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Clarification note issued by Dr. Bibhab Kumar Talukdar on recent mis-information being aired in various print and digital media for clarity regarding recent approval of coal mining in Saleki PRF granted by Standing Committee NBWL

My attention is being drawn on various news items being published in various print and digital media including social media on recent issue of grant of approval for coal mining in Saleki Proposed Reserve Forest which falls in Dehing Patkai Elephant Reserve in Eastern Assam.

I have seen my name being dragged into the issue of granting permission for clearance as I had attended the 9th meeting of the State Board of Wildlife, Govt. of Assam held on 20th September, 2016 when the issue of diversion of 98.59 hectare in Saleki Proposed Reserve Forests were included in the minutes of the meeting. Below, I would like to state the step by step process with regards to how and when the proposed mining proposal of user agency has been recommended by the Expert Committee constituted by the State Board of Wildlife (SBWL).

1. The Assam government in fact forwarded the proposal (vide letter No FRS. 108/2012/320 dated 02.04.2013) seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 and it was considered by the Forest Advisory Committee (FAC) in its meeting held on 10th and 11th June, 2013 and the FAC observed that "no forest clearance was granted to the mining lease in 2003 or later period but the mining operation has been going on since 2003 in violation of the Forest (Conservation) Act, 1980.
2. The proposal was placed before the State Board for Wildlife (SBWL) in the 7th meeting of the board on October 21, 2014. The SBWL requested the Principal Chief Conservator of Forests (Wildlife) and the Chief Wildlife Warden to constitute an expert committee. The PCCF & CWLW constituted the Expert committee on July 6, 2015 and the Expert Committee after deliberations and checking documents submitted a report in 2016 and recommended the proposal subject to implementation of a set of mitigation measures.
3. Meanwhile, on 19th July 2016, Government of Assam vide letter No. FRW.7/2003/122 reconstituted the SBWL and I was made one of the members of this newly-constituted SBWL along with 30 other members including Hon'ble Chief Minister as Chairman of SBWL, Hon'ble Minister for Environment and Forests as Vice Chairman of SBWL and Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden of Assam as Member Secretary of the board.
4. The newly constituted SBWL as mentioned in point-3, had its first meeting (but 9th meeting of SBWL), on 20th September 2016 and under the action taken report on the recommendation of 8th meeting of SBWL were deliberated upon and the issue of Saleki PRF for coal mining permission was placed in point-4 of action taken report based on decisions of the earlier SBWL in its 8th meeting. So in the 9th meeting of SBWL which I attended along with other

members, it was informed to the members that expert committee sat as per decision of earlier (7th and 8th) meetings of SBWL, Expert committee re-visited documents and sites and recommended the proposal which was minuted in the 9th meeting of SBWL. Since this issue is a continuous one perhaps started from at least 7th meeting of the SBWL, already major discussion and decisions were taken at the earlier meetings. Since Expert Committee constituted in earlier meeting/meetings has already recommended the proposal, there was no detailed deliberations done in 9th meeting of SBWL. And the members of the newly constituted SBWL, were not fully aware that the proposal was in fact looking for a post facto permission. However, the new members insisted that the proposed site should be outside the 10 KM radius of the eco-sensitive zone for which was minuted in the 9th meeting of the SBWL that Chief Wildlife Warden of Assam, who is the Member Secretary of SBWL shall finally confirm by sending a senior officer to the site and only if the proposed coal mining site in Saleki PRF is found to be beyond the 10 KM radius from Dehing Patkai WLS, then shall the CWLW forward the proposal to Standing Committee of National Board of Wildlife (NBWL) for further consideration, as existing Wildlife (Protection) Act 1972 permits Standing committee of National Board of Wildlife to give final official nod on “Yes” or “No”.

5. Unfortunately, even during the on-going COVID19 lockdown in India, Standing Committee of NBWL, had its meeting and cleared part of the proposal as recommendation of an expert committee constituted by Standing Committee of NBWL led by Prof. Raman Sukumar by allowing user agency to mine in broken up area is recommended for approval subject to submission of a rectified site specific mine reclamation plan in consultation with the Assam Forest Department. For the unbroken area (about 41.39 ha), the matter will be considered after the User Agency submits a feasibility report for underground mining, and also submits compliance report regarding fulfilment of all other conditions as recommended in the meeting of Standing Committee of NBWL held on 21st January 2020.

So, blaming the members of the new SBWL constituted in July 2016 does not seem logical as the earlier meetings already deliberated on this issue in length and given the responsibility to the expert committee constituted as per 7th meeting of the SBWL held on 21 October 2014.

However, our focus now should be on the following core issues-

- i. Despite the fact that all coal mining lease elapsed in 2003, why coal mining was allowed during 2003 till 2019 by concerned government agencies in Assam? Was it not violating the existing laws?
- ii. Why even Forest Advisory Committee or Standing Committee of NBWL, Govt. of India which has the ultimate legal power to give permission, has even considered such mining proposal knowing fully well that these mining agencies and forest officials didn't take due process under Forest Conservation Act, 1980 for renewing their lease license for 16 years since 2003?
- iii. Giving post facto permission regularising this kind of illegal mining from 2003-2019 is, in fact, a case of abetment for which all officials involved in these nefarious activities should be booked under the existing law to give a strong signal showing current government's commitment to end corruption in every arena.



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