

DB POWER LIMITED

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DBPL/MIN/EC/MOEF/16112

Date: 16. 01. 2012

To,

The Director,
Impact Assessment (Mines)
Ministry of Environment & Forest,
Paryavaran Bhawan,
CGO Complex,
New Delhi-110510

Subject: Reply in respect of EAC minutes uploaded on MoEF website in respect
of Durgapur-II/Sariya Coal Block.

Reference: MINUTES of 37th Expert Appraisal Committee (EAC) (Thermal & Coal
Mining) meeting held on 28th -29th November 2011 in Paryavaran Bhawan, CGO
Complex, Lodi Road, New Delhi.

Madam,

We are thankful to the Expert Appraisal Committee, to have considered our case for EC
meeting in the month of Nov 11. Based on the EAC minutes uploaded on the MoEF
web site, we would like to present our response on the clarifications sought in the same;

- 1) The Committee also noted that a Writ Petition No. 3876 of 2011 has been filed in
the Hon'ble High Court of Chhattisgarh at Bilaspur against the proposed mining
in Dharmajagarh Nagar Panchayat Area. The Committee sought the response of
the proponent on the matter.

Response: On being advised by the Expert Appraisal Committee, regarding the
writ petition No.3876/2011 pending against us in the Hon'ble High Court at
Bilaspur, enquiries were made by us. We were informed that the court had
issued an ex-parte interim order on 09.12.2011, since we (respondent's number
6 & 7) had not been served till then. Copy of the interim order of the Hon'ble High
Court in the matter, annexed at Annexure- A for ready reference.

Subsequently we along with our counsel appeared before the court and filed
reply along with an application praying for vacation of stay on the EC



- 8) The Committee also desired that proponent should expedite the process of establishing railway siding ensuring that the minimum fragmentation forest and safety of elephants present in the area should be ensured.

Response: We are expediting the process of establishing railway siding. All efforts shall be made to ensure that there is minimum fragmentation of the forest and safety of elephants present in the area taken care of. We have already entered into an MOU with four other companies for establishment of rail corridor, MoU signed on 01-06-2011 in the name of Fathepur Logistics Pvt. Ltd. (FLPL)- Copy of MoU enclosed as **Annexure-D**

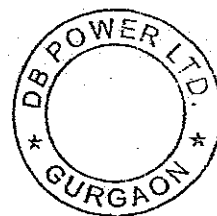
Pre-feasibility report "Proposed rail connectivity to FLPL coal blocks take off from Gharghoda station" prepared by our consultant M/s Arvee Associates, Hyderabad and already submitted to SECR, Bilaspur, on 10.01.2012-Copy enclosed as **Annexure-E**

- 9) The Committee desired that the feasibility of coal transportation by conveyor-cum-rail mode requires being studied using common facilities/infrastructure such as Railway siding and railway track for neighbouring coal mine projects, which may come up in the area and details furnished and also shown on a toposheet. The Committee desired that the rail corridor should not fragment forests.

Response: In March 2011, a study was done by M/S L&T Bulk Material Handling Business Division, for installing a conveyor system from Durgapur II/ Sariya, to our plant site at Badadarha. On doing a detailed site survey and inspection, L&T was of the opinion that technically, it would not be a feasible option as explained in their response vide their letter no. nil dtd 11.05.11 Enclosed in **Annexure-F (FROM L&T)**

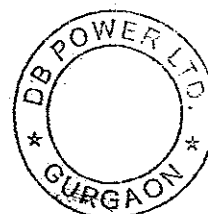
- 10) The Committee desired that the R&R Plan should include Plan for the 21 tribal PAFs and details furnished and issues of PESA (Panchayat Extension to Scheduled Areas) under Tribal Rights Act incorporated. CSR should include supply of drinking water to villagers.

