

**Government of India**  
**Ministry of Environment, Forests & Climate Change**  
**(Forest Conservation Division)**

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**RECOMMENDATION OF FOREST ADVISORY COMMITTEE (FAC) MEETING  
HELD & ON 17TH OCTOBER, 2019**

**Agenda No. 1**

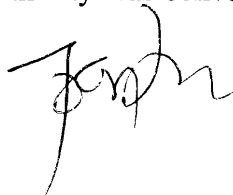
**File no: 8-219/1986-FC**

**Sub: Diversion of 60.68 ha (instead of 16.10 ha) of forest land for construction of Kota-Chittorgarh Broad Gauge Railway Line in District Bhilwara of State Rajasthan. - reg.,**

The above stated agenda item was considered in FAC meeting on 17.10.2019. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).

During deliberations on the matter, FAC observed following:

1. The proposal was submitted by the State Govt. of Rajasthan vide their letter No.F.1(77)/Rev.8/84 dated 29.09.1986 for diversion of 16.10 ha. of forest land.
2. This proposal is related to construction of 2 Km long (from 120.606 km to 122.833 km) Kota-Chittorgarh-Bhilwara Broad Gauge Railway Line in Bhilwara District of Rajasthan State.
3. CA was proposed on equivalent non-forest land.
4. The Ministry issued a letter on 18.03.1987 to the State Govt. of Rajasthan for submission of a revised proposal.
5. The State Govt. of Rajasthan submitted a revised proposal for diversion of 60.64 ha. of forest land on 25.04.1990.
6. Certain queries were raised by the Ministry which were not replied by the State Govt. even after repeated reminders. The Ministry rejected the proposal on 25.01.2005 due to non-furnishing of the information/documents.
7. After the rejection the State Government of Rajasthan again requested for approval of this proposal vide letter No. F-14/07/वसु/प्रमुवसं/828 dated 29.01.2009, along with suitable justification for in-ordinate delay in submitting reply, as per the provisions in Para 4.14 of guidelines issued under of FCA 1980.
8. The proposal along with the suitable justification was submitted by the State Govt, and the same was placed before FAC its meeting on 07.05.2010. FAC recommended the proposal for post facto approval of 'In-principle/Stage-I' approval with certain conditions. The FAC recommendation placed before the competent authority. The recommendations of FAC were not accepted by the then competent authority instead observed "Why post facto approval". The observation of competent authority was conveyed to the State Government on 18.06.2010.



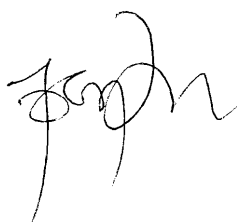
9. In response to the above communication, a DO letter dated 22.10.2015 from the Secretary, Forests, Govt. of Rajasthan was received in MOEF&CC.
10. Subsequent reminders from the State Govt. of Rajasthan vide letter dated 10.05.2019 and 05.07.2019 has requested to issued approval under FCA, 1980.
11. It is reported that the construction of Railway line has already taken place.

**Decision of FAC:**

FAC after thorough deliberations and discussions, observed that the proposal has been already recommended by the FAC on 07.05.2010. The FAC noted that the proposal is for construction of Chittorgarh-Bhilwara Broad Gauge Railway line in Rajasthan. The proposal for de-reservation of reserved / protected forests in Bhilwara district was originally submitted to the Government of India in 1985. The State Government of Rajasthan vide its letter dated 01.06.1987 allowed the construction of railway line through the forest area in anticipation of approval from the Government of India for de-reservation. The revised proposal was submitted in 1990. The CA was proposed over equivalent non-forest land. The Committee also noted that this forest clearance proposal remained under correspondence between the Ministry and the State Government for many years from 1990 to 2006. This proposal could not be accorded approval since 2010, because of the non-submission of clarification on the observation of the competent authority. FAC further observed that approval for this proposal seems to be delayed due to prolonged correspondence between and the Central Govt. Therefore, the latest justification submitted by the State Govt. was accepted by the FAC and it endorsed the recommendation of FAC, dated 07.05.2010 with general, standard and following specific conditions:

- a. The CA over equivalent non-forest land proposed for diversion i.e. over 60.68 ha shall be taken up at the cost of the User Agency.
- b. The area identified for CA shall be clearly depicted on toposheet of 1:50,000 scale.
- c. The identified non forest land for CA shall be acquired, mutated in favour of State Forest Department.
- d. The State Government shall declare the non-forest area for CA as RF/PF prior to Stage-II approval.
- e. The State Government to furnish explanation for according approval for de-reservation of the forest area in anticipation of approval from the Government of India.
- f. The State Government to furnish action initiated/taken up against the officers/officials for transferring 60.68 ha of forest land to Railways without GOI's approval/sanction.
- g. Penal CA shall be raised and maintained over double the degraded forest land used in violation of FC Act 1980 at the project cost.
- h. Penal NPV as per the extant guidelines shall be realised.

