

F. No. 8-63/2007-FC
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003.
Dated: 28th July, 2010.

ORDER

WHEREAS, this Ministry vide its letter of even number dated 19th September 2008, accorded in-principal approval of the Central Government, in accordance with Section-2 of the Forest (Conservation) Act, 1980 for diversion of **1253.225 ha** forest land for establishment of a Integrated Steel Plant and Captive Port by POSCO-India Pvt. Ltd. in Jagatsinghpur district of Orissa subject to fulfillment of conditions stipulated therein;

2. **AND WHEREAS**, the Government of Orissa, vide its letter No. 10F(Const)-54/21007-20393/ F & E dated 03.12.2009 submitted a report on compliance to the conditions stipulated in the said **in-principal** approval;

3. **AND WHEREAS**, based on the said compliance report dated 03.12.2009, this Ministry vide its letter of even number dated 03.12.2009 accorded **final approval** of the Central Government, in accordance with Section-2 of the said Act for diversion of the said forest land, subject to the condition that the rights, if any, in accordance with Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, on the said forest land shall be settled before implementation of the said project;

4. **AND WHEREAS**, this Ministry vide its letter of even number dated 08.01.2010 further informed the Government of Orissa that no forest land shall be handed over to the said User Agency before settlement of rights, if any, in accordance with Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the said forest land;

5. **AND WHEREAS**, the Government of Orissa, vide its letter dated 16.03.2010 submitted a report on settlement of rights, in accordance with the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the said forest land. In the Government of Orissa's said letter dated 16.03.2010 *inter alia* it was stated that the Collector of the Jagatsinghpur district has indicated that no tribal people is cultivating or residing in the said forest land;

6. **AND WHEREAS**, the documents appended with the said compliance report dated 16.03.2010 received from the Government of Orissa were in vernacular language of the State. This Ministry vide its letter of even number dated 15.04.2010 requested the Government of Orissa to submit authentic English translation of the said documents;

7. **AND WHEREAS**, pending receipt of authentic English translation of the said documents, this Ministry received complaints on violation of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and Rehabilitations and Resettlement provisions for diversion of the said forest land. These complaints have been carefully considered, and need has been felt for further examination of the compliance of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act,

2006 and Rehabilitations and Resettlement provisions, pending which, a final decision cannot be taken on handing over of the said forest land to the said User Agency;

8. **NOW THEREFORE**, it is hereby decided that a four (4) member committee, with the following composition, is hereby constituted, with immediate effect:

- (i) Ms. Meena Gupta IAS (Retd.), Former Secretary, Ministry of Environment & Forests;
- (ii) Dr. Urmila Pingle, an expert on tribal issues, Hyderabad;
- (iii) Dr. Devendra Pandey, IFS (Retd.), former Director, Forest Survey of India, Dehradun;
- and
- (iv) Dr. V. Suresh, Advocate, Madras High Court.

9. **AND IT IS ORDERED FURTHER THAT**, the Terms of Reference of the Committee as constituted in paragraph 8 shall be as below:

- (i) Investigation and ascertainment of the status of the implementation of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in and around the said forest land;
- (ii) Investigation and ascertainment of the status of the implementation of the Rehabilitations and Resettlement provisions in respect of the said project; and
- (iii) Any other matter in furtherance of the above objectives.

10. **AND THAT**, the Committee as constituted in paragraph 8 above shall:

- (a) Work under the direction of Ms. Meena Gupta in relation to administrative arrangements, scheduling of field visits, etc;
- (b) Undertake field inspection and analysis jointly and severally as decided by the consensus by the group;
- (c) Submit its findings to the Director General of Forests and Special Secretary, Ministry of Environment & Forests within a period of 30 calendar days from the date of its constitution.

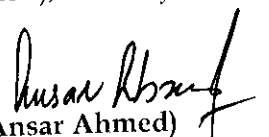
11. **AND THAT**, Secretariat assistance to the Committee shall be provided by the Inspector General of Forests in charge of the Forest Conservation Division in the Ministry of Environment & Forests.


(Ansar Ahmed)

Inspector General of Forests

Copy to:

1. The Principal Secretary (Forests), Govt. of Orissa, Bhubaneswar.
2. Principal Chief Conservator of Forests, Govt. of Orissa, Bhubaneswar.
3. POSCO-India Pvt. Ltd.
4. All Members of the Committee.
5. The Chief Conservator of Forests (Central), Regional Office (Eastern Region), Ministry of Environment & Forests, Bhubaneswar.
6. DGF&SS/ Addl. DGF & SS/ IGF (FC).


(Ansar Ahmed)
Inspector General of Forests