



No.5-ORB216/2014-BHU

21<sup>st</sup> August, 2015

To

The Principal Secretary,  
Forest & Environment Deptt.,  
Govt. of Odisha,  
Bhubaneswar.

Sub:- Diversion of 3.278 ha of forest land for Bandhamandi Graphite Mines in Bandhamandi village under Kashipur tehsil of Rayagada district, Odisha by M/s Pradhan Industries, Cuttack during 1<sup>st</sup> RML period.

Sir,

I am directed to refer to State Govt. letter No.10F(Cons)122/2014-12271/F&E dated 05.07.2014, No.13274/F&E dated 18.07.2014 and No.8529/F&E dated 21.05.2015 on the above mentioned subject seeking prior approval of the Ministry of Environment, Forest & Climate Change under Section 2 of Forest(Conservation) Act, 1980.

2. After due consideration of the proposal of the State Government and on the basis of recommendation of the Regional Empowered Committee held on 05.05.2015, the Ministry of Environment, Forest & Climate Change hereby conveys 'in-principle' approval for diversion of 3.278 ha of forest land for Bandhamandi Graphite Mines in Bandhamandi village under Kashipur tehsil of Rayagada district, Odisha by M/s Pradhan Industries, Cuttack during 1<sup>st</sup> RML period, subject to the fulfillment of the following conditions.

- (i) Legal status of forest land proposed for diversion shall remain unchanged.
- (ii) The State Govt. shall charge the Net Present Value (NPV) of forest area proposed to be diverted under this proposal from the user agency as per the Orders of Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard.
- (iii) At the time of payment of the Net Present Value (NPV) at the present rate, the user agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.
- (iv) Compensatory afforestation over the non-forest land equal in extent to the forest land proposed for diversion for mining and other allied activities (excluding the forest area located in safety zone) shall be raised and maintained by the State Forest Department from funds to be provided by the user agency.
- (v) The non-forest land identified for raising compensatory afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance.



- (vi) The non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section (s) of the local Forest Act. The Nodal Officer must report compliance within a period of 6 months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section-4 or Section-29 of the Indian Forest Act, 1927, or under the relevant section of the local Forest Act local forest as the case may be, to this Ministry for information and record.
- (vii) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department.
- (viii) The State Govt. shall raise penal compensatory afforestation from funds to be realized from the user agency, over degraded forest land five times in extent to the forest land assigned on mining lease without obtaining prior approval under the Forest (Conservation) Act.
- (ix) State Govt. shall realize from the user agency Penal NPV @ 20% of the rates applicable on the date of grant of the Stage-I approval, of forest land utilized for non-forest purpose without obtaining prior approval under Forest (Conservation) Act for each year or fraction thereof. (**Explanation:** In case a patch of forest land has been utilized for non-forest purpose without obtaining approval under the Forest (Conservation) Act for 3 years, penal NPV to be realized in respect of such forest land will be at the rate of 60% of the rates applicable on the date of grant of Stage-I approval).
- (x) All the funds received from the user agency under the project shall be transferred to concerned Saving Bank account of the Ad-hoc CAMPA in Corporation Bank, CGO Complex, Lodi Road Branch, New Delhi-11003.
- (xi) State Govt shall enquire into the circumstances under which the mining activities have been allowed to be carried out in forest areas falling in the said mining lease and file complaint in accordance with the provisions of the Orissa Forest Act, 1972 against persons *prima-facie* found guilty of violation of the Orissa Forest Act, 1972.
- (xii) Following activities shall be undertaken by the user agency at the project cost:
- (a) A plan containing appropriate mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented.
  - (b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion.
  - (c) Construction of check dams, retention/toe walls to arrest sliding down of the excavated material along the contour.
  - (d) Stabilize the overburden dumps by appropriate grading/benching so as to ensure the angles of repose at any given place is less than  $28^{\circ}$ .
  - (e) Strict adherence to the prescribed top soil management.



- (xiii) The user agency shall obtain Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required.
- (xiv) The user agency shall ensure demarcation of boundary of safety zone (7.5 meter strip all along the outer boundary of the mining lease areas), and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPS coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.
- (xv) In case of the mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/roads should be properly fenced by the user agency at the project cost to protect the vegetation/regeneration activities in the safety zone.
- (xvi) Safety zone shall be maintained as green belt around the mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the project cost under the supervision of the State Forest Department.
- (xvii) Afforestation on degraded forest land, to be selected elsewhere measuring one and half times the area of forest land under safety zone shall also be done by the user agency at the project cost under the supervision of the State Forest Department.
- (xviii) The period of diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulation) Act, 1957, as amended.
- (xix) The user agency either himself or through the State Forest Department shall undertake gap planting and soil & moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.4), if any, located in the area within 100 m. from outer perimeter of the mining lease.
- (xx) The user agency shall undertake de-silting of the village tanks and other water bodies located within five km from the mine lease boundary so as to mitigate the impact of siltation of such tanks/water bodies, whenever required.
- (xxi) The user agency shall undertake mining in a phased manner and take due care for reclamation of the mined over area. The concurrent reclamation plan shall be executed by the user agency from the very first year, and an annual report on implementation thereof, shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, Government of Odisha and the Addl. PCCF (Central), Ministry of Environment, Forests & CC, Regional Office (Eastern Zone), Bhubaneswar. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the user agency, the Nodal Officer or the Addl. PCCF (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.
- (xxii) No labour camp shall be established on the forest land.
- (xxiii) The user agency shall provide firewood, preferably alternate fuel, to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas.

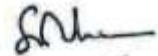
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- (xxiv) The boundary of the mining lease and safety zone shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar.
- (xxv) The forest land shall not be used for any purpose other than that specified in the proposal.
- (xxvi) The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No.11-9/1998-FC (pt.) dated 03.08.2009, in support thereof.
- (xxvii) Any other conditions that the Regional Office (Eastern Zone), Bhubaneswar of this Ministry and State Government of Odisha may stipulate, from time to time, in the interest of conservation, protection and development of forests and wildlife, which shall be complied by the user agency.
- (xxviii) The user agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

After receipt of the report on compliance to the conditions stipulated above, from the State Government of Orisha, final/Stage-II approval for diversion of the said forest land under Section 2 of Forest (Conservation) Act, 1980 will be issued by this Ministry. **Transfer of forest land to user agency should not be effected by the State Government of Odisha till final/Stage-II approval for its diversion is issued by the Ministry of Environment, Forests & Climate Change.**

Yours faithfully,



(S. Mohapatra)  
Conservator of Forests (Central)

Copy to:-

1. The Inspector General of Forests (FC), Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi - 110 003.
2. The Director, ROHQ, Ministry of Environment, Forest & Climate Change, Indira Paryavaran Bhawan, Agni Block, Aliganj, Jor Bagh Road, New Delhi - 110 003.
3. The Principal Chief Conservator of Forests, Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar.
4. The Addl. PCCF & Nodal Officer (FC), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar.
5. The Divisional Forest Officer, Rayagada Forest Division, Rayagada, Odisha.
6. M/s Pradhan Industries, Telenga Bazar, Cuttack-9, Odisha.
7. Guard file.

Conservator of Forests (Central)