

**Recommendation of Forest Advisory Committee in its meeting held on
26th November, 2021**

Agenda No. 1

File No. 8-08/2021/FC

Subject: Diversion of 631.39 ha (instead of 622.783 ha) forest land of Survey No. RF-276, 281 & PF -277, 278, 279, Village- Muhair and Padri, Range Baidhan in Singrouli Forest Division for Block-B Expansion Opencast Coal Mining in favour of M/s Northern Coalfield Limited in Singrauli District of Madhya Pradesh (Online No. FP/MP/MIN/44294/2020) - reg.

1. The above stated agenda item was considered by FAC in its meeting held on 26.11.2021. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:
 - i. The State Govt. of Madhya Pradesh, vide their letter no. F-1/823/2021/10-11/912 dated 09.03.2021 submitted the above proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.
 - ii. The area initially proposed to be diverted was 622.783 ha and the same was later revised to 631.39 ha. The area is proposed to be diverted for open cast coal mining in favour of M/s Northern Coalfield Limited in Singrouli District of Madhya Pradesh.
 - iii. As per the Site Inspection Report (SIR) of DFO and the CCF, Singrouli Forest Division it is reported that "the Forest Compartment No. RF 276, 281, PF-277, 278 and 279 which are proposed for diversion under Singrouli Forest Division are falling in the Elephant Corridor as per the Forest Division prevailing working scheme".
 - iv. The state govt. has intimated that in another proposal of 467.809 ha pertaining to Dudhichua mine and 390.264 ha pertaining to Bina Kankri the Chief Wildlife warden has opined that the said corridor has been fragmented and the proposed area is also a part of the same landscape. Further the NCL had earlier deposited an amount of 2134 lakhs for wildlife management in the given landscape. The Project Elephant Division of this Ministry has also submitted the comments stating that, there are no elephant corridors located in the above mentioned compartments as per the document "Right of Passage" in which elephant corridors have been identified and listed across the country.
 - v. The DSS analysis also revealed that the proposed area falls in a landscape wherein a 'W' shaped area is already broken/worked out and eastern side of this landscape is flanked by the Renusagar Dam.
 - vi. The State govt. has clarified that the safety zone on the boundary of adjoining mining leases has not been maintained because when exposed from both sides, the coal deposits are burnt up due to exothermic reaction which eventually damages the vegetation as well.
 - vii. A total number of 210237 trees are getting affected by the diversion, whereas out of 631.39 ha. area proposed, only 73.023 ha. is required for coal mining and the major chunk of the area is proposed for the overburden dump. The large number of trees involved can be saved if the area required for the overburden dump is reduced. The cost should not be the limiting factor in selecting the area for dumping and the

possibility of using the non-forest land or the already broken up/excavated area for dumping is required to be explored.

3. Decision of the FAC:

After detailed discussion with the Regional Officer and IRO Bhopal the FAC decided that the proposal for using the disproportionate area for overburden dump call for a physical visit and directed that a sub-committee of the FAC or a committee from the Ministry shall visit the area for detailed analysis of the proposal and submit a detailed fact finding report before the FAC.

Agenda No. 2

File No. 8-09/2021-FC

Sub: Diversion of 67.00 ha. of forest land under Forest (Conservation) Act, 1980, for relocation of Village Jhalai Part-1 from Bori Sanctuary, District Hoshangabad, Madhya Pradesh State (Online No. FP/MP/EVC/51681/2020)- reg.

1. The above stated agenda item was considered by FAC in its meeting held on 26.11.2021. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:
 - i. The State Govt. of Madhya Pradesh, vide letter No. F-5/999/2021/10-11/1050 dated 17.03.2021 submitted the above proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.
 - ii. The process of relocating the families residing in the Jhalai village out of the Bori Wildlife Sanctuary has been completed and after the proposed diversion no more forest land will be required for the purpose.
 - iii. The 29 families included in the Jhalai- Part 1 proposal have already been rehabilitated in 33.5 ha of forest land approved in case of Mana-2 Village. The 67 ha. area proposed now is for providing agricultural land to the said 29 families. It has been mentioned that the village to be relocated is within the Bori Wildlife sanctuary.
 - iv. The Chief Wildlife Warden Madhya Pradesh and the Field Director Satpura Tiger Reserve who attended the meeting online, intimated that the village being relocated is within the core of the Bori Wildlife Sanctuary.
 - v. It was further intimated that apart from area required to be given to eligible families, the area is also required for community use such as schools, anganwadi, community buildings, temples, sports grounds, internal roads in the village, land for access roads to the fields etc. which has been proposed keeping in view the ground situation.
 - vi. The State Govt. has not given the detailed breakup of the area being vacated, however it has been submitted that as per record prepared during the survey of forest villages in 1980 and the list of villages attached with the core/critical tiger habitat area notified in 2007, the relocation of village Jhalai has made available an area of 493.330 ha.
 - vii. 22 families of village Jhalai-2 have been rehabilitated over 49.452 ha area diverted for Village Mana-1. An area of 215.00 ha was diverted for forest village Mana Part-1. Out of 69 families of Village Mana Part-1, the 46 families have been rehabilitated and 23

families have been provided with compensation in cash. Therefore the remaining area of 49.52 ha has been used for rehabilitating 22 families residing in village Jhalai.

viii. Similarly 33 families of Village Jhalai Part-3 have been rehabilitated in 70.00 ha area diverted for Village Malini Part-2.

ix. The five families each of Jhalai Part-4 and Mallupura Part-4 have been rehabilitated over 29.034 ha area approved for diversion by the Ministry vide letter dated 11.06.2021.

