

फार्म नं. 1
प्रथम सूचना प्रतिवेदन (धारा 154 द. प्रक्रिया संहिता के अन्तर्गत)
FIRST INFORMATION REPORT (Under Sec. 154 Cr.P.C.)

वि.पु.स्था.सी.-II
S.P.E.C.-II

07

बुक नं. 409
Book No.

क्रम सं.
Serial No.

1. जिला : थाना : वर्ष : प्र.सू.प्र.क्र. दिनांक :
District PS: Year FIR No. Date
New Delhi CBI/AC-II/New Delhi 2017 RC2172017A0021 07.09.2017

2. (1) विधान : धाराएं :
Act IPC Sections 120-B IPC
(2) विधान : PC Act, 1988 धाराएं : r/w 13(2)r/w13(1)(d) of PC Act 1988
Act Sections
(3) विधान : धाराएं :
Act Sections

(4) अन्य विधान एवं धाराएं :
Other Acts & Sections Criminal conspiracy, Abuse of official position

3. (क) प्रतीत अपराध :
(a) Suspected Offence

(ख) दिन : दिनांक समय
(b) Day Date Time

During 2005 Onwards

(ग) थाने पर सूचना प्राप्त होने का दिनांक
(c) Information received at PS Date 07.09.2017

कायमी अपराध :
Entry No. 04

दिनांक समय
Date Time 07.09.2017 1630 hrs

4. सूचना का प्रकार :
Type of Information

लिखित/मौखिक
Written/Oral

Written

5. घटना का स्थान
Place of Occurrence

Delhi & Jharkhand

(क) थाने से दिशा व दूरी :
(a) Direction & Distance from PS

बीट नं. / Beat No.

(ख) पता:
(b) Address

(ग) घटनास्थल अन्य थाना क्षेत्राधिकार में है तो थाना -
(c) In case, outside the limit of this Police Station, then

पुलिस थाना का नाम
Name of PS

NA

जिला
District

NA

6. अभियोगी / सूचनाकर्ता :
Complainant / Informant

Sh. S.K.Verma

(क) नाम
(a) Name

(ख) पिता / पति का नाम
(b) Father's / Husband's Name

Sh. Surendra Prasad

(ग) जन्म तिथि
(c) Date of Birth

(घ) राष्ट्रियता :
(d) Nationality

Indian

(इ) पासपोर्ट नं. जारी दिनांक जारी होने का स्थान
(e) Passport No Date of Issue Place of Issue

(च) व्यवसाय
(f) Profession

Govt. Servant

(छ) पता -
(g) Address

Inspector, CBI, AC-II, New Delhi

8th Floor, A Wing, CBI HQ Bldg. CGO Complex, New Delhi

7. ज्ञात / संदेही / अज्ञात / आरोपी का पूर्ण विवरण :
Details of known / suspected / unknown accused with full particulars
(यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)
(Attached separate sheet, if necessary)

- (1)
- (2) 1. Smt. Jayanthi Natrajan, the then Minister of State (I/C E&F), M/o Environment & Forest, New Delhi.
- (3) 2. Sh. Umang Kejriwal, the then Managing Director of M/s Electosteel Casting Limited.
3. M/s Electrosteel Casting Limited, registered office at Rathod Colony, Rajgangpur, District Sundergarh, Orissa-77017 and its Regional Office in Jharkhand at Flat No. 801, Uma Shanti Building Kanke Road, Ranchi-834008
4. Other unknown persons.

8. अभियोगी / सूचनाकर्ता द्वारा सूचना दिए जाने में विलंब का कारण :
Reasons for delay in reporting by the complainant / informant

No Delay

9. अपहृत / सम्बद्ध सम्पत्ति का पूर्ण विवरण : (यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)
Particulars of properties Stolen (Attach separate sheet, if necessary)

NA

10. अपहृत / सम्बद्ध सम्पत्ति का कुल मूल्य : : N.A.
Total value of property stolen

11. मर्ग / अकाल मृत्यु सूचना क्रमांक : : N.A.
Inquest Report / U.D. case No. if any

12. प्रथम सूचना विवरण :- (यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)
First Information contents (Attach separate sheet, if required)

Separate sheets enclosed as Annexure "A"

RC-2172017A0021/ACU-IV/AC-II/CBI/New Delhi

INFORMATION

A complaint has been received from Sh. S. K. Verma, Inspector, CBI, ACU-V, AC-II, New Delhi, which is reproduced below:-

To

The Head of Branch,
AC-II/CBI, New Delhi.