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## Agenda No. 2

File no: 8-13/2015-FC

**Sub: Diversion of 618.50 ha. of forest land (Original proposal 1024.44 ha.) in favour of Water Resource Department No. - II, Sagar for construction of Bina Joint Irrigation and Multipurpose Scheme in Sagar district in the State of Madhya Pradesh-regarding.**

The above stated agenda item was considered in FAC meeting on 17.10.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in).

During deliberations on the matter, FAC observed following:

1. The above proposal for diversion of 1024.44 ha forest land, was already accorded In-principle/Stage-I approval on 27.07.2016 and Stage-II/Final approval on 11.07.2018.
2. This Joint Irrigation and Multipurpose Scheme had following series of dams as:
  - i. Chakarpur Dam - 472.52 ha.
  - ii. Madiya Dam - 145.98 ha.
  - iii. Dehra dam - 405.94 ha.

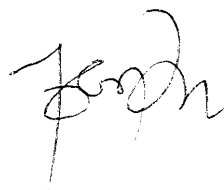
**Total                    1024.429 ha.**
3. State Government of Madhya Pradesh vide their letter No. F-3/77/2014/10-11/12/2864 dated 05<sup>th</sup> September, 2019 informed that the state Government is no more constructing the third dam at Dehra (405.94 ha) and requested for modification in Stage-II approval after removing the Dehra dam and for remaining Forest Land of 618.50 ha (instead of 1024.429 ha).
4. Nodal officer of the State Govt. of Madhya Pradesh, who was present during the meeting, also confirmed the same.

### **Decision of FAC:**

FAC after thorough deliberation and discussion with Nodal Officer (FCA) of the State, recommended for modification in Stage-II/Final approval for diversion of 618.50 ha (instead of 1024.429 ha) with following specific conditions:

- i. The CA land on NFL 405.94 ha shall be adjusted for future proposals from the State.
- ii. The NPV deposited for 405.94 ha shall be adjusted in future proposals from the State and will not be refunded.
- iii. Before issue of final approval, the state Government shall ensure that, no work, tree felling or breaking of ground in the proposed forest area to be returned to the state, has been taken up.

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**Agenda No-3**

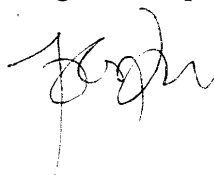
**F. No. 8-20/2014-FC**

**Sub: Diversion of 1165.66 ha (including 91.331 ha underground area) of forest land for construction of Etalin Hydro Electric Project (3097 MW) in Dibang Valley District of Arunachal Pradesh by M/s Etalin Hydro Electric Power Company Limited, Arunachal Pradesh.**

The above stated agenda item was considered by FAC in its meeting on 17.10.2019. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).

FAC observed that :

1. The Proposal was earlier considered by FAC on 28.01.2015 and 28.02.2017.
2. The said proposal was at last placed before the Forest Advisory Committee (FAC) in its meeting held on 28.02.2017, which had recommended that:
  - i. State Government shall provide shape files of Forest land sought for diversion
  - ii. Approved CAT plan shall be submitted
  - iii. State Government shall submit R&R plan, duly approved by competent authority.
  - iv. It is observed that project proponent had proposed huge area for construction and dumping. State Government shall explore possibility to reduce area. Regional office in its site inspection had not recommended the proposal in the present form. State Government, in consultation with regional office may propose a modified proposal after addressing the concerns raised in the inspection note of regional office.
  - v. There are two different proposals for diversion of forest land in favour of same user agency. Both the proposals shall be combined and one comprehensive proposal with total land requirement shall be placed before FAC for further consideration.
  - vi. The CA area shall be revised. State Government shall provide shape file of CA land.
  - vii. The proposed project falls under the richest bio-geographical province of the Himalayan zone and falls under one of the mega bio-diversity hotspots of the world. The proposed project location falls at the junction of the Palaeartic, Indo-Chinese, and Indo-Malayan bio-geographic regions having luxuriant forests and plethora of flora and fauna. About 6 Globally Threatened mammal species are found in this region of which 3 are endangered and 3 are under vulnerable category. About 680 bird species have been recorded from this region which is about 56% of total bird species of India. Among them 19 are Globally Threatened and 10 Near Threatened. It has 4 Critically Endangered, 2 endangered and 13 vulnerable species. This makes this area a very important place in terms of conservation of globally threatened bird species. It also has 3 very rare restricted range endemic bird species. This entire region falls under, IUCN management categories III, IV, Endemic Bird Area, Global Biodiversity Hotspot, and Key Biodiversity Area indicating its importance at global scale. The Chief