3. Decision of the FAC:

After detailed discussion with the Regional Officer, IRO Bhopal, the Chief Wildlife Warden MP and the Field Director Satpura Tiger Reserve and considering the fact that this is the last tranche of FC proposal to make the village completely rehabilitated and area inviolate, the FAC recommended the proposal for relocation of Village Jhalai Part-1 from Bori Wildlife Sanctuary, District Hoshangabad, Madhya Pradesh with General, Standard and following specific conditions:

- i. The State Govt. shall submit a written confirmation that the Village Jhalai Part-1 is within the core of Bori Wildlife sanctuary.
- ii. State Government shall ensure that the area under the Jhalai Village becomes inviolate and no families are left within this village for relocation. The 493.330 ha area available as inviolate on account of relocation of village Jhalai will be used for Wildlife conservation.
- iii. State Government shall take effective steps to ensure that the villagers who are relocated do not return to the area.
- iv. State Government shall submit the certificate of compliance under FRA, in both the areas i.e the area being vacated and the area where the people will be relocated.

Agenda No. 3

F.No. 8-20/2021-FC

Subject: Diversion of 66 ha forest land in Compartment No. RF-193 of Sohagpur Range under Forest (Conservation) Act, 1980 of relocation of Village Mallupura Part-3 from Bori Sanctuary under Satpura Tiger Reserve District Hoshangabad, Madhya Pradesh State (Online No. FP/MP/FVC/123485/2021)- reg.

1. The above stated agenda item was considered by FAC in its meeting held on 26.11.2021. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:
 - i. The State Government of Madhya Pradesh, vide their letter No. F-5/1027/2021/10-11/2188 dated 06.07.2021 forwarded a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 66 ha forest land in Compartment No. RF-193 of Sohagpur Range under Forest (Conservation) Act, 1980 of relocation of Village Mallupura Part-3 from Bori Sanctuary under Satpura Tiger Reserve District Hoshangabad, Madhya Pradesh
 - ii. The relocation process for all the families residing in the Village Mallupura in Bori

Wildlife Sanctuary has been completed and no more additional forest land will be required for relocation of village Mallupura.

- iii. The Chief Wildlife Warden Madhya Pradesh and the Field Director Satpura Tiger Reserve who attended the meeting online, intimated that the village being relocated is within the core of the Bori Wildlife Sanctuary.
- iv. It was further intimated that apart from area required to be given to eligible families, the area is also required for community use such as schools, anganwadi, community buildings, temples, sports grounds, internal roads in the village, land for access roads to the fields etc. which has been proposed keeping in view the ground situation.
- v. The 28 families of Village Mallupura Tola-1 have been rehabilitated/relocated over 60 ha area which was diverted for village Jham.
- vi. Two separate proposals for diversion of 40 ha and 29.034 ha area have been submitted earlier and approved.
- vii. 5 families of Village Mallupura-1 and 5 families of Jhalai-4 are being rehabilitated in 29.034 ha area diverted for Village Mallupura.
- viii. The State Govt. has reported that no application is pending for displacement in Village Mallupura and the relocation process has been completed.
- ix. Further it is reported that 25 families of village Mallupura part-3 have been displaced outside the protected area and for the rehabilitation of these 25 families, area of 66.000 ha in RF-193 is proposed wherein 50.00 ha @ 2ha per family forms the land value, the remaining 16 ha will be utilized in community use, such as schools, Anganwadi, community buildings, temples, sports grounds, internal roads in the village, land for access roads to the fields, and in addition, the proposed forest land also consists of river-nala and hilly land.
- x. The State Govt has not given the detailed breakup of the area being vacated, however it has been submitted that as per record prepared during the survey of forest villages in 1980 and the list of villages attached with the core/critical tiger habitat area notified in 2007, the relocation of village Mallupura has made available an area of 565.440 ha, out of which 320 ha is the agricultural land and 265 ha is the area pertaining to community Nistar.

3. Decision of the FAC:

After detailed discussion with Regional Officer, IRO Bhopal, the Chief Wildlife Warden MP and the Field Director Satpura Tiger Reserve and considering the fact that this is the last tranche of FC proposal to make the village completely rehabilitated and area inviolate, the FAC recommended the proposal for relocation of Village Mallupura Part-3 from Bori Wildlife Sanctuary, District Hoshangabad, Madhya Pradesh with General, Standard and following specific conditions:

- i. The State Govt. shall verify in writing that the Village Mallupura Part-3 is within the core of Bori Wildlife sanctuary.
- ii. State Government shall ensure that the area under the Mallupura Village becomes inviolate and no families are left within this village for further relocation. The 565.440 ha area available as inviolate on account of relocation of village Mallupura will be used for Wildlife conservation.
- iii. State Government shall take effective steps to ensure that the villagers who are relocated do not return to the area.
- iv. State Government shall submit the certificate of compliance under FRA, in both the

areas i.e the area being vacated and the area where the people will be relocated.

Agenda No. 4

File No. 8-12/2021-FC

Subject: Diversion of 87 ha. of forest land under Forest (Conservation) Act, 1980, for relocation of Village Khamada Part-3 from Bori Sanctuary under Satpura Tiger Reserve District Hoshangabad, Madhya Pradesh State (Online No. FP/MP/FVC/124412/2021)-reg.