Sub: Complaint against Smt. Jayanthi Natrajan, the then Minister of Environment and Forests, Government of India, Shri Umang Kejriwal, Managing Director of M/s Electrosteel Casting Ltd., M/s Electrosteel Casting Limited and other unknown persons.

Madam,

A Preliminary Enquiry PE-13(A)/2014 was registered in ACU-V/CBI/New Delhi on the allegation that during 2005, unknown officials of the Government of Jharkhand recommended a proposal of M/s Electrosteel Casting Limited (hereinafter referred to as M/s ECL) to Ministry of Environment & Forest, Government of India for leasing 192.50 hectares of land for the mining of Iron and Manganese ores in Saranda Forest, Singhbhum District, Jharkhand, in violation of Section 2(iii) of the Forest (Conservation) Act, 1980. Unknown officials of the Ministry of Environment & Forest, Government of India (hereinafter referred to as MoEF) approved the same proposal on 04.02.2012, in violation of existing mining laws, environmental laws and the directions of the Hon'ble Supreme Court of India.

2. Preliminary Enquiry revealed that:

- i) A Memorandum of Understanding was signed on 19.05.2004 by M/s ECL with the Government of Jharkhand for setting up a plant for production of one Million Ton Per Annum (MTPA) of steel in Jharkhand. This MOU was modified on 09.01.2007 and the modification included change in the production capacity to 3 MTPA.

ii) On the proposal of M/s ECL, the Government of Jharkhand, vide its letter dated 25.01.2006, requested the Ministry of Mines, Government of India for prior approval u/s. 5(1) of the Mines & Minerals (Developmental & Regulation) Act, 1957, for grant of lease of 192.50 hectares of land in favour of M/s ECL for the mining of iron and manganese ores. The Ministry of Mines, Government of India, vide letter, dated. 01.06.2006 communicated to the Govt. of Jharkhand that before allowing grant of mining lease, the State Govt. may ensure the compliance of the amended provisions of the Act and rules, including Forest (Conservation) Act 1980, and Environmental Notification, dated. 27.01.1994 as issued and amended by MoEF.

iii) Under Section 4 of Forest Conservation Act, the Central Government had made Forest (Conservation) Rules, 2003. Under the said Rules, Rule 6 provided the procedure for seeking approval of Central Government, Rule 7 provided that Central Government shall refer every proposal to the Forest Advisory Committee (FAC) for its advice and Rule 8 provided that the Central Government shall after considering the advice of FAC tendered under Rule 7 and after further enquiry as it may consider necessary, grant approval to the proposal with or without condition or reject the same within 60 days of receipt of the proposal. During August, 2006, while hearing Writ Petition No.202 of 1995 (T N Godavarman Thirumulpad Vs Union of India and others), the Hon'ble Supreme Court of India had inter alia observed that all proposals for grant of FC Act clearances and Temporary Work Permits (TWPs) in respect of the mining leases shall be placed before the FAC. In case the MoEF disagrees with the recommendation of the FAC, it shall record its reasons in writing and communicate the same to FAC, and the FAC may, after considering such reasons, pass such further orders as it thinks fit; provided that where the Government still disagrees with the order passed by FAC, it shall seek appropriate directions from the Hon'ble Supreme Court of India.

iv) On 17.04.2008, the State Government of Jharkhand, forwarded the proposal submitted by M/s ECL for approval of diversion of 55.79 hectares of forest land for non-forestry use, out of the total area of 192.50 hectares of land with its

recommendation to MoEF for grant of approval as required under the Forest Conservation Act, 1980.

v) The said proposal of M/s ECL was processed in the MoEF. This proposal was placed before FAC on 11.06.2008. The FAC, after examining the proposal, desired certain information from the State Government on the study report on impact of mining activities on the flora and fauna, map of Saranda Forest Division with all the existing mines and the location of the proposed mine and compensatory afforestation scheme with all details.

vi) The proposal was again placed before FAC on 10.10.2008 along with the sought details. The FAC, after discussing the proposal in detail, rejected the proposal by observing that the proposed mining area was part of core zone of Singhbhum Elephant Reserve and critical to Wildlife Conservation. The Committee also sought detailed report on the present status of all four mines located in the core zone of Singhbhum Elephant Reserve. This decision of FAC was communicated to the State Government of Jharkhand vide letter dated 05.11.2008/11.11.2008 of the MoEF.

