाद निम्नलिखित प्रावधान जोड़ दिये जायेंगे:-

यह पट्टा झारखण्ड राज्य के सिंहभूम (पश्चिमी) जिले के मुख्यालय चाईबासा में भारत के संविधान के अनुच्छेद - 226 के उपबंध के अधीन रहते हुए निष्पादित किया जाता है और पट्टाधारी तथा पट्टाकर्ता द्वारा यह करार किया जाता है कि पट्टे के अधीन आनेवाले क्षेत्र पट्टे की शर्तों के अधीन वसूली योग्य बकाये शोध्यों और पट्टेदार व पट्टाकर्ता के संबंध में किसी विवाद की दशा में वाद (या अपील) चाईबासा के सिविल न्यायालय में तथा याचिका राँची उच्च न्यायालय (राँची) में फाईल किये जायेंगे और यह स्पष्ट रूप से करार किया जाता है कि कोई पक्षकार उपर न्यायित न्यायालय से भिन्न किसी स्थान पर कोई वाद या अपील फाईल नहीं करेगा या कोई कार्रवाई नहीं करेगा।

- XVII. जिला खनन कार्यालय प्रत्यापित भूमि को नियमों एवं प्रावधानों के आलोक कर विज्ञापित करने की कार्रवाई सुनिश्चित करेंगे।
- XVIII. पट्टाधारी को मिनिमम वेजेज एक्ट, 1948 के अन्तर्गत केन्द्रीय अथवा राज्य सरकार द्वारा समय-समय पर निर्धारित न्यूनतम पारिश्रमिक का भुगतान करना होगा।
- XIX. पट्टाधारी को खान अधिनियम, 1952 एवं उसके अधीनस्त बनाई गई नियमावलियों के प्रावधानों का अनुपालन करना होगा।
- XX. पट्टाधारी को मिनरल कंजरवेशन एण्ड डेमलपमेंट रूल्स के प्रावधानों का अनुपालन करना होगा।
- XXI. खनन कार्य से संबंधित भूमि के संबंध में आवेदक तथा रैयतों के बीच कोई भी समव्यवहार छोटानागपुर काश्तकारी अधिनियम के प्रावधानों के अनुरूप ही होगा। यदि संबंधित काश्तकारी अधिनियम के प्रावधानों के अनुसार अधिकृत पदाधिकारी की पुर्वानुमति से पट्टाधारी को रैयत द्वारा अपनी जमीन निर्धारित रकम पर बेच दी जाती है तथा संबंधित भूमि को रैयती अधिकार पट्टाधारी को नाम हस्तान्तरित हो जाता है, उस स्थिति में रैयतों को मुआवजा देय नहीं होगा। संबंधित उपायुक्त यह सुनिश्चित करेंगे कि संबंधित काश्तकारी अधिनियम के प्रावधानों के अन्तर्गत रैयत द्वारा पट्टाधारी के पक्ष में जमीन का बिक्रय वैध एवं उचित है तथा पट्टाधारी द्वारा देय क्रय की राशि पर्याप्त एवं उचित है।
- उपायुक्त यह सुनिश्चित करेंगे कि उपर्युक्त भूमि के बिक्रय की दर का निर्धारण भू-अर्जन अधिनियम, 1894 के अनुसार किया गया है।
- XXII. पट्टाधारी द्वारा माईन कलोजर प्लान रूल्स का अनुपालन पूर्णरूपेण सुनिश्चित करना होगा।
- XXIII. पट्टाधारी द्वारा फॉरेस्ट कंजरवेशन एक्ट एवं पर्यावरण संबंधी अधिनियमों/नियमों के प्रावधानों का पूर्णरूपेण पालन सुनिश्चित किया जाएगा।
6. संलेख एवं प्रस्ताव में माननीय मुख्य मंत्री (विभागीय मंत्री खान एवं भूतत्व विभाग) का अनुमोदन प्राप्त है।
7. उपर की कंडिका-3 एवं 4 में निहित प्रस्ताव में मंत्रिपरिषद का अनुमोदन प्रार्थित है।


सरकार के सचिव। सत्यापित



झारखण्ड सरकार
खान एवं भूतत्व विभाग

संघिका सं० :- ख०नि०-३/बी०एम०-४-७/९८ 476/एम०, राँची, दिनांक 22.3.2005
सेवा में,

उपायुक्त,
पश्चिमी सिंहभूम, चाईबासा।

गोपनीय
निबंधित

विषय :- पश्चिमी सिंहभूम जिलान्तर्गत मौजा- घाटकुड़ी विजय II रक्षित वन के 155.078 हे० क्षेत्र पर सर्वश्री उषा मार्टिन लि०, राँची के पक्ष में लौह अयस्क खनन पट्टा की स्वीकृति हेतु आवेदन पत्र।

प्रसंग :- उपायुक्त, सिंहभूम पश्चिमी, का पत्रांक- 828, दिनांक 18-08-98

सर्वश्री उषा मार्टिन लि० के पक्ष में 155.078 हे० क्षेत्र पर लौह अयस्क खनिज के खनन पट्टा हेतु राज्य सरकार द्वारा मंत्रिपरिषद के निर्णय दिनांक 16-03-2005 के आलोक में निम्नांकित बंधेजों एवं शर्तों पर लौह अयस्क खनिज के खनन पट्टा की सशर्त स्वीकृति प्रदान करने का निर्णय लिया गया है :

1. प्रस्तुत आवेदन दिनांक 19-01-98 को दिया गया है जिसमें वर्णित संपूर्ण भूमि उपायुक्त, सिंहभूम पश्चिम के पत्रांक- 828, दिनांक 18-8-98 के अनुसार वन क्षेत्र में है, जिसके लिए केन्द्र सरकार के वन एवं पर्यावरण मंत्रालय की पूर्वानुमति आवश्यक है।
2. भारत सरकार के खान मंत्रालय से उनके पत्रांक-5/27/2003-एम०आई०भी०, दिनांक 7-11-03 द्वारा एम०एम०डी०आर० एक्ट, 1957 की धारा 5(1) एवं 11(5) के प्रावधानों के तहत पूर्वानुमोदन प्राप्त है, जिसकी प्रतिलिपि अनुलग्नक 'ख' में संलग्न है।
3. (क) वन एवं पर्यावरण मंत्रालय भारत सरकार के पत्रांक - 12(21)51/2004 एफ०सी०ई० दिनांक 16-12-04 द्वारा निम्नांकित शर्तों के साथ सैद्धांतिक पूर्वानुमति प्रदान की गई है, जिसकी प्रतिलिपि अनुलग्नक 'क' - में संलग्न है :-

- I. The State Govt. should charge Net Present Value from the user agency as directed by Hon'ble Supreme Court and as per the guidelines issued by the Ministry of Environment & Forests vide letter No. 5-1/98-FC(P-I-II) dated 18th September and 22nd September, 2003.
- II. 29.4648 Hect. of non-forest land identified for raising compensatory afforestation shall be mutated in favour of State Forest Department and handed over to the Forest Department for raising compensatory afforestation and shall be declared as PF/RF. The Nodal Officer will submit a report regarding the above issue within 6 months.

[Signature]

[Signature]

- III. The funds received from the User Agency towards compensatory afforestation and NPV shall be kept in fixed deposits in the name of concerned Divisional Forest Office or the Nodal Officer (Forest Conservation) of the State in a Nationalised Bank till the CAMPA intimates head of account for transfer/deposition of funds.
- IV. State Govt. will comply with para(v) of the guidelines issued by the Ministry vide letter No. 2-1/2003-FC dated 20-10-2003, 9-02-2004 as well as further clarification issued vide letter of even number dated 9-02-2004, if the forest area proposed for diversion falls in the Tribal area recognized in the schedule V and VI of the constitution of India.
- V. As the area proposed for diversion is part of proposed "Singhbhum Elephant Reserve". So the user agency will be required to erect and maintain solar power electric fencing around the lease area. The State Government shall be prepare a Regional Habitat Management Plan and its implementation in time bound manner as well as a scheme for development of local population in the neighbourhood to ameliorate any hardship will be required to be implemented to reduce the acuteness of man-animal conflict. Cost of all such plan and scheme shall be born proportionately by all the user agency working in the region.
- VI. The user agency should fund the scheme for soil and water conservation prepared by the State Forest Department. Strict implementation of soil conservation measures and reclamation plan as per an annual calendar of operation will be required to be stipulated. Further, if the gap between target of reclamation and physical achievement is more than 20% at the end of each 5 year period further breaking of forest land shall not be allowed.
- VII. Only 29.4648 hect. forest area shall be diverted in favour of user agency for mining purpose and rest of the lease area will be in possession of Forest Department and the user agency shall extend all required infrastructural assistance to the State Forest Department, if needed, in its protection, conservation and enrichment.
- VIII. A strict schedule for reclamation of mined out areas should be prepared and implemented meticulously under regular supervision of Forest Department of Jharkhand.