1. The above stated agenda was considered by FAC in its meeting held on 26.11.2021. The details of the proposal may be seen at www.parivesh.nic.in.

2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:

- i. The State Government vide their letter No. F-5/1023/2021/10-11/1483 dated 06.05.2021 forwarded a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 87 ha of forest land under Forest (Conservation) Act, 1980, for relocation of Village Khamada Part-3 from Bori Sanctuary under Satpura Tiger Reserve District Hoshangabad, Madhya Pradesh State.
- ii. The relocation process for all the families residing in the Village Khamada in Bori Wildlife Sanctuary will be complete with the diversion of 87 ha forest area and no more additional forest land will be required for relocation of village Khamada.
- iii. Two separate proposals for diversion of 50 ha and 14.232 ha area have been submitted earlier and approved.
- iv. The Chief Wildlife Warden Madhya Pradesh and the Field Director Satpura Tiger Reserve who attended the meeting online, intimated that the village being relocated is within the core of the Bori Wildlife Sanctuary.
- v. It was further intimated that apart from area required to be given to eligible families, the area is also required for community use such as schools, anganwadi, community buildings, temples, sports grounds, internal roads in the village, land for access roads to the fields etc. which has been proposed keeping in view the ground situation.
- vi. The State Govt has not given the detailed breakup of the area being vacated, however it has been submitted that as per record prepared during the survey of forest villages in 1980 and the list of villages attached with the core/critical tiger habitat area notified in 2007, the relocation of village Khamada will make available an area of 496.140 ha., out of which approximately 390 ha is the agricultural land.
- vii. As per DSS analysis it was observed that the proposed area is partly within the Pench-Satpura Tiger Corridor. However, the state govt. has informed that the area is not within the Pench-Satpura Corridor.

3. Decision of the FAC:

After detailed discussion with Regional Officer, IRO Bhopal, the Chief Wildlife Warden MP and the Field Director Satpura Tiger Reserve and considering the fact that this is the last

tranche of FC proposal to make the village completely rehabilitated and area inviolate, the FAC recommended the Stage-1 approval of the proposal for relocation of Village Khamada Part-3 from Bori Wildlife Sanctuary, District Hoshangabad, Madhya Pradesh with General, Standard and following specific conditions:

- i. Prior to issuing of Stage-1 approval the Ministry will seek report from NTCA and ensure that the area proposed for diversion does not affect the Pench-Satpura Tiger Corridor.
- ii. The State Govt. shall verify in writing that the Village Khamada Part-3 is within the core of Bori Wildlife sanctuary.
- iii. State Government shall ensure that the area under the Khamada Village becomes inviolate and no families are left with in this village for further relocation. The 496.140 ha area available as inviolate on account of relocation of village Mallupura will be used for Wildlife conservation.
- iv. State Government shall take effective steps to ensure that the villagers who are relocated do not return to the area.
- v. State Government shall submit the certificate of compliance under FRA, in both the areas i.e the area being vacated and the area where the people will be relocated.

Agenda No. 5

F. No. 8-17/2001-FC (Vol)

Sub: Proposal for non-forestry use of 63.30 ha Sabik Kisam forest land in addition to 371.192 ha of forest land already diverted forest land located within the Mining Lease hold area of 767.284 ha in favour of M/s JSW Steel Ltd for Nuagaon Iron Ore Mines in Barbil Tahasil of District Keonjhar (Odisha) - reg.

1. The above stated agenda item was considered by FAC in its meeting on 26.11.2021. The corresponding agenda note may be seen at www.parivesh.nic.in. DDG, IRO, Bhubaneswar and Addl. PCCF & Nodal Officer (FCA), Odisha were also present in the meeting.
2. Member Secretary of the Committee presented the whole background, all facts & figures and DSS analysis concerning this proposal for detailed deliberations by the Committee. FAC, after through deliberations and discussions observed the following:
 - i. Extant proposal is an old proposal which was submitted by the State in 2016. FAC considered and recommended the proposal for approval under the Forest (Conservation) Act, 1980 in its meeting held on 9th to 10th November, 2016 subject to submission of information pertaining to status of CA land, cases filed by the State in the courts against the reported violation of the FC Act, 1980 and initiation of legal proceedings by the IRO under Section 3 A and 3 B of the FC Act, 1980.