Conservator of Forest however, mentions few mammal and plant species. In fact, this area has more biodiversity than any other part of the country. Another independent study using camera traps captured a total of 12 individual tigers and 8 individual clouded leopards at various locations in Dibang Valley. A large majority, above 60%, of the camera traps were placed outside Dibang Wildlife Sanctuary which shows that both species are not only abundant but also very widespread in the district. Therefore, **FAC recommend conducting multiple seasonal replicate studies on biodiversity assessment by an internationally credible institute as the current study (EIA) is completely inadequate in this regard.**

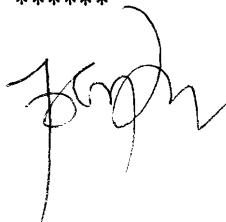
- viii. FAC also direct to take views of NTCA since this is vital tiger area of the region.
- ix. There are a number of representations received regarding the project and project proponent is advised to provide clarification on the same.
3. The observations of FAC was conveyed to state government, Regional office, NTCA and user agency. MoEF&CC has received comments of state government, regional office Shillong. Besides, biodiversity assessment study carried out by Wild life institute of India has also been received in MoEF&CC. Views of NTCA was not received.
4. FAC also referred to the minutes of its previous meeting and the SIR (Site inspection report) submitted by regional office in 2014.

**Decision of FAC:** After thorough deliberation and discussion with Dy DG, Regional office Shillong (through VC) and DIG (NTCA) observed that the recommendations of last FAC meeting has not been complied fully and the replies submitted in compliance of all observations are not satisfactory. Moreover, FAC could not obtain viewpoints of representatives of user agency or state government, as no one was present for consultation and clarification of doubts. In this regard, it was recommended that a subcommittee of FAC shall visit the site and check if the total land requirement could be further reduced. The subcommittee may also look into the concerns highlighted by regional office in its SIR especially related to tree enumeration process and the aspects highlighted in biodiversity assessments study by WII. Report of subcommittee shall be exhaustive with appropriate recommendation so that FAC could take appropriate decision. It is proposed that subcommittee shall have following as its member

1. Sh S.D Bora Member FAC
2. Dr Sanjay Deshmukh Member FAC
3. Representative of Regional Office Shillong
4. IG NTCA Regional Office Guwahati
5. Sh G.V Gopi Wild Life Institute of India Dehradun
6. CCF(T)
7. CCF(WL)

FAC further observed that user agency shall depute some technical officer well conversant with the facts related to the project.

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**Agenda No-4**  
**POLICY ISSUES**

**F. No. 11-201/2019-FC**

**A. Sub: Validity of Forest Clearance(s) for extension of Mining Leases under Rule 3(2) of Mineral (Mining by Government Company) Rule, 2015.**

The above stated agenda item was considered by FAC in its meeting on 17.10.2019. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).

**Decision of FAC:**

After thorough deliberation and discussion in FAC it is observed that the matter involves interpretation of different rules and Acts. Accordingly, FAC recommended that MoEF&CC may seek legal advice of Ministry of law and justice (MoLJ) and place the facts before FAC for further recommendation.

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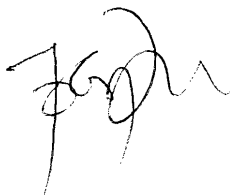
**B. Sub: Diversion of DDA land for raising compensatory afforestation for Dwarka Expressway project of NHAI**

The above stated agenda item was considered in FAC meeting on 17.10.2019.

During deliberations on the matter, FAC observed the following:

- a. The above matter was earlier discussed in the FAC meeting dated 31.07.2019 and recommended as per below:-

*FAC after thorough deliberation and discussion observed that as per the provisions provided under Section 7(4)(e)(iv) of the Forest (Conservation) Rules, 2003, it is provided that the State Government or the Union territory Administration, as the case may be, needs to undertake to provide at its cost for the acquisition of land of an equivalent area and afforestation thereof in lieu of diversion of forest land. Providing CA area in lieu of forest area to be diverted under FCA is one of the major conditions. In the present case DDA has sited its inability to transfer and mutate its land in the name of forest department, but has agreed to raise CA plantation. Further it has been agreed by DDA that the area can be taken up for Compensatory afforestation as per requirement of the Act. Taking the case of Delhi as a very special one, FAC recommended that the area proposed for CA on DDA land against diversion of any forest land in Delhi under FCA-1980, need not be mutated in favour of forest department. However, it was further clarified that any area over which CA is raised, shall be notified as protected forest under the provisions of IFA-1927 and shall be managed by the state forest department.*