ख. उपर्युक्त वर्णित शर्त संख्या - 1 से IV के अनुपालन के उपरान्त पर्यावरण एवं वन मंत्रालय, भारत सरकार से वन संरक्षण अधिनियम, 1980 की धारा 2 के अन्तर्गत प्राप्त औपचारिक स्वीकृति के उपरान्त ही उपायुक्त, पं० सिंहभूम (चाईबासा) के द्वारा खनन पट्टा संविदा निष्पादन सुनिश्चित किया जाएगा। इस संबंध में सीमांकन एवं अनुश्रवण किए जाने की जिम्मेवारी राज्य सरकार के वन एवं पर्यावरण विभाग को दी जाती है।

पर्यावरण एवं वन मंत्रालय, भारत सरकार से वन भूमि के अन्यत्र इस्तेमाल हेतु निर्गत अंतिम आदेश के पूर्व प्रसंगाधीन वन भूमि का

चन्द्र प्रकाश सिन्हा
अवर सचिव
खान निदेशालय
वन एवं भूतत्त्व विभाग
more

हस्तांतरण पट्टेधारी को नहीं किया जाएगा और न ही इसके गैर वानिकी कार्य के इस्तेमाल हेतु कोई अनुमति ही दी जाएगी।

4. अतः सर्वश्री उषा मार्टिन लि० को आवेदित क्षेत्र पर निम्नांकित बंधेजों एवं शर्तों पर लौह अयस्क खनिज के खनन पट्टा की स्वीकृति दी जाती है।

- I. मौजा :- घाटकुड़ी ब्लॉक नं०- 15 विजय II सारंडा रक्षित वन क्षेत्र में।
- II. क्षेत्रफल :- 155.078 हे० (383.20) ए०।
- III. खनिज :- लौह अयस्क।
- IV. अवधि :- 20 (बीस) वर्षों के लिए।
- V. स्वामित्व :-

(क) लौह अयस्क

I. लम्पस

(क) 65 प्रतिशत एफ० ई० कन्टेन्ट या : 27.00 (सत्ताईस रु०) प्रति अधिक टन।

(ख) 62 प्रतिशत एफ० ई० कन्टेन्ट या : 16.00 (सोलह रु०) प्रति टन। अधिक परन्तु 65 प्रतिशत एफ० ई० कन्टेन्ट से कम

(ग) 62 प्रतिशत से कम लौह तत्व : 11.00 (ग्यारह रु०) प्रति टन।

II. फाईन्स

प्राकृतिक रूप से पाये जाने वाले फाईन्स एवं खनन तथा लम्प के माईनिंग के दौरान उत्पन्न फाईन्स भी सम्मिलित है।

(क) 65 प्रतिशत एफ० ई० कन्टेन्ट या : 19.00 (उन्नीस रु०) प्रति टन। अधिक

(ख) 62 प्रतिशत एफ० ई० कन्टेन्ट या : 11.00 (ग्यारह रु०) प्रति टन। अधिक परन्तु 65 प्रतिशत एफ० ई० कन्टेन्ट से कम

(ग) 62 प्रतिशत से कम : 8.00 (आठ रु०) प्रति टन।

(घ) निम्न ग्रेड अयस्क जिसमें 40 प्रतिशत या उससे कम लौह तत्व हो। : 4.00 (चार रु०) प्रति टन।

परन्तु स्वामित्व की उपर्युक्त दर में हेर-फेर केन्द्रीय सरकार द्वारा निर्मित माईन्स एण्ड मिनरल्स (डेभलपमेंट एण्ड रेग्युलेशन) एक्ट, 1957 एवं एम०सी० रुल्स, 1960 के अनुसार समय-समय पर लागू की दर के अनुसार होगा।

सत्यापित

VI. नियत लगान (डेड रेन्ट) :-

अध्यक्ष
अवर सचिव
खान निदेशालय
संयुक्त राज्य भारत

- a) प्रथम एवं वर्ष दूसरे वर्ष तक :- 200 (दो सौ) रु० प्रति वर्ष प्रति हे०।
 b) तृतीय वर्ष से आगे तक :- 800 (आठ) रु० प्रति वर्ष प्रति हे०।

परन्तु स्वामित्व की उपर्युक्त दर में हेर-फेर माईन्स एण्ड मिनरल्स (डेवलपमेंट एण्ड रेग्यूलेशन) एक्ट, 1957 तथा एम०सी० रुल्स, 1960 के अनुसार समय-समय पर लागू दर के अनुसार होगा।

- VII. भूतल लगान (सरफेस रेंट) :- सरकारी नियमानुसार प्रसंगाधीन भूखण्ड के विधि सम्मत मूल्य के वाणिज्यिक दर (अधिकतम 5 प्रतिशत) के आधार पर देय होगा, जिसे समय-समय पर नियमानुसार पुनरीक्षित किया जा सकेगा।
- VIII. प्रतिभूति (सेक्यूरिटी) :- 10,000 (दस हजार) रु०।
- IX. पट्टाधारी को भारतीय खनन ब्यूरो के पत्रांक-314/5/2004- MCCM(C)/MP-18 दिनांक 30-06-2004 में वर्णित शर्तों एवं बंधेजों का अनुपालन करना होगा।
- X. पट्टाधारी द्वारा माईन कलोजर प्लान रुल्स का अनुपालन पूर्णरूपेण सुनिश्चित करना होगा।
- XI. पट्टाधारी को मिनरल कंजरवेशन एण्ड डेवलपमेंट रुल्स, 1988 के नियमों तथा प्रावधानों का अनुपालन करना होगा।
- XII. पट्टाधारी को खनन कार्य की निगरानी के लिए मिनरल कंजरवेशन एण्ड डेवलपमेंट रुल्स, 1988 के नियम 42 के अनुसार योग्यता प्राप्त खनन अभियंता (माईनिंग इंजिनियर) अथवा भूतत्त्ववेत्ता (जियोलोजिस्ट) की नियुक्ति अनिवार्यतः करनी होगी।
- XIII. पट्टाधारी को वन क्षेत्र में खनन कार्य करते समय राज्य सरकार द्वारा बनाये गये नियमों का पालन अनिवार्यतः करना होगा।
- XIV. अन्य शर्तों माईन्स मिनरल्स (रेग्यूलेशन एण्ड डेवलपमेंट) एक्ट, 1957 तथा एम०सी० रुल्स, 1960 (यथा संशोधित) के अनुसार होगी।
- XV. पट्टाधारी जिला पदाधिकारी अथवा उनके बदले में अधिकृत अन्य पदाधिकारी द्वारा खनन कार्य के लिए निर्धारित सीमा के अतिरिक्त कृषि योग्य भूमि का अर्जन नहीं करेंगे।
- XVI. जहाँ कृषि योग्य भूमि स्थायी रूप से अर्जित नहीं की गई है और खनन कार्य प्राईवेट एंटरप्राइज के द्वारा किया गया है वहाँ खनन कार्य के सिलसिले में खुदे हुए गड्ढे आदि को जिला पदाधिकारी अथवा उनके बदले में अधिकृत अन्य पदाधिकारी के इच्छानुसार पट्टाधारी भर देंगे।
- XVII. पट्टाधारी भूमि अर्जन से अथवा अन्य प्रकार से प्रभावित कृषकों तथा उनके आश्रितों को उचित न्यूनतम पारिश्रमिक पर नियोजन के लिए जिला पदाधिकारी अथवा उनके बदले में अधिकृत अन्य पदाधिकारी की इच्छानुसार प्रबंध करेंगे।