- ii. Out of the total forest area involved in the lease, approval under Section 2 (ii) the FC Act, 1980 was obtained only in respect of 371.192 ha and the extant proposal pertains to diversion of 63.30 ha while the balance area has been granted approval under Section 2 (iii) of the FC Act. No proposal under Section 2 (ii) of the balance area has been submitted by the new lessee.
- iii. Mining lease of Nuagaon Iron Ore Mine was expired on 31.03.2020 and process of e-auction of the said mine was conducted on 6.12.2019 by the State Government. M/s JSW Steel Limited was the preferred bidder. Vesting order in favour of the preferred bidder was issued by the State on 29.05.2020 and accordingly all rights, approvals, clearances, licences of the erstwhile lessee was vested in M/s JSW Ltd. for two years. Further, as per guidelines dated 31.03.2020 of MoEF&CC, M/s JSW Steel Ltd. deposited NPV of the total forest area of 649.508 ha (including Sabik Kism forest land) amounting to Rs. 48,71,31,000/- on 05.06.2020.
- iv. The lessee has requested to accord necessary Stage-I/In-principle approval over 63.30 ha of Sabik Kism Forest land as the said forest diversion proposal has already been processed by the previous lessee (M/s KJS Ahluwalia) and is under consideration of MoEF & CC, GoI. The present lessee has also stated that, for the above diversion proposal, CA land has been identified, NPV has been paid and the FRA compliance has been completed.
- v. The State Government vide their letter dated 16.09.2021 forwarded their reply to the observations made by the FAC in its meeting held on 9th to 10th November, 2016 and examination of the same in the Ministry revealed the following:
 - a. With regards to specific conditions recommended by the FAC levying penalties against the violation of the Forest (Conservation) Act, 1980, the new lessee has mentioned that violations are not attributed to them as the same were committed by the previous lessee and the State Government has also endorsed the submission made by the user agency. No specific comments on compensation of loss incurred to the surrounding forest due to illegal mining have been submitted by the State.
 - b. It is also important to mention here that illegal mining by the lessee has been reported by Hon'ble Justice M.B Shah Commission in its enquiry report, it would therefore be appropriate to request the State Government to clarify whether pursuant to Judgement dated 2.08.2017 of Hon'ble Supreme Court (Common Cause) penalties, as directed by the Hon'ble Supreme Court, have been recovered from the erstwhile lessee or otherwise. *(whether stated by state or our submission)*
 - c. Action taken report by the IRO of the Ministry in accordance with the recommendation of the FAC has not been received.
 - d. Compensatory afforestation (CA) has been proposed over equivalent non-forest land. Given the existing density of MDF category in the non-forest land, CA scheme of plantation 200 seedling per ha in the degraded forest land (DFL) has been proposed. However, detail of DFL has not been provided.

- e. As per landuse details furnished in the proposal submitted initially, total forest land was reported to be **639.823 ha** while the same has now been reported to be 631.544 ha. Discrepancy in the area needs to be rectified by the State with appropriate justification.

3. Decision of the FAC:

The FAC, after detailed deliberations and discussion with the Nodal Officer (FCA), Odisha and DDG, IRO Bhubaneswar **recommended to defer the proposal** and sought the following information from the State Government and IRO, Bhubaneswar:

- i. Action taken by the State Government on the violation of FC Act committed by the erstwhile lessee specifically about compensation of loss incurred to the surrounding forest due to illegal mining and restoration measures, if any, undertaken by the State.
- ii. Status and details of penalty recovered from the erstwhile user agency in accordance with directions contained in the Hon'ble Supreme Court Judgment dated 2.09.2017.
- iii. Status of DFL identified for undertaking afforestation of surplus seedlings along with supporting details such as number of trees proposed to be planted, suitability of area, site-specific CA scheme, KML/shape files, etc.
- iv. Status of compliance of conditions stipulated in the approval granted in 2004, including present status of reclamation and rehabilitation of mined out areas.

Agenda No. 6

F. No. 8-19/2014-FC

Sub: Transfer of process of forest clearance of Radhikapur East Coal Mine in favour of M/s EMIL Mines and Mineral Resources Ltd. - Proposal for non-forestry use of 230.0899 ha (including 14.1709 ha in safety zone) of Forest Land for Radhikapur East Coal Mine of M/s Tata Sponge Iron Ltd. in villages namely Nandichod, Gopinathpur Jungle, Jhintipal, Jhintipal Jungle and Kosala under Angul Forest Division of Angul district of Odisha - reg.

1. The above stated agenda item was considered by FAC in its meeting on 26.11.2021. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. Member Secretary of the Committee presented the whole background, all facts & figures and DSS analysis concerning this proposal for detailed deliberations by the Committee. FAC after through deliberation and discussion observed that:
 - i. Government of Odisha vide their letter dated 03.03.2014 had submitted the above-mentioned proposal seeking prior approval of Central Government under section-2 of the Forest (Conservation) Act, 1980. Among other parameters, the detail of major

attributes of the proposal, as reported by the State are as under:

- a. Legal status of the land is revenue forest.
 - b. Vegetation density of 0.3 with 6,683 project-affected trees
 - c. No rare/endangered unique species of flora/fauna.
 - d. Proposal does not form part of any Protected Area of wildlife corridors
 - e. Compensatory afforestation has been proposed over non-forest land in 14 patches.
 - f. Proposal involves rehabilitation of PAPs.
 - g. No violation of the Forest (Conservation) Act, 1980 has been reported.
- ii. Proposal was considered by the FAC in its meeting held on 13.02.2014, however, in light of view extended by the Ministry of Coal regarding de-allocation of coal block, the proposal was kept on hold by the Ministry.
 - iii. In the meantime, Hon'ble Supreme Court of India vide judgment dated 25.08.2014 and order dated 24.09.2014 cancelled allocation of 204 Coal Blocks, including the extant coal block. Pursuant to order of Hon'ble Apex Court and provisions of Coal Mines (Special Provisions) Act, 2015, Ministry of Coal, Government of India, vide Order dated 3.03.2021 vested the Radhikapur (East) Coal Block over an area of 1029.925 ha Chhendipada Tahsil, Angul, Odisha to M/s EMIL Mines and Minerals Resources Limited (EMMRL) and requested grant of Stage-I approval to the proposal.
 - iv. Ministry, after examination of the proposal and request of the Ministry of Coal, vide its letter dated 21.06.2021, as per the provisions of relevant guidelines, sought following information from the State:
 - a. Update the proposal in light of relevant guidelines issued by the Ministry during the intervening period and submit the same along with KML/Shape files of the area proposed for diversion and area identified for raising CA.
 - b. Update the proposal on various parameters of the project, as mentioned in para 5.4 of comprehensive guidelines including tree crops and change in the legal status of forest land involved in the project; and
 - c. A confirmation that no non-forestry activity in the forest land proposed for non-forestry use has been taken by the previous user agency in violation of Forest (Conservation) Act, 1980.
 - d. As the area of the proposal is more than 100 ha, a site inspection from the IRO was also requested from the IRO concerned of the Ministry.
 - v. Information on the observations of the Ministry has been sought from the State as well as IRO, Bhubaneswar and the same is awaited.
 - vi. The Committee further observed that CA over non-forest land proposed in 14 sites which may be difficult for their management and Committee accordingly desired that possibilities may be explored by the State to consolidate large number of isolated

