

SITE INSPECTION REPORT CONCERNING VIOLATION FOR DIVERSION OF 660.749 HA OF FOREST LAND IN KALAHANDI (SOUTH) FOREST DIVISION AND RAYAGADA FOREST DIVISION IN FAVOUR OF THE ORISSA MINING CORPORATION LTD (OMC) FOR MINING OF BAUXITE IN LANJIGARH BAUXITE MINES.

In view of the allegation regarding violation of F(C) Act, 1980 and to address concerns regarding tribal rights and Wildlife, a three members committee was constituted consisting of Dr. Usha Ramanathan, from Centre for Study of Developing Society, Dr Vinod Rishi, Former Additional Director General(WL), WII, Dehradun and Shri J.K. Tewari, CCF (Central), ERO, MoEF, Bhubaneswar. The committee visited in two phases - first visit by Dr. Vinod Rishi and myself on 22<sup>nd</sup> and 23<sup>rd</sup> January, 2010 and second visit from 27<sup>th</sup> to 30<sup>th</sup> January, 2010 by Dr Usha Ramanathan and I also joined her for the last two days. The visit was followed by interaction with the CEO, OMC on 31.01.2010.

The OMC Ltd. has applied for Bauxite mining lease of Lanjigarh Bauxite deposit over an area of 721.323 ha covering part of Niyamgiri Reserved Forest of Kalahandi District and Khambesi Proposed Reserved Forests, Niyamgiri proposed Reserve Forest and Jungle Block (Revenue forests) of Rayagada District. Government of India, Ministry of Coal and Mines have granted the lease vide their letter No. 4/81/2003-M.IV dated 13.09.2004 for a period of 30 years with a direction to State Government to ensure compliance of Acts and rules including Forest (Conservation) Act, 1980. The granted lease area of 721.323 ha included 672.018 ha of forest land and 49.305 ha of non-forest land. The proposal was for 660.749 ha leaving aside 11.269 ha for safety zone. The Government of India, Ministry of Environment and Forests, have in their letter No. 8-23/2005-FC dated 11.12.2008 also accorded the in-principle approval to this diversion proposal subject to compliance of stipulations.

The above area was inspected by me on 22.01.2010 along with Dr. Vinod Rishi and again on 29.01.2010 along with Dr. Usha Ramanathan. Senior officials of the Forest Department like Nodal Officer, local CCF and DFO also accompanied during the visit. There is one kutchra road leading from foot hill (near Ejrupa) to hilltop

approximately 3.5 km long motorable only by a four wheel drive due to poor maintenance and slope problem. The road is said to be constructed during the initial prospecting by the GSI during 1977-79 and subsequently used by the department for inspection and other activities. It was also used by the M/s Mineral Exploration Corporation Limited (MECL), a Govt. of India undertaking during 2003 for detail exploration of the deposits and subsequently by Central Mine Planning and Design Institute Limited (CMPDI) and Orissa University of Agriculture & Technology (OUAT) for conducting hydrological survey. The committee could not notice mining or any other activity which may be considered as violation of the F(C) Act, 1980. In this regard the District Collector, Kalahandi has submitted a report to the Commissioner-cum-Secretary, Department of Steel and Mines on 29.11.2009 which is enclosed as Annexure-1 and the Divisional Forest Officer, Kalahandi South Division has given another report to the PCCF, Orissa on 30.11.2009, which is enclosed as Annexure-2. According to those reports, no mining or construction activity has taken place in the proposed area of 660.749 ha for diversion for mining of bauxite ore in Lanjigarh. I agree with their reports. There is no violation of F(C) Act, 1980 with respect to 660.749 ha of forest land.

In addition to the above, I may inform that the OMC has submitted additional proposal for diversion of 33.73 ha of forest land in Niyamgiri Forest through State Government which was received in this office on 10.02.2009. The proposal was forwarded to the Ministry as it was an integral part of the mining proposal of 660.749 ha. The Ministry has given in-principle approval for the same on 15.04.2009.

The break up of the requirement of 33.73 ha of forest land is given below:-

Sl. No	Purpose	Reserve Forest land in ha	Revenue Forest land (Gramya Jungle-jogya, G.Jungle) in ha	Total forest land in ha
1.	Conveyor Corridor	7.0	0	7.0
2.	Mine access road	23.0	2.82	25.82
3.	Common Corridor with conveyor system and mine access road	0	0.91	0.91
	Grand Total	30.0	3.73	33.73

State Government has already informed in their proposal about the violation committed by the user agency that the user agency has constructed 47 numbers of Pillars (23 Nos RCC Pillar fully constructed 15 Nos RCC pillars partly constructed and 9 pillars steel made) over non-forest land coming within the conveyor corridor over 45.6 square meter of non-forest land in the project area. But the actual area calculation is not correct as the Conveyor area already erected above the ground is not calculated. The normal way of calculation is to calculate total length multiplied by the width of structure and additional area required for operation i.e. erection, irrespective of the fact that it is above ground or below the ground. Therefore the recorded area of 45.6 square meter has no meaning. The actual area of construction would be much larger. However, the conveyor belt over the village forest area is not connected. This is only a case of violation of the guidelines regarding Forest (Conservation) Act, Para 4.4 (issued by the Ministry of Environment & Forests).

Besides this the user agency has constructed an incomplete mine access road also, mainly in the non-forest area close to conveyor belt but this also passes through the village forest (Gramya Jungle Jogya) Plot No. 157(P) 1 acre in extent and Plot No. 133 having an extent of 0.11 acres. Both upstream and downstream are lands transferred to the Company by IDCO. Length of the road works through the village forest is around 50 meters out of total length of around 1 km mine access road. Nature of the work done is cutting and leveling. It is difficult to assess the oldness of the road at this stage. This is a case of violation of the F(C) Act and also of the guidelines Para 4.4 issued by the Ministry of Environment & Forests. I discussed this issue with the District Collector, Kalahandi and he informed me over phone that he is aware of the violation of the Forest (Conservation) Act but it happened before his taking charge. Map given by the Vedanta Alumina Limited showing the road by long broken lines and conveyor corridor by continuous line is enclosed as Annexure-3.

During the inspection of the diversion proposal area of 33.73 ha for Conveyor corridor and mine access road on 23.01.10, the revenue officials were not available. But, they were present during inspection on 29.01.10. Normally revenue and adjacent

forest boundaries should coincide but in the present case, there was a gap of about 75 meter of width meaning that is no man's land. This is rather surprising and should be addressed urgently by the Revenue and Forest authorities through joint survey and not leave it for encroachment by private parties.

Appropriate decision may be taken in the light of above observations.

(J.K. TEWARI)  
CHIEF CONSERVATOR OF FORESTS (CENTRAL)