सत्यापित

जि.प.न.
 10/10/2004

XVIII. अगर रैयतों की आपत्ति के कारण पट्टाधारी क्षेत्र में कार्य नहीं करेंगे तो वे लगान की माफी के लिए सरकार से न तो दावा करेंगे और न इसके लिए किसी तरह का दावा मान्य होगा।

XIX. (i) यदि खनिज का स्वामिस्व किसी कोटि और श्रेणी पर निर्धारित है और पट्टाधारी उसे सर्वोच्च कोटि का घोषित करते हैं तो किसी प्रकार के जाँच प्रमाण-पत्र की आवश्यकता नहीं होगी।

(ii) यदि पट्टाधारी खनिज को निम्न कोटि का घोषित करते हैं तो उन्हें इस आशय का टेस्ट सर्टिफिकेट राजकीय भूतात्विक प्रयोगशाला, हजारीबाग से प्राप्त कर प्रस्तुत करना होगा। खनिज के विश्लेषण का खर्च पट्टाधारी को वहन करना पड़ेगा। अगर जाँच प्रमाण-पत्र 60 (साठ) दिनों में प्रस्तुत नहीं करेंगे तो यह समझा जायेगा कि डिस्पैच किया गया सभी खनिज सर्वोच्च कोटि का है।

XX. i) अधिनियम का इन नियमों के अतिरिक्त किसी अन्य नियम में उल्लिखित प्रावधानों के रहते हुए भी राज्य सरकार 24 प्रतिशत वार्षिक की दर से किसी भी लगान, स्वामिस्व या शुल्क (नियम-54 के उप नियम "1" के अन्तर्गत देय शुल्क को छोड़कर) या अधिनियम या इन नियमों या किसी अन्य खनन पट्टा के शर्तों के अन्तर्गत अन्य रकम जो सरकार का बाकी है, उस पर सरकार द्वारा भुगतान के लिए निश्चित की गयी तिथि के 60 दिनों के बीत जाने के दिन से साधारण सूद तब तक चार्ज कर सकती है जबतक स्वामिस्व लगान, शुल्क या अन्य राशि का भुगतान नहीं हो जाता है।

ii) फार्म "के" में पार्ट-6 खण्ड-3 तत्संबंधी बकाये सूद के साथ शब्दों के स्थान पर 24 प्रतिशत वार्षिक सूद की दर से तत्संबंधी सूद के साथ शब्द जोड़ दिये जायेंगे।

iii) फार्म "के" में पार्ट-9 में प्रावधान-8 के बाद निम्नलिखित प्रावधान जोड़ दिये जायेंगे:-

यह पट्टा झारखण्ड राज्य के सिंहभूम (पश्चिमी) जिले के मुख्यालय चाईबासा में भारत के संविधान के अनुच्छेद - 226 के उपबंध के अधीन रहते हुए निष्पादित किया जाता है और पट्टाधारी तथा पट्टाकर्ता द्वारा यह करार किया जाता है कि पट्टे के अधीन आनेवाले क्षेत्र पट्टे की शर्तों के अधीन वसूली योग्य बकाये शोध्यों और पट्टेदार व पट्टाकर्ता के संबंध में किसी विवाद की दशा में वाद (या अपील) चाईबासा के सिविल न्यायालय में तथा याचिका राँची उच्च न्यायालय (राँची) में फाईल किये जायेंगे और यह स्पष्ट रूप से करार किया जाता है कि कोई पक्षकार उपर नामित न्यायालय से भिन्न किसी स्थान पर कोई वाद या अपील फाईल नहीं करेगा या कोई कार्रवाई नहीं करेगा।

XXI. जिला खनन कार्यालय प्रत्यापित भूमि को नियमों एवं प्रावधानों के आलोक कर विज्ञापित करने की कार्रवाई सुनिश्चित करेंगे।

XXII. पट्टाधारी को मिनिमम वेजेज एक्ट, 1948 के अन्तर्गत केन्द्रीय अथवा राज्य सरकार द्वारा समय-समय पर निर्धारित न्यूनतम पारिश्रमिक का भुगतान करना होगा।

सत्यापित

राज्य

खान एवं भूतत्व

अधीक्षक

XXI

पट्टाधारी को खान अधिनियम, 1952 एवं उसके अधीनस्त बनाई गई नियमावतियों के प्रावधानों का अनुपालन करना होगा।

XXIV.

खनन कार्य से संबंधित भूमि के संबंध में आवेदक तथा रैयतों के बीच कोई भी समव्यवहार छोडानागपुर कास्तकारी अधिनियम के प्रावधानों के अनुरूप ही होगा। यदि संबंधित कास्तकारी अधिनियम के प्रावधानों के अनुसार अधिकृत पदाधिकारी की पूर्वानुमति से पट्टाधारी को रैयत द्वारा अपनी जमीन निर्धारित रकम पर बेच दी जाती है तथा संबंधित भूमि को रैयती अधिकार पट्टाधारी को नाम हस्तान्तरित हो जाता है, उस स्थिति में रैयतों को मुआवजा देय नहीं होगा। संबंधित उपायुक्त यह सुनिश्चित करेंगे कि संबंधित कास्तकारी अधिनियम के प्रावधानों के अन्तर्गत रैयत द्वारा पट्टाधारी के पक्ष में जमीन का विक्रय वैध एवं उचित है तथा पट्टाधारी द्वारा देय क्रय की राशि पर्याप्त एवं उचित है।

उपायुक्त यह सुनिश्चित करेंगे कि उपर्युक्त भूमि के विक्रय की दर का निर्धारण भू-अर्जन अधिनियम, 1894 के अनुसार किया गया है।

XXV.

पट्टाधारी द्वारा फॉरेस्ट कन्जरवेशन एक्ट एवं पर्यावरण संबंधी अधिनियमों/नियमों के प्रावधानों का पूर्णरूपेण पालन सुनिश्चित किया जाएगा।

4. उपायुक्त, चाईबासा को निदेश दिया जाता है कि वे खनन पट्टा संविदा का निष्पादन का संरक्षण अधिनियम, 1980 की धारा 2 के अन्तर्गत पर्यावरण एवं वन विभाग की पूर्वानुमति प्राप्त होने के पश्चात करेंगे।
5. क्षेत्र का नक्शा लौटाया जाता है।
6. निष्पादित एवं निर्बंधित पट्टे की तीन प्रतियाँ विभाग को शीघ्र भेजें।

झारखण्ड के राज्यपाल के आदेश से

सरकार के उप सचिव।

ज्ञापक :- ख0नि0-3/बी0एम0-4-7/98 476 /एम0, राँची, दिनांक 22/3/05

प्रतिलिपि :- डायरेक्टर जनरल ऑफ माईन्स सेफ्टी, धनबाद/कंट्रोलर जनरल, इण्डियन ब्यूरो ऑफ माईन्स, नागपुर/उप निदेशक, खान, राँची/मुख्य वन संरक्षक, झारखण्ड, राँची/जिला खनन पदाधिकारी, चाईबासा/सर्वश्री उषा मार्टिन लि0, राँची को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