patches into a fewer patches with larger areas for the ease of their subsequent management.

3. Decision of the FAC:

The FAC, after detailed deliberations and discussion with the Nodal Officer (FCA), Odisha and DDG, IRO Bhubaneswar recommended to transfer the process of obtaining forest clearance from the erstwhile user agency to new agency M/s EMIL Mines and Minerals Resources Limited (EMMRL). The FAC also **recommended to defer the proposal** and sought following information from the State Government and IRO, Bhubaneswar:

- i. A site inspection report of the IRO, Bhubaneswar, as requested vide Ministry's letter dated 21.06.2021.
- ii. Comments of the State Government on revalidating the various parameters of the proposals, as sought by the Ministry in its letter dated 21.06.2021.
- iii. Possibilities may be explored by the State to consolidate large number of isolated patches into a fewer patches with larger areas for the ease of their subsequent protection and management.

Agenda No. 7

F. No. 8-07/2014-FC

Sub: Transfer of process of forest clearance (Process till consideration by FAC) of Radhikapur (West) Coal Mine in favour of M/s Vedanta Limited - Diversion of 91.929 hectares of forest land (including 4.957 hectares of safety zone) in Radhikapur (West) Coal Block under Chhendipada Tahasil in Angul Forest Division in Angul District of Odisha for Coal Mining by M/s. Radhikapur (West) Coal Mining Pvt. Ltd.

1. The above stated agenda item was considered by FAC in its meeting on 26.11.2021. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During deliberations, Member Secretary presented the whole background, all facts & figures and DSS analysis concerning this proposal for detailed discussions by the Committee.
3. FAC after thorough deliberation and discussion, noted that:
 - i. The proposal was placed before FAC earlier and before any decision could be taken, based on a communication from the Ministry of Coal,

the proposal was kept in abeyance. Later this was de-allocated and subsequently following due procedures, it was vested with the current user agency.

- ii. The proposal involves less than 100 ha, hence site inspection by the IRO was not made, before the FAC earlier considered the proposal.
- iii. As far as various parameters of the proposal are concerned, Nodal officer of the State Government informed that the same still hold good and were validated.
- iv. It was also observed that this coal block is located adjacent to the Radhikapur (East) coal block, for which site inspection by IRO has been recommended by FAC. FAC felt that during such site inspection, IRO may also inspect Radhikapur (West) coal block too.
- v. The CA land is a single patch, which is quite favourable from management point of view. However, it was observed that there is an enclave of private land in the western side of the proposed land. For better protection, ideally this enclave should be acquired by the State Government.

3. Decision of the FAC

Based on discussion with Regional Officer, Bhubaneswar and Nodal Officer (FCA), State Government, and after thorough deliberations, FAC deferred the proposal and sought the following information:

- i. Site Inspection report by IRO, Bhubaneswar
- ii. The proposed CA land needs to be re-visited by the State to explore the possibility to cull out embedded enclaves of private areas by acquiring them.

Agenda No. 8

File No. 8-84/2014-FC

Subject: Diversion of 121.58 ha of forest land for Durgapur Deep Extn. Open Cast Mine in favour of Western Coalfield Limited in District Chandrapur, Maharashtra-regarding.

1. The above stated agenda item was considered by FAC in its meeting held on 26.11.2021.

The details of the proposal may be seen at www.parivesh.nic.in.

2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after through deliberation and discussion observed that:

- i. The above-mentioned proposal was earlier discussed by Forest Advisory Committee in its meeting held on 29.07.2015 wherein the said proposal was recommended for Stage-I approval.
- ii. The proposal was accorded Stage-I approval by the Ministry vide its letter of even number dated 16.12.2015 subject to certain conditions including the condition no. (ii) regarding CA land.
- iii. The State Govt had earlier proposed the Compensatory afforestation over degraded forest land in Comptt. No. 5,6,7,8,14B & 12 of range Warora, Taluk Warora and Comptt. No. 9, 9/5 of Bhadravati Range.
- iv. Thereafter the State Govt. vide their letter dated 12.01.2021 reported change in CA sites and proposed compensatory afforestation over 14 patches located in Bhadravati, Saoli, Ballarshah, Rajura, Dhaba and Pombhurna Ranges under Chandrapur and Central Chanda Forest division.
- v. Now the State Govt. has reported that the CA site details which have been shared earlier vide its letter dated 12.01.2021 were already utilized for plantation for target completion under 33 Crore Tree plantation drive in Chandrapur circle. Now, CA areas have therefore been revised and chosen in Wadsa Forest Division in Gadchiroli Circle under Gadchiroli District.
- vi. Further the representation of Conservation Action Trust, Mumbai dated 24.11.2021 with regard to the Wildlife corridor and other issues was also discussed and it has been observed that all these issues have already been considered and adequate measures in view of wildlife conservation have been imposed by means of conditions stipulated in Stage-I approval.