Reply: The R & R plan had been prepared by including the 21 tribal PAFs along with their details. The issues of PESA have also been addressed as follows:



| Comment | Addressal |
|---|--|
| <p>The Committee desired that the R&R Plan should include Plan for the 21 tribal PAFs and details furnished and issues of PESA (Panchayat Extension to Scheduled Areas) under Tribal Rights Act incorporated.</p> | <ol style="list-style-type: none"> 1. The PESA act specifically states the "gram sabhas in the schedule V areas should be consulted before Land Acquisition". In the present plan, Chapter 2 on policy framework discusses the PESA act provisions. To this extent, Appendix 6.2 (referred in chapter 6, section 6.2) gives the initial consent letter of the gram panchayats for the area (covering village Taraimar) proposed to be acquired for the proposed project. 2. All the 21 families belonging to Scheduled Tribes belong to one village, viz., Taraimar. The profile of these families in terms of educational attainments and their incomes levels have been analysed as required by the PESA act. They will be rehabilitated together. A separate budget for R&R has been provided for them so that their rehabilitation can be done without any problems. Also, additional support measures such as training and skill development and employment options have been provided. All these are given in Chapter 8 of the plan. |
| <p>CSR should include supply of drinking water to villagers.</p> | <p>Drinking water facility has already been planned as part of relocation site development. The same is discussed in Section 8.3 in Chapter 8. In addition, the surrounding villages, which are not getting displaced but are adjacent to mine lease (Taraimar & Dharamjaigarh) will be provided with drinking water.</p> |

The points related to the tribal families and PESA are consolidated and given in Annexure-G.



ANNEXURE -G

PLAN FOR THE 21 TRIBAL PAFS **WITH REFERENCE TO PROVISIONS OF PESA**

1.1 Introduction

The Saria Coal Block (wherein M/s D. B. Power Ltd. envisages the establishment of a captive opencast coal mine in Durgapur II/ Saria Coal Block) is spread over villages Dharamjaigarh, Dharam Colony, Medarmar, Bayasi & Medarmar Colony and Taraimar in District Raigarh, Chhattisgarh. These villages fall within the declared Schedule V area of the Government of India¹. Appendix 1.1 shows the letter from collector office stating the inclusion of these villages in Schedule V area

Due to the proposed project, of the total affected population, 21 households belonging to the Scheduled Tribes are impacted. Considering that the villages fall under the notified Schedule V Area, compliance to the Panchayats Extension to Scheduled Areas (PESA) Act has been done. The following sections detail out the specific provisions within the R&R plan taken to ensure compliance to the PESA Act.

1.2 Salient Features of the Panchayats extension to scheduled areas (PESA) Act

The Constitution provides for special provisions for administration and control of Scheduled Areas. While the overall objective of the PESA Act is to enable tribal communities to safeguard their traditional rights over natural resources, in the context of Land Acquisition, the Act requires that it would be possible to acquire land in the Schedule V area only with prior consultation and consent of the Gram Sabha of the respective affected villages

1.3 Consent of Gram Sabha

As per the requirements of the PESA Act, the consent of Gram Sabhas is to be obtained by the respective agencies securing the permission for Land Acquisition. The initial consent letter from the Gram Panchayat of the village (Taraimar) where STs are found (partially/fully or habitation/uninhabited agricultural area) is given in Appendix 1.2. Gram Sabhas will be held in due course, requisite consultations made and consents taken, as required

1.4 Profile of Scheduled Tribe Households

There are 119 Scheduled Tribe persons (21 households) who are likely to be displaced due to the project. Of these, there are 60 females and 59 males. All of

¹ Of the 16 districts in Chhattisgarh, seven districts (Surguja, Korea, Jashpur, Kanker, Bastar, Dakshin Bastar Dantewada and Korba) are categorised as Scheduled V Area districts and six (Bilaspur, Durg, Rajnandgaon, Raipur, Raigarh and Dhamtari) are partial Scheduled V Area districts.

1.5 Special Provisions for STs in Entitlement Framework

Table 3 gives the additional provisions given to STs in order to mitigate the adverse impacts on them.