सरकार के उप सचिव।

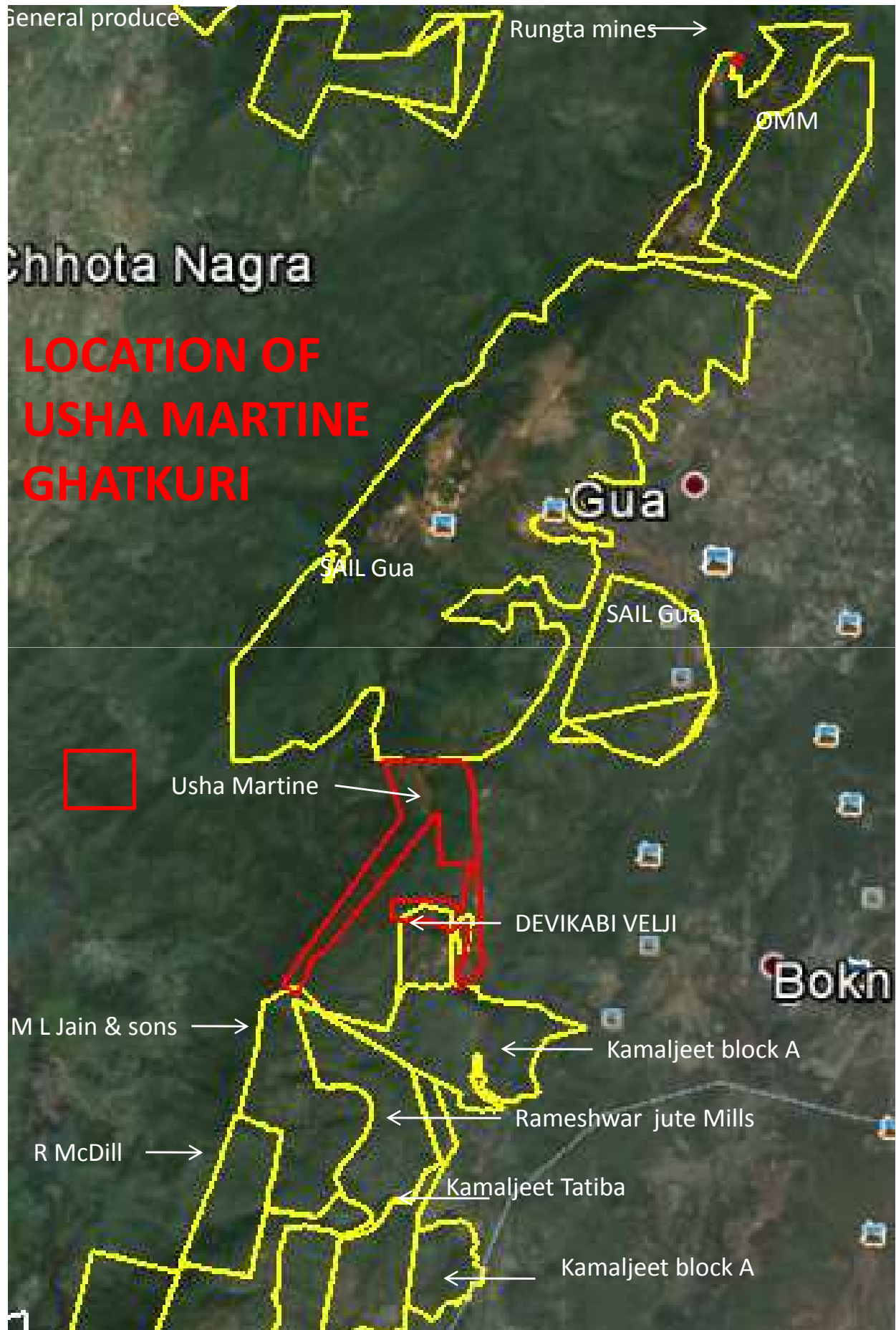
संस्थापित

चन्द्र प्रकाश सिन्हा
अवर
खान निदेश
खान एवं वन



Location of Lease of M/s. Usha Martin Ltd.

Annexure-I



Saranda on its way to finish

The West Singhbhum District:—

The West Singhbhum District, headquarters at Chaibasa is the largest District of the State lies in the South Chhotanagpur division and is situated in the south eastern part of Jharkhand State falling under eastern plateau and hill region. It is with a geographical area of 5,198 km². The district is bordered on the north by Khunti district, on the east by Saraikela Kharsawan district, on the south by Keonjhar, Mayurbhanj and Sundergarh districts of Odisha and on the west by Gumla district of Jharkhand and Sundargarh district of Odisha. The district is divided into 19 administrative blocks and has about 2,05,481 households spread over 2016 villages.

West Singhbhum District has a population of about 20,80,000. The population density is about 233/km². A significant part of the population lives in rural areas (17,29,600). The urban population form only about 3,50,000. **The tribal community constitutes more than 53% of this district's population.** One fourth of the population falls under backward classes. **About 46% of the people are below poverty line** and about 51% are illiterate. About 40% of the land is under forest cover in the district. This area is fondly described as Saranda

or "the Seven Hundred Hills" and it had a formidable game reserve.

The district receives about 1600 mm of average annual rainfall, most of which is during the South West monsoon. It is blessed with nine rivers *viz.* Koro, Sona, Barakar, Koyal, Auranga, Bansloi, Kharkai, Gumani and Baitarnee. The temperature ranges from 3⁰-4⁰ C to 43⁰ C and the average temperature remains between 16⁰ C to 33⁰ C.

The terrains are undulating with hills, valleys and steep hillocks ranging upto 3,000 feet'. Some stretches are comparatively flat in the river basins. The centre of the district consists of an upland plateau with hill ranges.

The jungle lands, taken over from the zamindars, show mixed forest. The predominant species is *Butea frondosa*, either in pure stands or mixed with *Diospyros* sp, *Bassia latifolia*, *Schleichera trijuga*, *Shorea robusta*, *Phyllanthus emblica*. neem, *Bombax* and *Dalbergia sissoo*. *Vitex negundo*, *Gymnosporia montana*, *Anona squamosa*. *Acacia arabica*, *Zizyphus jujuba*, *Holarrhena antidysenterica* form the under growth especially towards the fringes. The climbers are *Ichnocarpus*, *Combretum decandrum*, *Aganosma caryophyllata* and *Zizyphus*

oenoplia. Pure stands of sal are seen here and there, but most of them are young saplings or poles.

A major part of the district is occupied by cultivated fields surrounding isolated villages, which are located mostly near the roads and railway lines. The northern and western faces of the hills are covered with almost pure blocks of sal and other associates. **The district has about 2 lakh ha of forests.**

The forests in the district, as reported in the Working Plan, EIA and Wildlife Management Plans, have 26 mammals, 43 birds, 10 reptiles, 4 amphibians and 39 species of insects. Working Plan for Saranda Forest Division has listed 286 species of plants. As per the land use classification, the forest area in the district is 21% of total geographical area.

The West Singhbhum district is rich in mineral resources like iron ore and limestone. The economy of the district is also centered on its mineral resources. The large deposits of iron ore are being mined and fed to the steel industry in different parts of the country. Most of the iron ore mines are in Saranda Forests with a small portion in Chaibasa South and Kolhan Forest Divisions.

Agriculture is the major livelihood activity in the district predominantly with paddy which is mostly depending on the rain fed water. West Singhbhum

district has vast inland water resources in the form of tanks, ponds and reservoirs.

Mining activity most often leads to land degradation in opencast mining, deforestation, atmospheric pollution, pollution of aquatic system, soil erosion due to disposal of solid wastes like overburden. All these affect the ecological balance of the area and often lead to desiccation. ***The guiding principle shall be that a miner shall leave the mining area in better ecological shape.***

The total extent of area leased to 42 mining companies is 11,523.399 ha. The extent of lease under the approved area is 9,186.54 ha.

Change in land use and physical form within the lease area is an inevitable impact on the land use, physical form (topography) and ultimately on the aesthetics of the area. Increased wind, removal of vegetation and topsoil, aided by natural precipitation may lead to erosion of soil. There is always the possibility of removal of some of the threatened plant species.

Construction of power line and the roads to the mine site open up the areas along and will disrupt canopy connectivity. Most of these will have an impact on the arboreal species if care is not taken to ensure canopy continuity at least in some portions. Though there were

no records to verify and no records kept, the possibility of arboreal animals getting killed by the power lines while moving around cannot be ruled out.

The whole process of vegetation clearing, road construction, machines working, drilling, blasting, crushers and transportation result in poor air quality in the surrounding area and may deteriorate due to particulate emissions. The impact zone could include even villages in the surroundings depending on the wind speed and direction.

Some of the major companies have modern machineries while others were using mobile crushers, which are not covered. Currently only a few of the SAIL and Tata mines use conveyors. The most disturbing observation in all the mines is road transportation.

There is every possibility of **reduction in the surface water** due to the disappearance of the first and second order streams in the broken area. This is though no way avoidable. Surface **run off and effluent water carrying suspended particles** flow down the hill slopes and join the river system. The soil erosion could aggravate the problem contributing to the **sediment load**.

One of the major impacts of mining and **transportation** of ore in the area is the **generation of**

dust. Except for the SAIL operated Kiriburu, Meghataburu and Gua and Tata's Noamundi, all the mines are using roads for transportation either to the OHP or railway yard.