3. Decision of the FAC:

After thorough deliberation and discussion, FAC agreed to and recommended the proposal of state govt to carry out compensatory afforestation over 11 patches of Degraded Forest land in Wadsa Forest Division in Gadchiroli Circle under Gadchiroli District and considering the Stage-II based on alternate CA land as proposed by the State Govt/User Agency.

Agenda No. 9

F. No. 8-07/2021-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 397.8863 ha forest land in favour of SJVN Ltd for the construction of Sunni Dam Hydroelectric Project (382 MW) within the jurisdiction of Shimla, Kotgarh and Karsog Forest Divisions, in District Shimla and Mandi, Himachal Pradesh (ONLINE PROPOSAL NO. FP/HP/HYD/31019/2017)-regarding.

1. The above stated agenda item was considered by FAC in its meeting held on

26.11.2021. The details of the proposal may be seen at www.parivesh.nic.in.

2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after through deliberation and discussion observed that:

- i. The above proposal was earlier considered by the FAC in its meeting dated 17.09.2021 and the proposal was deferred with the following observations:
 - a. The Cost-Benefit analysis will be re-submitted by the User agency after taking into account all factors.
 - b. The impact of mining in the proposed quarry sites and the need for specific mitigation measures will be examined by a third party agency and a report shall be submitted to the Ministry. Once the report is submitted, a Sub-committee of the FAC comprising following members will visit the area:
 - i. Dr. Sanjay Deshmukh
 - ii. Sh. Pankaj Aggarwal, IRO Dehradun
 - iii. Sh. Dharmdeo Rai DIG (ROHQ/FC)
 - c. The State Govt. will take corrective measures to address the minor issues in Compensatory afforestation sites as reported by IRO Shimla in the Site inspection report.
 - d. The variation in the number of families being affected as reported by the User agency in Part-1 with those mentioned in the Site Inspection report shall be clarified and the exact detail of the families/people to be affected will be submitted.
- ii. The State Govt. submitted the report of the third party agency and thereafter the sub-committee constituted by the FAC visited the area on 22.10.2021 and submitted its report with following recommendations:
 - a. As reported by the IIT (ISM) Dhanbad and as observed in the field, the proposed area seems to be stable and suitable for proposed excavation. However, the safety measures, engineering's, structures and instrumentation, as suggested by IIT(ISM) Dhanbad, should be strictly followed.
 - b. Trees of girth more than 60 cm should not be felled and their enumeration list should be submitted to the IRO Shimla and to local forest officials.
 - c. The user agency should preserve the top soil of the excavated area so that proper reclamation of the site could be achieved.
 - d. The bio-reclamation of the area should be done with suitable species of grasses, shrubs and trees, in close coordination with the forest department.
 - e. The user agency should submit the revised cost-benefit analysis.
 - f. The adequate corrections may be incorporated in the component-wise breakup and the layout plan.
- iii. The User agency has revised the Cost-Benefit analysis after taking into account all factors and now it has been calculated as 12.06.
- iv. The 9 CA sites as pointed out during site visit by IRO Shimla have been changed and revised kml files have been submitted by the State Govt. The State Govt. has submitted the site suitability certificates, however as per DSS analysis, some parts of the areas are coming under the category of MDF/VDF. The kml file of one CA site was found overlapping with another area.
- v. It has been submitted that a total of 10 families are being displaced and 261 families are being affected due to the project.

3. Decision of the FAC:

The FAC after thorough deliberation and discussion with Nodal officer Himachal Pradesh and IRO Shimla, recommended the proposal for Stage-1 approval with General, Standard and following specific conditions:

- i. The safety measures, engineering structures and instrumentation, as suggested by IIT(ISM) Dhanbad, should be strictly followed.
- ii. Trees of girth more than 60 cm should not be felled and their enumeration list should be submitted to the IRO Shimla and to local forest officials.
- iii. The user agency should preserve the top soil of the excavated area so that proper reclamation of the site could be achieved.
- iv. The bio-reclamation of the area should be done with suitable species of grasses, shrubs and trees, in close coordination with the forest department.
- v. The adequate corrections in the component-wise breakup and the layout plan shall be done as suggested by the sub-committee of the FAC.
- vi. The 9 Compensatory Afforestation sites pointed out by IRO Shimla would be revisited by the State Government and it will be ensured that the areas proposed are suitable for planting, do not include MDF/VDF and do not overlap with any other area.

Policy issue 1

Sub: Modification of guidelines dated 07.07.2021 allowing transfer of approval granted under the Forest (Conservation) Act, 1980 to successful bidders/allottee in consonance with the provisions of Mines and Minerals (Development and regulations) Amendment Act, 2021 – reg.