- b. On the above recommendation of the FAC dated 31.07.2019, a D.O. letter is received from Shri Tarun Kapoor, Vice Chairman, DDA vide letter No. PS/PC (Pers., Hort& LS)2019/DDA/224 dated 24.09.2019, wherein he has made following submissions:
- i. DDA is managing large chunks of forest in Delhi & managing the same as city forests. Therefore, DDA is not in agreement to the recommendations of FAC for declaring the land proposed for CA as forest and same to be managed by State Forest Department.
  - ii. DDA is managing large chunks of protected forest under its own jurisdiction, it is proposed that the land offered for Compensatory Afforestation will be managed by DDA as green area only and not as forests. Moreover, declaring scattered patches of land as protected forest is not advisable from the management point of view. City green areas and city forests have to be managed differently as large number of families resides close to these areas and access these for walking and being close to nature.
  - iii. He has requested FAC to review its recommendation in the light of above suggestion.

#### **Decision of FAC:**

FAC, after thorough deliberation & discussion with PCCF of NCT Delhi, revisited its earlier opinion and recommended that compensatory afforestation may be taken up on non- forest land (NFL) which are under jurisdiction of DDA. Since such areas will support afforestation those need to be declared as protected forest (PF) under relevant provisions of Indian Forest Act, 1927 or state specific Act, if any. However, those need not be mutated in the name of State Forest Department and management of DDA may be allowed.

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#### **C. Sub: Authorizing officer to take cognizance of violation under FC Act:**

The above stated agenda item was considered in FAC meeting on 17.10.2019. During discussion FAC noted that, MOEF&CC in its notification No.S.O. 1186(E), dated 01.10.2003, has authorised the Chief Conservator of Forests (CCF). Regional Office, MOEF&CC, having Regional jurisdiction over the forest land in respect of which offence under the Forest (Conservation) Act, 1980 is alleged to have been committed, to file complaints against person prime-facie found guilty of such offences, in the court having jurisdiction in the matter.

During deliberations on the matter, FAC recommended that power to take cognizance of violation under FC Act may be delegated to the State Governments for initiation of prompt action and also because of the fact that the State Forest Departments are having adequate infrastructure at field level. In view of enormity and implication of delegation of FCA powers it was suggested to empower an officer not below the rank of DCF. It was suggested that similar powers of taking cognizance of violation under FCA may also be vested with an officer not below the rank of DCF/AIG working in MoEF&CC. Accordingly, Ministry may frame a draft



notification for circulation among states/UTs and Regional Offices for their comments, and place the same before FAC for further deliberation.

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**D. Discussion on guideline No FC-11/203/2019-FC dated 11<sup>th</sup> October 2019 regarding Temporary use of Forest land and application of FC Act ,1980**

**F. No. FC-11/203/2019-FC**

With the permission of the chair the issue highlighted in point no 7 by Addl.Principal Chief Conservator of Forest, Government of Maharashtra vide its communication no Desk - 17/NC/4/ID/116 dated 02/05/2019 was discussed. In the above referred communication, it was requested to include MoEF&CC guidelines F. No 11-305/2014-FC dated 7<sup>th</sup> October 2014 related to temporary use of forest into the comprehensive guidelines. In this regard, member secretary FAC apprised the committee that many verbal request of similar nature has been received from different states on the matter. It was further informed that the request of state governments has been considered by competent authority in MoEF&CC and relevant guidelines in this regards has been reissued by MoEF&CC on 11<sup>th</sup> October 2019.

FAC deliberated on the issue and observed that if the forest land is required to be used for a short period without tree-felling and breaking of land, and without assigning it on lease or otherwise then it is reasonable and rational to allow the use of such land temporarily at local level or through a defined mechanism as the concerned state may deem fit. FAC endorsed the guidelines issued by MoEF&CC dated 11<sup>th</sup> October 2019 in this regard, with the observation that it is necessary that while taking such decisions state shall ensure that such use of forest land for public purposes is unavoidable and emergent nature and be allowed for a limited period of not more than two-week time. It would be prudent if before allowing temporary use of such land it is ascertained that there is no alternate non forest land available.

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*Confirmed through email*

(S. D. Vora)  
Member



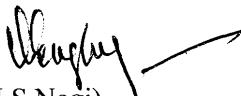
(A. K. Mohanty)  
Inspector General of Forests (FC)

*Confirmed through email*

(Dr Sanjay Deshmukh)  
Member

*Confirmed through email*

(Sh Anmol Kumar)  
Member



(Sh M.S Negi)  
i/c Addl. Director General of Forests (FC)

Additional Commissioner (Soil Conservation)  
Ministry of Agriculture (Member)

*Confirmed through email*

(Siddhanta Das)  
Director General of Forests & Special Secretary

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