The length of the soil surfaced roads passing through forests for transportation of ore from the site could be up to 10 km and about 20 m wide. However, there are forest roads being used for transportation, which could be much longer than stated. There are also mining sites using two roads, one for the empty vehicles to go up for loading and the other for the loaded vehicles. The number of vehicles plying daily from a particular mining site varies from a few to 300. There is often long line of vehicles waiting on the road for loading, sound horns and noise pollution cause to disturb wild animals around. The increased number and net work of roads and the number of vehicles plying and the infrastructure lead to fragmentation of the habitat available to the wildlife is one of the main concern. Though trucks with water are used for dust suppression on roads through sprinkling is not at all effective especially during the hot season resulting in dust polluting the entire area. The vegetation along the entire length of the road is covered almost 150 meters on either side with dust thereby affecting the growth and reducing palatability to wildlife using the area.

Presently, the Environmental Impact Assessment has been on the activities of a single project in a location. However, the combined effects of various activities of a number of projects, which form a cluster could turn out to be synergetic significant. **Cumulative Impact Assessment** of mining projects is not done and hence the cumulative impact goes unnoticed and causing main concern.

About 82% of the households **depend on the forests**. This goes to almost 90% in Kiriburu. They depend on forests for poles, thatching grass, firewood, green manure, cattle fodder, honey and medicinal plants are given. Dependence for firewood is the most prominent. Honey, though a NTFP item is here considered with other groups and is the second highest item collected from the forests. Medicinal plants are also collected to some extent. Dependence for green manure is highest in Kiriburu.

Most of the villages are either enclosures or in fringes close to forests. Majority of the villages reported **conflict with wildlife** mostly in the form of crop damage and human death. Elephants and wild boar as the major crop raiding animals. Wildlife attack on humans, has been reported from all the clusters. Kiriburu and Gua had the highest.

Six hundred and twenty nine plant species are found in Saranda Forest. This included **164 tree** species, **128 shrubs, 262 herbs** and **75 climbers**.

A comparison between vegetations of mining and non-mining forest area indicate differences in number and abundance of plant species. Thirty seven species of trees were recorded from near the mining areas whereas the number of species in natural forests was 94. There were differences in the vegetation composition between the natural forest and mining forest. The differences are in species richness, density and frequency of some of the species.

Expert Committee:—

On the direction of the MoEF, the State Government has constituted an Expert Committee vide Notification No.WL-09/2010-3296-WL RANCHI dated 27.08.2011 to look into the impact of mining and suggest mitigation measures and to prepare an integrated Wildlife Management Plan in the West Singhbhum district.

The Committee consists of Dr. D.S. Srivastava, Retd. Professor of Zoology, Ranchi University, Dr. P.S. Easa, Wildlife Divisions of Kerala Forest Research Institute and Shri J.B. Jauhar, Retd. Principal Chief

Conservator of Forest and former Chief Wildlife Warden,
Government of Jharkhand.

The Commission has obtained a copy of the report submitted by the Expert Committee to the State Government after having incorporated the views of forest department and others.

On perusal of the report, it is observed that the appointment of the Committee suffers with not having the experts in the field of Mines and Geology, Hydrology, Water Resources (River System), Environmentalists, Traffic Experts, etc. Further, it is observed that though the Expert Committee was appointed mainly to look into the impact of mining but at the same time the expertise on mines is lacking in the Committee.

On going through the report it is observed that no proper analysis have been made for intensive mining, present requirements of ore in the State and in the Country as a whole, projected requirement of ore and steel vis-à-vis projected GDP for 20 years or so. The impact of total mining leases in this continuous entire iron ore belt of States of Orissa, Jharkhand and Chhatisgarh are the other shortcoming of the report. Hence, without attending the above observations, the report on impact of mining on the Ecosystem, Wildlife, Socio-Economics of the area is incomplete. The

Committee has also not gone through the mining plans, their implementation and impact of frequent modifications of the mining plans under MCDR 1988 for commercial gains.

Though the Committee has gone extensively on the ecology and wildlife point of view of the area but at the same time suffers with the applications of other factors as stated above which are mainly responsible for degradation of Saranda Forest beyond repair.

The State Government of Jharkhand has submitted a list of 42 approved mining leases in the West Singhbhum District. The leases are granted mainly for the hematite extraction of iron ore. The total area leased in these mines comes about 11,524.809 ha. The location of these mines are shown on satellite images and enclosed as **Annexure: 1**. On perusal of the total leases and in this zone of Orissa State (Keonjhar and Sundargarh District) and Jharkhand (West Singhbhum) the total area affected due to leases is about **59,422.02** ha. (**Annexure: 3**). The entire zone is one of the finest elephant habitat in the country. There are many other wildlife recorded in this area.

The State Government has also submitted the list of 19 proposed mining leases in the same District. The total area for these proposed mines would be about 9186.54

ha. The list is enclosed. The location of these proposed leases had been depicted on the satellite images and shown in **Annexure: 2**.

With the available information, the Commission has analyzed the mines proposed to be granted in favour of some lessees, who are already in the field of iron ore mining, either in the State of Jharkhand or other States in the country. Some of them are discussed as under:–

(A) Tata Steel Ltd. has been granted prospecting license in Gua for 1,808 ha. (908 ha.). It is stated here that the Tata Steel Limited has 08 mines in the State of Orissa covering an area of 4,945.14 ha. and average yearly expected production of **2,29,10,200 MT** per year. The Tata is also having a lease over an area of 1,160.36 ha. in Naomundi Reserve Forest of West Singhbhum district with a permitted quantity of 1,00,00,000 MT per year (Total = 3,29,10,200 MT per year). In total Tata Steel Ltd., has already acquired 6105.50 ha. of leased area in relaxation of Section 6(1)(b) of MMDR, Act, 1957. Hence the Commission strongly feels that there is no need to further grant the lease, for which the prospecting license has already been given. The area should be made **inviolate area** and shall be included in the proposed **Conservation reserve** under Wildlife (Protection) Act, 1972.

(B) The Rungta Mines Limited.

An area of 693.50 ha. (Two mines) is proposed to grant leases in favour of Rungta Mines Ltd. It is to state here that the Rungta group is already having 16 leases over an area of about 3662.17 ha. in Jharkhand and Orissa States. It is further noted that iron ore is purely used for commercial purpose and export by this group and there is no Steel plant established by them. Hence the Commission strongly feels that Rungta Mines Limited may not be granted any more lease and the area proposed for two leases should be declared as **inviolable area** and should be included in the **Conservation reserve** under Wildlife Protection Act, 1972.

(C) Sesa Goa Limited:

An area of 999.40 ha has been proposed in favour Sesa Goa Limited. It is stated here that Sesa Goa Ltd., its subsidiaries and associates are having at least 26 leases in Goa and Karnataka over an area of 2154.62 ha. with them in violation of Section 6(1)(b) and (3) of the MMDR Act, 1957. The Sesa Goa Limited is now taken over by the Vedanta Groups, which is a UK based registered Company by having more than 50% equity / public shares in Sesa Goa Ltd. It attracts the Section 5(a) of the MMDR Act, 1957. The Sesa Goa Ltd., its subsidiary

and associates are already having about 1993.08 ha. of leases area in Goa and 161.54 ha. in Karnatakan (Narayana Iron Ore Mine). The Iron ore extracted by the Sesa Goa Ltd. and others, is mostly used for exports and there is no Steel plant established. The lessee is also involved in illegal mining in Goa and Karnataka. Hence, the Commission feels that to grant such a large prime virgin forest area in favour of Sesa Goa Ltd., should not be considered. The area so proposed should be made part of **inviolate area** and included into the **Conservation reserve**, under Wildlife (Protection) Act, 1972.

- (D) There is another Group of mines in favour of KJS Ahluwalia**, who is also having the leases in Orissa State. The Ore is used for commercial purpose and export. He is involved in illegal mining by way of encroachments and others. Hence, it should also be discouraged to grant him further leases which would destroy the most sensitive ecosystem of the country.
- (E) Other than the leases as stated above (out of the proposed 19 leases)**, the Commission strongly feel that grant of leases should **be on need basis instead on greed base**. All the area of an extent of 9184.54 ha. should be declared as **inviolate areas**

and included in proposed **Conservation reserve** under Wildlife Protection Act, 1972.