vii) Vide letter dated 27.05.2009, M/s ECL again submitted a representation to the State Government of Jharkhand requesting to recommend its Forest Diversion Proposal again to the MoEF. Vide letter, dated 10.07.2009, the State Government of Jharkhand, forwarded the representation (along with enclosures) received from M/s ECL for further action to the MoEF. Thereafter, the proposal of M/s ECL was listed for FAC meeting to be held on 20.08.2009, but was not taken on board by FAC and the proposal was returned to the MoEF. Then the matter was submitted to the then Minister of State, MoEF on 22.04.2010 by the then Inspector General of Forests (Forest Clearance). In respect of the request of the State Government of Jharkhand, dated 18.09.2009 for reconsideration of the proposal of M/s ECL, Shri Jairam Ramesh, the then Minister of State, (I/C) E&F, MoEF observed on 23.04.2010 that there was no need for reconsideration, if it is in or part of Core Zone of the Singhbhum Elephant

Reserve and also noted that all previous approvals for mines in the Core Zone should be cancelled.

viii) Vide letter dated 13.07.2010 addressed to the Prime Minister of India, M/s ECL submitted a representation for consideration of its proposal of Forest Diversion. This representation of M/s ECL was forwarded, vide letter dated 10.08.2010 of the then Principal Secretary to the Prime Minister, to the Secretary, MoEF for its consideration and appropriate action.

ix) Thereafter, the proposal of M/s ECL was again placed before FAC on 10.09.2010 and the FAC, again recommended for rejection of the proposal on the ground that status of all mines located in the core of Singhbhum Elephant Reserve was still awaited and no new facts have been brought to the notice of FAC.

x) Vide letter dated 21.12.2010, Director (Forestry), Environment and Forest Division, Planning Commission, sought facts of rejection of proposal by the FAC from MoEF. The Ministry, vide letter dated 20.01.2011 and with the approval of the then Minister of State, informed the Planning Commission about the facts of rejection of the proposal of M/s ECL by FAC twice.

xi) Smt. Jayanthi Natrajan took over as Minister of State, (I/C) E&F, MoEF on 13.07.2011. Vide letter dated 30.07.2011, the then Chief Minister of Jharkhand requested that considering the development of the steel plant in most underdeveloped region, the issue of forest clearance may be looked into pragmatically. On 26.08.2011, the file was marked to Smt. Jayanthi Natrajan by DGF&SS. When the matter was with Smt. Natrajan, the then Minister of State (I/C) E&F, MoEF, Sh. Umang Kejriwal, the Managing Director of M/s ECL met Smt. Jayanthi Natrajan, the then Minister of State (I/C, MoEF) in September, 2011 to present their proposal. After this meeting, Smt. Jayanthi Natrajan, vide her noting dated 05.10.2011, asked whether any recommendation or report has been received from the State Government regarding other mines located in the core of Singhbhum Elephant Reserve. On this, a reminder letter, dated 20.10.2011 was sent to the State Government of Jharkhand seeking detailed report

regarding present status of other four mines located in the core area of Singhbhum Elephant Reserve.

xii) On receipt of the desired information from the State Government, on 28.12.2011, the matter was again submitted for consideration before Smt. Jayanthi Natrajan, the then Minister of State (I/C, MoEF). While submitting the file to the said Minister, the then Director General of Forests & Special Secretary (DGF&SS) had advised to refer it back to FAC. On this, Smt. Jayanthi Natrajan, as the then Minister of State (I/C E&F), MoEF, vide a detailed order dated 04.02.2012, accorded the approval for diversion of 55.79 hectares of forest land as detailed in the proposal sent by the Jharkhand Government.

Thus Smt. Jayanthi Natrajan, the then Minister of State (I/C)E&F, MoEF, accorded the approval for diversion of 55.79 hectares of forest land for non-forestry use to M/s ECL, though the same had been rejected by the earlier Minister of State (I/C) E&F, MoEF, without any change in the circumstances after rejection. Besides, this approval had been accorded without adhering to the advice of DGF&SS and against the directions of Hon'ble Supreme Court in this regard.

The aforesaid facts reveal criminal conspiracy between Smt. Jayanthi Natrajan, the then Minister of State (I/C) E&F, MoEF, Government of India, Sh. Umang Kejriwal, Managing Director of M/s ECL & Others and abuse of official position by Smt. Jayanthi Natrajan, the then Minister of State (I/C) E&F, MoEF in pursuance to this criminal conspiracy.