Table 3: Additional Provisions for STs in Entitlement Framework

| Category | Type of Loss | Unit of Entitlement | Entitlement | Details |
|--|---------------------------|---------------------|--|---|
| Encroachers | | Household | | <ul style="list-style-type: none"> • Will receive no compensation for land but assistance for shifting assets to the vulnerable groups such as SC, ST, Women Headed Households and the poor. Such assistance shall be given only to residential and commercial properties; • Encroachers will be notified a time in which to remove their assets; • Right to salvage materials from the demolished structure. • If the encroachers belong to the vulnerable group (BPL/SC/ST), then they shall get a one time financial assistance of Rs. 11,000. |
| Additional support to vulnerable groups | Housing | Household | Assistance | Scheduled Tribe and Scheduled Caste <ul style="list-style-type: none"> • Separate budget within the R&R plan for development of Scheduled Tribe families. |
| Community infrastructure, cohesion and amenities | Common property resources | Community | Conservation, protection, compensatory replacement | The common property resources and the community infrastructure shall be relocated in consultation with the community/gram panchayat. |

1.6 R&R Budget for Tribal Families

Table 4 gives the R&R budget for Tribal Families. All of them would be relocated in one site. The R&R Plan envisages provision of all facilities including drinking water, housing, roads, and other social and community facilities in the relocation site. The R&R budget for the tribal families also provides for training and skill development component.

TABLE 4
TOTAL ESTIMATED COST OF RESETTLEMENT AND
REHABILITATION-TRIBAL FAMILIES

| Sl. No. | Head of Expense | Calculation | Amount (RS. Lakhs) |
|---------|--|---|--------------------|
| 1 | Cost of land acquisition for mining project | 24 337 ha @Rs. 19.768 lakhs/ha | 481.09 |
| 2 | Cost of aquisition and construction of houses for displacees | Rs. 1 lakh X 21 families + Rs. 3.24 lakhs X 44 sub families | 163.56 |
| 3 | Site and infrastructure development at Resettlement site (common with non-ST displacees) | 16.4% of total cost of Rs. 138.03 lakhs | 22.64 |
| 4 | Purchase of land for resettlement | 44 sub families X 0.1 acre X 1.50 (common property) = 6.6 acre or 2.82ha @ Rs. 8 lakh/ha = 22.56 lakhs | 55.74 |
| 5 | Rehabilitation grant | Rs. 11,000 X 44 sub families = 4.84 lakhs | 4.84 |
| 6 | Transportation grant | Rs. 1000 X 44 sub families = 0.44 lakhs | 0.44 |
| 7 | Compensation for Trees | Lump sum | 1.76 |
| 8 | Compensation for fixed assets | 6 wells X Rs. 25,000 + 4 tubewells X Rs. 50,000 = Rs. 3.5 lakhs | 3.50 |
| 9 | Training and Skill Development | For 1 time training to 80% (35 nos.) displacees & land loser for employment in mine @Rs. 2500/person/month for 6 months | 5.25 |
| 10 | Training and Skill Development | For 1 time training to 20% (9 nos.) displacees & land loser for self employment @Rs. 10000/person | 0.9 |
| 11 | Contingencies | Lumpsum (~4%) | 30.29 |
| | TOTAL | | 770.01 |

Note: For details of calculation, please refer to Chapter 8, Annexure 23, Final R&R plan of Sariya

34. Nat, Navidigar, Sapera and Kubutar,
35. Oraon, including Dhanka and Dhangad,
36. Pardhan, Pathari and Saroti,
37. Pardhi including Bahellia or Bahellia, Chita-Pardhi, Langoli, Pardhi, Phans Pardhi, Shikari, Takankar and Takia,
38. Parja,
39. ¹[x x]
40. Pao,
41. Saonta or Saunta,
42. Sawar or Sawara,
43. Saharia, Seharia, Sosia or Sor ²[(including Sahariya-Rawat)],
44. Saur,
45. Sour.