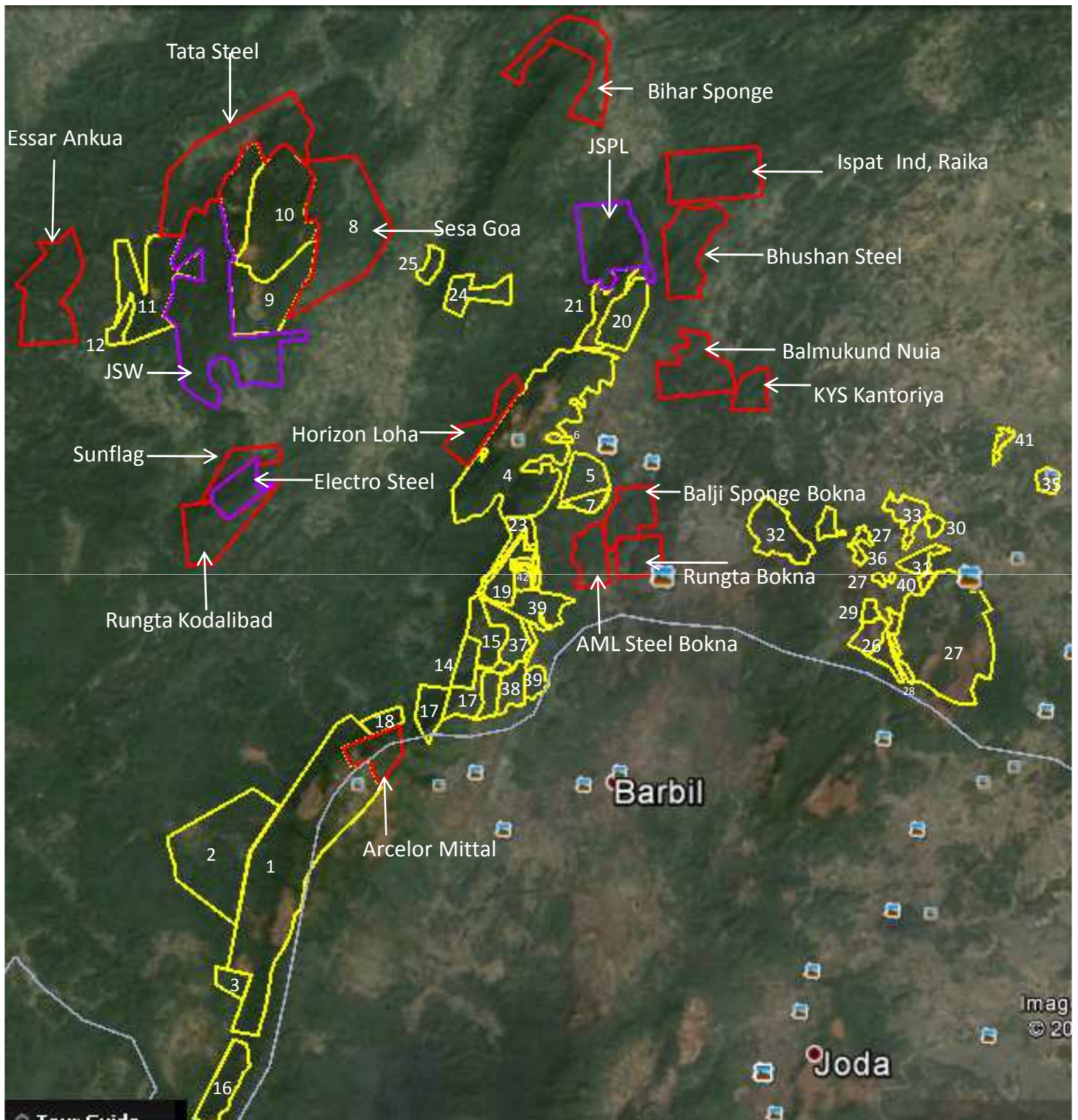
- (F) **It is stated here that about 85,770.00 ha. is the total forest area (81,780.00 ha. RF, 3,990.00 ha. PF) of the Saranda Division. Out of that, 20,711.03 ha. is the leased and proposed leased area. It makes about 24% of the total forest area which is very high. The locations of these leases are equally important. If all the leases are allowed then the Saranda forest would be fragmented into pieces of lands. The encroachments due to agriculture and other activities are in addition to the area of 20,711.03 ha.**
- (G) **Out of 8897.84 ha. of leased area for 24 leases (leases which are under deemed refusal category); 7652.08 ha. area is forest land. So, it is recommended that instead of granting fresh leases in the Saranda forest, these all leases should be terminated by following due process of law and then granted by public auction or otherwise whichever is applicable within law, after notifying under Rule 59 of the MCR, 1960 so that there may not be further depletion of the Saranda Reserve Forest which is also a part of notified Elephant Reserve and proposed Conservation Reserve by the Expert Committee (notified on 27.08.2011).**

List of the proposed Leases			
Sr. No.	Name of proposed lessee	Village	Area (ha.)
1	KYS	Kantoria	139.50
2	Balmukund	Nuia	373.25
3	Balajee Sponge Iron Ltd.	Bokna	420.96
4	AML Steel Ltd	Bokna	383.54
5	Rungta Mines Ltd	Bokna	343.00
6	Jindal Steel Power Ltd	Jeraldaburu	537.00
7	Bhusan Steel Ltd.	Chatuburu	422.75
8	Sungflag Iron & Steel Ltd	Kodalibad	120.00
9	Electro Steel Casting	Kodalibad	192.50
10	Rungta Mines Ltd	Kodalibad	350.50
11	JSW	Ankua	999.90
12	Sesa Gua Ltd	Dhobil	999.40
13	Bihar Sponge Iron Ltd.	Roam	543.00
14	Ispat Industries Ltd.	Raika	520.00
15	Horizon Loha Udhyog Ltd.	Setaruian	215.00
16	Essar Steel Ltd (PL)	Ankua	568.75
17	Anindita Traders & Investment Ltd.	Parambalijori	47.14
18	Tata Steel Ltd.	Ankua	1808.00
19	Arcelor Mittal India Ltd.	Karampada	202.35
	Total		9186.54

LEASED OUT APPROVED AREA			
Sr. No.	Name of lessee	Village / Mauza	Area (ha.)
1	Steel Authority of India Ltd. Kiriburu	Kiriburu	1936.14
2	Steel Authority of India Ltd. Megahataburu	Megahataburu	879.439
3	Steel Authority of India Ltd.	Kiriburu	82.00
4	Indian Iron & Steel Company	Gua	1443.77
5	Indian Iron & Steel Company	Gua	210.44
6	Indian Iron & Steel Company	Jhillingburu	30.43
7	Indian Iron & Steel Company	Gua	14.76
8	Indian Iron & Steel Company	Manoharpur Budhaburu	823.83
9	Indian Iron & Steel Company	Budhaburu	513.036
10	Indian Iron & Steel Company	Ajitaburu	323.83
11	Indian Iron & Steel Company	Ankua	609.57
12	Indian Iron & Steel Company	Ankua	67.18
13	Indian Iron & Steel Company	Ankua	38.85
14	R Mcdill & Company	New Karampada	110.08
15	ML Jain & Sons	Karampada	202.35
16	Saha Bros.	Karampada	233.89
17	Singhbhum Mineral Company	Karampada	141.645
18	General Produce Co.	Karampada, R.F.	70.68
19	T.P Saw	Ghatkuri	202.35
20	Orissa Manganese & Minerals	Ghatkuri	275.19
21	Rungta Mines Pvt. Ltd	Ghatkuri	138.85
22	Nirmal Kumar-Pradeep Kumar	Ghatkuri	149.74
23	Usha Martin Ltd.	Ghatkuri (Vijay-I)	155.078

Sr. No.	Name of lessee	Village / Mauza	Area (ha.)
24	General Produce Co.	Ghatkuri	163.9
25	Padam Kumar Jain	Rajabera	41.63
26	Padam Kumar Jain	Thakurani	84.68
27	Tata Iron & Steel Co.	Noamundi	1160.36
28	Smt. Mitra Ghosh & Samir Ghosh	Noamundi	20.07
29	Kaushal Arjun Rathore	Noamundi	31.987
30	Anand Bardhan	Noamundi	62.42
31	Nirmal Kumar-Pradeep Kumar	Noamundi	66.78
32	Singhbhum Mineral Company	Jamda	265.88
33	Rungta Mines Pvt. Ltd	Meralgara	122.01
34	Anand Bardhan	Itarbaljori	33.7
35	Gourishanker Sharda	Itarbaljori	57.46
36	Shri Vijay Kumar Ojha	Bara- Baljori	21.24
37	Rameshwar Jute Mills	Baraiburu	259.00
38	Kamaljeet Singh Ahluwalliah	Baraiburu	129.49
39	Kamaljeet Singh Ahluwalliah	Baraiburu	250.76
40	Anil Kherwal	Bandburu	22.53
41	Khatau Liladhar Thakkar	Kumirta	30.84
42	Shree Deokabhai Bheljee	Ajitaburu	46.62
	Total		11524.485

LOCATION OF EXISTING, PROPOSED AND STAGE-I MINING LEASES IN WEST SINGBHUM DISTRICT.