1. The above stated agenda item was considered by FAC in its meeting on 26.11.2021. FAC, after through deliberation and discussion, noted the following:
 - i. The Secretary General, FIMI vide his letter dated 09.07.2021 requested for modification guidelines dated 07.07.2021 issued by the Ministry allowing transfer of approvals granted under the Forest (Conservation) Act, 1980 in respect of mining leases whose validity is expiring in terms of provisions of the MMDR Act, 1957. FIMI requested to include both cancelled and terminated mining leases within the ambit of guidelines dated 07.07.2021.
 - ii. The Government of Karnataka has also sought a clarification from the Ministry whether provisions of the guidelines can be made applicable to the mining leases cancelled and subsequently allotted to the successful bidders.

- iii. The leases falling under termination/cancellation invariably involve violation of various statutes which lead to their termination or cancellation. In case such violations have been committed on the forest land i.e. loss has been caused to the forest land, the same needs to be compensated appropriately.
- iv. The leases were cancelled by the Hon'ble Supreme Court and certain compensation as penalty has been recovered from the earlier lessees. In pursuance of the direction of the Hon'ble Court, an SPV has been constituted and its actions are being monitored.
- v. However, it was also observed that apparently the damage caused to the forest land outside the lease area or within the lease area without prior approval under the Forest (Conservation) Act, 1980 has not been accounted for adequately, i.e. no concrete efforts to recoup the forest loss have been observed to be made by the States despite constitution of SPVs for the judicious utilization of penalties collected from the violators.

2. Decision of the FAC

The FAC after detailed deliberations and discussions desired that Forest Conservation Division may analyse the losses incurred by the forests due to such violations and the same may be examined in consultation with the concerned State Government. A consolidated status of the same may be placed before the Committee in its next meeting. However the FC proposals of the new lessee may be dealt as a transfer of lease case without any civil liabilities unless specified by the State Government or any additional conditions admissible as per the existing Act/Rules/Guidelines are imposed by the State Government or Ministry.

Policy issue 2

Sub: Guidelines given under para 5.6 of the Handbook of Forest (Conservation) Act, 1980 regarding change in the land use/re-diversion of forest land – reg.

- 1. The above stated agenda item was considered by FAC in its meeting on 26.11.2021. FAC, after through deliberation and discussion, noted the following:
 - i. The para 5.6 of the guidelines given in the Handbook provides for change in the land use or for re-diversion of forest land with the prior approval of the Central Government. Provisions of the guidelines mandates the State Government to obtain

approval of the Central Government even for minor changes within the diverted area of forest land.

- ii. The Committee was apprised that Ministry vide its guidelines given under para 4.2 of the Handbook authorized the States to allow change in the land use/re-diversion of forest land within the diverted area for laying of underground Optical Fibre Cable, telecommunication lines, drinking water pipelines, slurry pipe lines, CNG/PNG/Petroleum pipe lines, etc. However, within the diverted land, in case the user agency proposes to effect minor change in the land use, prior approval of the Central Government becomes mandatory in view of the guidelines given under para 5.6 of the Handbook.
- iii. Owing to change in the technology or other technical considerations, especially in respect of mining leases, hydroelectric projects and irrigation proposals, at times the change in the land use becomes necessary and although such change in the land use is supported by the Mining Plan (approved by the IBM) or DPR reports of the projects (revises cost estimates) approved by the competent authority, implementation of envisaged change in land use has been subjected to the prior approval under the Forest (Conservation) Act, 1980

2. Decision of the FAC:

FAC after detailed deliberations and discussion recommended that change in the land use within the diverted area may be allowed without seeking prior approval of Central Government under the FC Act subject to following conditions:

- i. Change in the land use is for the same purpose or ancillary to the primary purpose
- ii. Change in the land use is in accordance with the changed land use approved in the Mining Plan, or such similar documents approved by the competent authority in the State
- iii. No activity will be taken up which is non-site specific.
- iv. Appropriate provision in the PARIVESH portal shall be provided, so as to enable the user agency to provide requisite information in the parent proposal (regarding change in land use), for the purpose of record of and monitoring by the State Forest Department.
- v. Change in the land use shall not involve new/additional forest land.

Policy issue 3

Sub: Processing of proposals involving *ex-post facto* approval under the Forest

(Conservation) Act, 1980 cases pertaining to the violation of Forest (Conservation) Act, 1980 by the Integrated Regional Offices of the Ministry - reg.

1. During the deliberation on the issue, FAC observed that as per the FC Rules 2003, cases of violation even if involve forest area of less than 40 ha, has to be referred to Hq of the Ministry. However, there is a need to bring clarity in dealing with cases of violation under the Act.

2. Decision of the FAC

The FAC after detailed deliberations and discussion decided that the proposals for use of forest land for non-forest purposes which involve violation of Forest (Conservation) Act, 1980 are required to be examined at the level of the Ministry. The Integrated Regional Offices may therefore examine all such proposals as per extant Rules and Guidelines, and forward to the Ministry with specific comments/ recommendations for appropriate decision.

Policy Issue 4

File No. 8-31/2019-FC

Subject: Proposal seeking prior approval under the Forest (Conservation) Act, 1980 for non-forestry use of 374.75 ha of forest land under the Forest (Conservation) Act, 1980 for rehabilitation of Rantalodhi Village of Tadoba Andhari Tiger Reserve in compartment No. 14-B, District Chandrapur of the State of Maharashtra -reg.