These acts of omissions and commissions constitute offences punishable u/s 120-B IPC r/w Section 13(2) r/w 13(1)(d) of the PCAct, 1988 on the part of Smt. Jayanthi Natrajan, the then Minister of State (I/C E&F), MoEF, Government of India, Sh. Umang Kejriwal, the then Managing Director of M/s Electrosteel Casting Limited and M/s Electrosteel Casting Limited, having registered office at Rathod Colony, Rajgangpur, District Sundergarh, Orissa-770017 and its Regional Office in Jharkhand at Flat No.801, Uma Shanti Building Kanke Road,

Ranchi-834008, and other unknown persons. It is therefore requested that further necessary action may kindly be taken against the aforesaid.

Submitted please.

Sd/-xxx

Dtd. 07.09.2017

(S.K.Verma)

Inspector of Police,
ACU-V/AC-II, CBI, New Delhi.

The above facts prima-facie disclose the commission of offences punishable u/s 120-B IPC r/w Section 13(2) r/w 13(1)(d) of the PC Act, 1988 . Hence, a Regular Case is registered against Smt. Jayanthi Natrajan, the then Minister of State (I/C E&F), MoEF, Government of India, Sh. Umang Kejriwal, the then Managing Director of M/s Electrosteel Casting Limited and M/s Electrosteel Casting Limited and other unknown persons. The investigation of this case is entrusted to Sh. Rajeev Ranjan, DSP, CBI/ACU-IV/AC-II/New Delhi



(Daljeet Singh)

Supdt. of Police

CBI/ACU-IV/AC-II/New Delhi

एसीयू-IV, एसी-II, सी.बी.आई. (मु.)

सीजीओ, एसीयू-IV, एसी-II, सी.बी.आई. (मु.)

सीजीओ, एसीयू-IV, एसी-II, सी.बी.आई. (मु.)

GO Complex, Lodhi Road, New Delhi-110003

Endst No 3653/3/2172017A0021/ACU-IV/AC-II/CBI dated 07/09/2017

13. कार्यवाही जो की गई : चूँकि उपरोक्त विवरण क्रमांक 2 में उल्लिखित धारा(ओं) के अंतर्गत घटने वाले अपराध को उद्घाटित करता है
Action taken : Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2

Yes

- (1) मामला पंजीकृत किया गया एवं जांच प्रारंभ हुआ अथवा
Registered the case and took up the investigation or

- (2) निर्देशित (जांच अधिकारी का नाम)
Directed (Name of IO)
Shri Rajeev Ranjan

रैंक
Rank

नं.
No. जांच हेतु लिया गया
Took up for investigation

DSP/CBI/AC-II/New Delhi

- (3) कारण से जांच के नामंजूर
Refused investigation due to

N.A.

अथवा
or

- (4) पुलिस थाना को स्थानांतरित किया गया
Transferred to PS

जिला
District

क्षेत्राधिकार के आधार पर
on point of jurisdiction

N.A.

अभियोगी / सूचनाकर्ता को प्र.सू. पत्र पढ़ाकर / पढ़कर सुनाया गया, जिन्होंने सही-सही अभिलिखित होना स्वीकार किया। इसकी एक प्रति अभियोगी / सूचनाकर्ता को नि:शुल्क प्रदान की गई।
FIR read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost.

पढ़ कर सुनाया व सही स्वीकृत होना पाया।
R.O.A.C.

14. अभियोगी / सूचनाकर्ता के हस्ताक्षर
Signature/Thumb impression
of the complainant/informant

थाना अधिकारी के हस्ताक्षर
Signature of Officer in-charge
Police Station
नाम / Name
(पद) / Rank

No.

(Daljeet Singh)

दलजीत सिंह, IPS
SUPDT. OF POLICE
CBI/ACU-IV/NEW DELHI
सी.बी.आई. ए.सी.यू. IV, नई दिल्ली, सी.बी.आई. (मु.)
CBI, ACU-IV, AC-II, CBI HQ
सीजीओ परिसर, लोधी रोड, नई दिल्ली-110003
CGO Complex, Lodhi Road, New Delhi-110003

15. न्यायालय को भेजने का दिनांक एवं समय
Date and time of despatch to the court

(प्रभारी अधिकारी के हस्ताक्षर तारीख सहित)
Signature of recording Officer with date