Existing old Leases

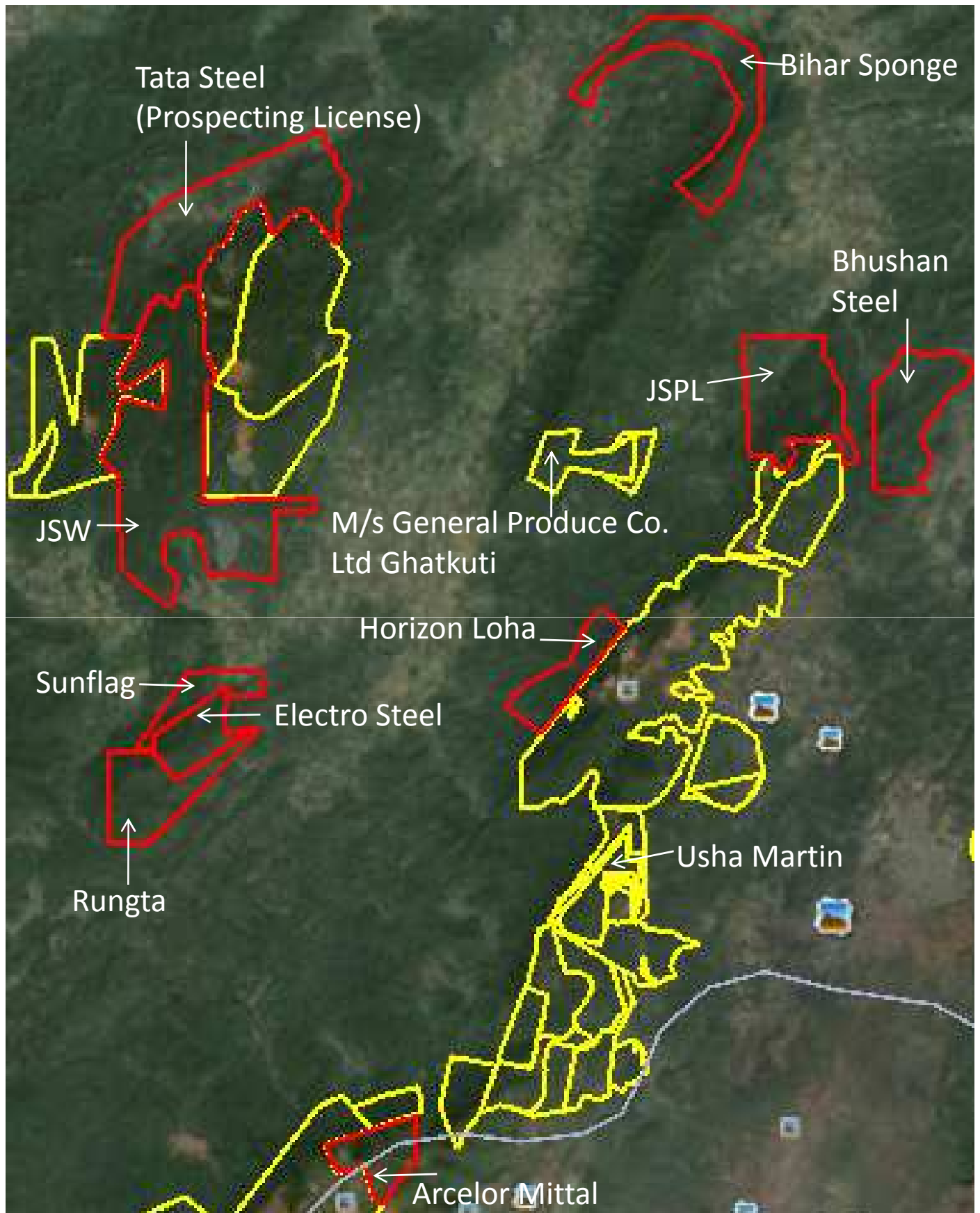


Proposed leases



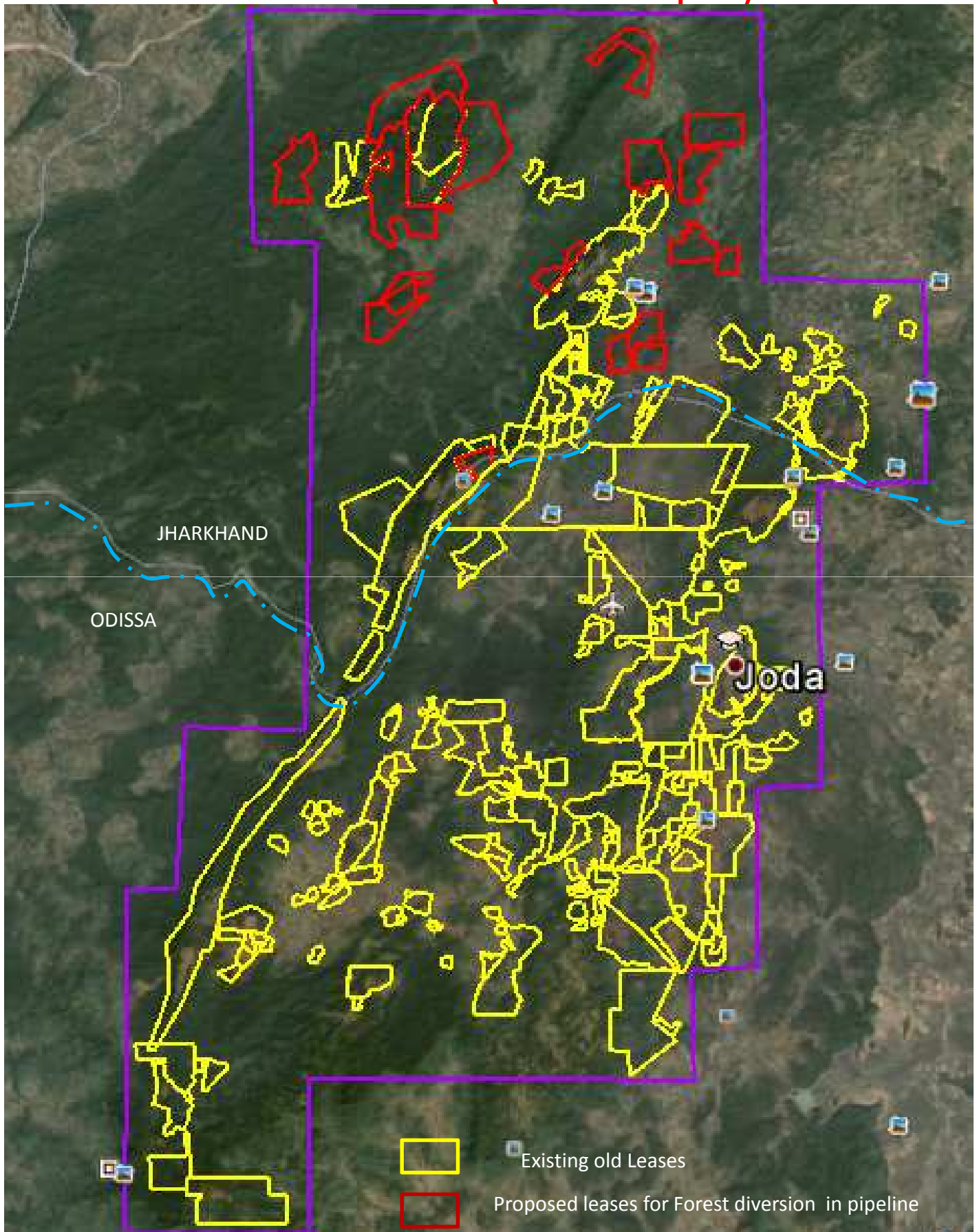
Proposed leases where Stage-I approval granted