1. The above stated agenda item was considered by FAC in its meeting held on 26.11.2021. During the meeting, all the factual details were presented before the FAC which after thorough deliberation and discussion observed that:

- i. The subject cited proposal was earlier considered by the FAC in its meeting held on 27.02.2020 wherein the Committee deferred the proposal with the following observations:
 - a. Since the proposal is not in conformity with the guidelines of Ministry dated 22.05.2019, the State Government, if so desires, may approach Supreme Court to seek relief in this regard.
 - b. Comments of National Tiger Conservation Authority (NTCA) on the proposed proposal may also be obtained by the MoEF&CC for further consideration by the Committee.
- ii. The same has been communicated to the NTCA & the State Govt. vide Ministry's letter of even no. dated 20.04.2020.
- iii. Thereafter letter no. 2-77CEC/SC/2019- Pt-VIII dated 04.03.2021 was received in Ministry from the Central Empowered Committee on the above-mentioned subject wherein views of the MoEF&CC on the letter dated 03.03.2021 received from Chief

Wildlife Warden, Government of Maharashtra, Nagpur has been requested.

iv. The Chief Wildlife Warden, Government of Maharashtra, Nagpur vide above said letter dated 03.03.2021 has inter-alia submitted the following to CEC:

- a. This is in context to the order dated 21.11.2008 of Hon'ble Supreme Court (IA No.1658 in WP(C) 202 of 1995) which states that "the land deserved / de-notified for resettlement shall not be more than the extent vacated by the settlers in the core area". In this regard it is submitted that the actual biotic pressure on forest land by the villagers within the periphery of 5 Km. should be considered instead of the actual area which will be vacated by the settlers in the core area.
 - b. The actual area within the village boundary of Rantalodhi village which is going to be vacated is 175.26 ha. However, the impact of a village or anthropogenic pressure (Cattle grazing; MFP collection, fuel wood collection etc) of this village is beyond the village -boundary and can be seen in 5 km periphery of the village. So the actual "inviolable area" that we will get after resettlement of Rantalodhi village is around 4024 ha.
 - c. It is also submitted that the said order also needs to be seen in totality for the entire State rather than on a case to case basis. The Govt. of Maharashtra has resettled 66 villages, vacating actual 8613 ha land (the impacted forest area is at least double this area) and only diverted 2650ha of forest land to resettle these villages as most of the villages were resettled on revenue lands and through cash compensation option.
 - d. The proposal of de-reservation of 374,75 ha forest land to resettle Rantalodhi village is as per the actual on ground situation. If the said proposal is further delayed it will definitely increase the number of eligible families and will further require more forest land. Moreover, an direct inviolable area of 175.26 ha. in core area of Tadoba-Andhari Tiger Reserve will boost the tiger population and in a way reduce the human tiger conflict in the landscape.
- v. On this issue the comments were requested from the NTCA Division and it has been informed that:
- a. The CEC has recommended to the Apex court for permitting rehabilitation of 145 families from Rantalodhi Village in Tadoba — Andhari Tiger Reserve (TATR) in 374.75 ha. of forest land in Compartment No. 14-B of Village Salon, District Chandrapur, Maharashtra, in lieu of the 175.26 ha of forest land vacated from the core area of TATR.
 - b. The voluntary village relocation from critical wildlife habitats of National parks/Sanctuaries/Core/Critical tiger habitats and other protected areas is done to provide inviolable space to wild animals. The whole process including settlement of rights is undertaken as per The Wildlife (Protection) Act, 1972 and fulfilment of the conditions stipulated in Section 4(2) of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and is implemented by the State Governments.
 - c. In this regard, a letter no. 2-77CEC/SC/2019- Pt-VIII dated 04.03.2021 was received from the Central Empowered Committee on the above-mentioned

subject wherein views of the MoEF&CC on the letter dated 03.03.2021 received from Chief Wildlife Warden, Government of Maharashtra, Nagpur has been requested.

2. Decision of the FAC:

- i. The FAC after thorough deliberation and discussion agreed that voluntary relocation of villages from core/critical Tiger habitats and core of the Protected Areas is an important activity which is in favour of both wild animals and the inhabitants living inside wildlife rich areas. Such matters should therefore be taken up positively.
- ii. The people going in for voluntary relocation opt for different models and it may not be possible to ensure that the area being vacated is exactly same as the area proposed for diversion. Such matters are therefore required to be considered on case to case basis.
- iii. The anthropogenic pressure of a village is there beyond the village boundary and the area under Nistar/community rights may be considered as a part of the village area, provided the extent of such rights is duly recorded in the relevant records and documentary evidence are available to support such claims. The total area proposed for diversion in such cases should not be more than the area of the village including the extent of recorded rights.
- iv. The Forest Department should encourage rehabilitated families in relocated forest area for improvement of their livelihood based on tree/ forest based economic opportunities by providing appropriate training and imparting skill-sets in ecotourism, Bamboo and Medicinal plants and other NTFPs through sustainable collection, processing, value addition and marketing etc. to help in conservation of forest area around rehabilitation.

(Confirmed through email) <i>(Sh S. D. Vora)</i> FAC Member	(Confirmed through email) <i>(Dr Sanjay Deshmukh)</i> FAC Member
(Not present) <i>(Sh Anmol Kumar)</i> FAC Member	(Not present) <i>(Om Prakash Sharma)</i> FAC Member
(Confirmed through email) <i>(Sh Soumitra Dasgupta)</i> ADGF-FC	(Confirmed) <i>(A.K. Mohanty)</i> Member Secretary (FAC)
(Approved) <i>(Subhash Chandra)</i> Chairman & DGF&SS	