³[46. Meena, only for Seronj Sub-Division (Revenue) of Vidisha District]

(53) Notfn. No. F-5-3-76-384-VII-N-1, dated 21-2-1977⁴.—The State Government has—

- (i) specified 26th January as the date mentioned in clause (i) of sub-section (6) of Section 165, and
- (ii) has also declared the areas predominantly inhabited by aboriginal tribes mentioned in column (2) of the Schedule below as such areas :—

SCHEDULE

| Sr. No. | Area comprised within the limits of Tahsil | District | Division |
|---------|--|---------------|-----------|
| (1) | (2) | (3) | (4) |
| 1. | (1) Jhabua | 1. Jhabua | 1. Indore |
| | (2) Thandla | | |
| | (3) Petlawad | | |
| | (4) Alirajpur | | |
| | (5) Jobat | | |
| | (1) Sardarpur | 2. Dhar | |
| | (2) Dhar | | |
| | (3) Kukshi | | |
| | (4) Manawar | | |
| | (1) Barwani | 3. West Nimar | |
| | (2) Rajpur | | |

1. Omitted by Notfn. dated 8-12-1971
2. Ins. by Notfn. dated 20-9-1999
3. Ins. by Notfn. dated 29-3-1996
4. Published in M.P. Rajpatra, Part I, dated 11-3-1977.

ANNEXURE G contd..

NOTFN.]

NOTIFICATIONS UNDER THE M.P. LAND REVENUE CODE, 1959

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| (1) | (2) | (3) | (4) |
|-----|-----------------------------|-----------------|----------------|
| | (3) Sendhwa | | |
| | (4) Bhikangaon | | |
| | (5) Khargone | | |
| | (6) Maheshwar | | |
| | (1) Harsud | 4. East Nimar | |
| | (1) Sailana | 5. Ratlam | 2. Ujjain |
| 2. | (1) Betul | 6. Behul | 3. Bhopal |
| | (2) Bhensdehi | | |
| 3. | (1) Chhindwara | 7. Chhindwara | 4. Jabalpur |
| | (2) Sounsar | | |
| | (3) Amarwara | | |
| | (1) Seoni | 8. Seoni | |
| | (2) Lakhnadon | | |
| | (1) Baihar | 9. Balaghat | |
| | (1) Mandla | 10. Mandla | |
| | (2) Niwas | | |
| | (3) Dindori | | |
| 4. | (1) Sohagpur | 11. Shahdol | 5. Rewa |
| | (2) Pushparaigarh | | |
| | (3) Beohari | | |
| | (1) Gopadbanas | 12. Sidhi | |
| | (2) Deosar | | |
| 5. | (1) Katghora | 13. Bilaspur | 6. Bilaspur |
| | (2) Bilaspur | | |
| | (1) Jashpurnagar | 14. Raigarh | |
| | (2) Gharghoda | | |
| | (3) Dharamjaigarh (Udaipur) | | |
| | (4) Raigarh | | |
| | (1) Ambikapur | 15. Sarguja | |
| | (2) Surajpur | | |
| | (3) Baikunthpur | | |
| | (4) Bharatpur | | |
| | (5) Manendragarh | | |
| | (6) Samari | | |
| | (7) Ramanujganj (Pal) | | |
| 6. | (1) Sheopurkalan | 16. Morena | 7. Gwalior |
| 7. | (1) Hoshangabad | 17. Hoshangabad | 8. Hoshangabad |
| 8. | (1) Balod | 18. Durg | 9. Raipur |
| | (1) Rajnandgaon | 19. Rajnandgaon | |

ANNEXURE -G

कामील पत्र शाह पंचायत शाहपुर

प्रति,

श्रीमान गणपत बख्ख

डी. वी. पावट लि. बल्लभगढ़

जि. रायगढ़

विषय → डी. वी. पावट लि. बल्लभगढ़

को प्रस्ताव नकल गंगा कामे बखत।

मेधापद,

निवेदन है कि - डी. वी. पावट लि.

के द्वारा शाह पंचायत से मनायित प्रमाण
की मांग की गई है जिसके तत्त्वस्थ में दिनांक
21/6/2011 को प्रस्ताव पत्र दिमा गया
जिसकी नकल आपको भेज रहा हूँ।

R.B. Bhatia

दिनांक

साचिव

गाम पंचायत

ज.प. धर्मजयगढ़

22-8-2011 जिला-रायगढ़ (छ.ग.)

सा (प.प.)

सरपंच

धनसिंह राठिया

गाम पंचायत-शाहपुर

ज.प. धर्मजयगढ़ (छ.ग.)

धनसिंह

सरपंच

धनसिंह राठिया

गाम पंचायत-शाहपुर

ज.प. धर्मजयगढ़ (छ.ग.)

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