MINING LEASES IN PROCESS OF APPROVAL IN SARANDA FOREST IN THE STATE OF JHARKHAND
Annexure 2



- Existing old mines.
- Existing old mines.
Proposed for Forest diversion and approved by Ministry of Mines GOI

**MINING (Iron & Manganese ore) IMPACT AREA OF JHARKHAND AND
ODISSA STATES (Area 1893 sq. km) Annexure 3**



Work rendered by various officers in seeing that the Report is finalized in a short time (even though all throughout, there was delay in getting relevant data from the State Governments)

1. Our task would have been quite impossible without assistance and hard work done by Dr. U. V. Singh, IFS, Addl. P.C.C.F, Karnataka State. He has made meticulous study and verification of voluminous documents and scientific analysis of the data/information supplied by the various departments of the Central and State Governments as well as the lessees in particular and complainants, representatives of the lessees in general. He worked tirelessly round the clock without seeking any sort of extra facility or benefit. He has contributed lion's share in preparing First Report and Second Report for Goa State, First Report for Orissa State and this final report throughout. Without his assistance and cooperation, practically it would not have been possible for the Commission to complete a Herculean task of preparing the reports for which this Commission record its appreciation and gratitude and thanks to him. It is well known fact that he had also played major role in preparing Lokayukta Report of Karnataka State. His selfless and thankless outstanding contribution merits

special mention in this Report. **If such few independent officers are there at the Central or State Governments, then they would be in a position to see that the rule of law prevails in the country and the State and the contention that such illegalities should be permitted for the benefit of few, would not be raised.**

2. Occasionally, the Commission appointed Hon'ble M/s. Justices M.S. Parikh, (Retd.), R.A. Mehta (Retd.), C.K Buch (Retd.) and A.L. Dave, (Retd.) of Hon'ble High Court of Gujarat and Shri D.C. Patel, Retired Director, office of the Director Economics and Statistics, Government of Gujarat, Gandhinagar as Consultant to assist in the work of the Commission and they have rendered their valuable services to the Commission. Therefore, the Commission takes note thereof and would like to thank them.
3. In addition, Shri Janardhan Prasad, Director, Geological Survey of India, State-Unit, Gujarat, Gandhinagar and Shri G.T. Pandya, Dy. Commissioner, Industries Department, Govt. of Gujarat, were deputed to this Commission to assist in the work of the Commission. Shri Janardhan Prasad has taken Google images for leasehold areas of various mines of various States and pointed out

encroachment done in the leased areas. Similarly, Shri G.T. Pandya is having wide knowledge of the MMDR Act, 1957 and MCR, Rules 1960, regulations and other statutory provisions. Both are independent officers. They have worked beyond office hours **for** seeing that the report is completed on due date and hours. They have visited the Goa, Orissa and Jharkhand States for ascertaining the exact position of mines, minerals, its trade and transportation in the said States and have also made their sincere and elaborate efforts in preparing reports. Their services deserve all appreciation.

4. Shri Sudhir S. Shah, District & Sessions Judge (Retd.), Government of Gujarat, Registrar of this Commission, Shri K.B. Bhavsar, Retired Under Secretary, Gen. Adm. Department, Govt. of Gujarat, J.V. Satwara, Retired Principal Private Secretary, High Court of Gujarat. All have worked continuously without any additional benefits or perks.
5. Shri V.L. Buch, Sr. Clerk from District Panchayat, Ahmedabad, Shri Z.G. Kadri, Retired Private Secretary, Labour Deptt., Govt. of Gujarat, Shri Vishal K. Acharya, Assistant, Shri A.V.S. Prasad, Stenographer, Shri Nageshwar Rao Computer

Operator and Shri Javed Malek, Assistant have performed their duty sincerely by working hard at night and holidays as and when required.

It is to be stated here that Shri Vishal K. Acharya has become an expert in recording findings without any flaw. He has also worked continuously for hours together.

6. This Commission also expresses gratitude and records its appreciation for valuable services rendered by Shri Bishwajeet Mishra, IFS, Conservator of Forests, Karnataka State, Shri Saroj Sadangi, IRRR, Dy. Chief Vigilance Officer, Vigilance Department, South Eastern Railway, Kolkata, as and when required by the Commission and the Commission would also like to thank them.
7. The Officers including all administrative staff members have rendered their services even on the public holidays and worked tirelessly at night hours and their cumulative and collective efforts have enabled the Commission to prepare the reports and submit the same to the Government of India in short time. Hence, this Commission would like to record its appreciation for the same and thanks all the officers as well as entire staff members of the Commission.

8. Last but not the least, Shri V.N. Desai, Driver, Geological Survey of India, State-Unit, Gujarat, Gandhinagar as well as Shri Mahesh V. Desai, have rendered their services as driver even at odd-hours for which the Commission also thanks them.
9. The Commission also thanks to the Chief Secretary, Mines Department, Govt. of India, New Delhi, The Chief Secretary, State of Goa, State of Orissa, Jharkhand, Karnataka State, Gujarat State, Maharashtra State, Andhra Pradesh, Chhattisgarh State and the Secretary of Department of Mines and Geology Department, Forests and Environment etc., Director, Geological Survey of India, Regional Controller, Indian Bureau of Mines, Jaipur and Gujarat State Unit, Gandhinagar for extending their cooperation and support by providing details/data/information/documents as and when required by the Commission.
10. This Commission also like to thank to the Hon'ble Chief Justice, High Court of Gujarat, for extending cooperation by allotting B. No.13, Shahibag, Ahmedabad for the use of the office of the Commission.

11. While preparing the Reports, the Commission has taken and taken into consideration the relevant provisions of:–

- (1) The Mines and Minerals (Development and Regulation) Act, 1957;
- (2) The Mineral Concession Rules, 1960;
- (3) The Mineral Conservation and Development Rules, 1988;
- (4) The Wildlife (Protection) Act, 1972;
- (5) The Forest (Conservation) Act, 1980;
- (6) The Wild Life (Protection) Rules, 1995;
- (7) The National Board for Wild Life Rules, 2003;
- (8) The Environment (Protection) Act, 1986;
- (9) The Environment (Protection) Rules, 1986, Environment Impact Assessment Notification, dated 27-1-1994 and subsequent amendments made therein from time to time and **relevant various judgments rendered by the Hon'ble Supreme Court of India.**

That was the basis of making recommendations as well as deciding illegalities or

irregularities in operation of iron and manganese ores mines.

12. Finally, the Commission would like to appreciate the work done by Ld. Sr. Counsel, Mr. Gopal Subramaniam in drawing the attention of the mines operators to their Corporate Social Responsibilities (CSR), even though he was appearing for some of the affluent lessees of the State of Orissa. For doing the said work, a public Trust is established to take up CSR activities ensuring sustainable development in Keonjhar and Sundargarh Districts of Orissa. He visited Keonjhar and Sundargarh Districts to find out the requirement and also encouraged the lessees to contribute Rs.100 crores for various activities. The Commission was informed yesterday that in all, for the time being, Rs.50 crores are received by the Trust and the Trust is headed by Hon'ble Mr. Justice Mukul Mudgal. The purpose of the Trust is to see that there are some roads, constructed at the earliest in rural areas, to construct bridge on Baitrani River, Village electrification, construction of hospital, schools, etc. There is also one programme for skill development/employment generation, for agriculture also, to see that the cold storages and Farmers' Co-operative Societies are also

established. Sports are also developed in the backward area.

The Commission prays for all success to such programme and it is hoped that other multinational mine owners may follow and understand their Corporate Social Responsibility so that the Society may not suffer because of mining activities.

Date : 12th October, 2013

(M. B. SHAH)

Place : Ahmedabad (Former Judge, Supreme Court of India)

**Chairman
Commission of Enquiry
for
Illegal Mining of Iron Ore & Manganese**