

Minutes of meeting of Forest Advisory Committee held on 26th April, 2018

Sandeep Sharma
AIGF (FC)

Agenda No. 1

F. No. 8-34/2007 – FC

Sub: Diversion of 193.19 ha of forest land for underground mining of coal for Mahakali Colliery in favour of Western coalfields Limited in Chanderpur in Maharashtra submitted by the State Government of Maharashtra.

The above stated agenda was placed before FAC on 26.3.2018. FAC after detail deliberation observed that:

- 1 The State Government of Maharashtra vide their letter no. FLD-3606/CR 208/F-10 dated 20.07.2007 has submitted a proposal for diversion of 193.19 ha of forest land for underground mining in favour of above stated user agency.
- 2 The proposal was earlier placed in FAC meeting on **09.07.2008, 16.03.2016 and 12.07.2017**
- 3 In its meeting on 09.07.2008 FAC observed that in view of nearness of the project to Tadoba Tiger Reserve, it was suggested to examine the proposal by NTCA. It was also desired by FAC on 09.07.2008 that comments from State Govt. on SIR done by RO Bhopal on violation of FCA and Rehabilitation of 146 persons on these lands may be sought.
- 4 These recommendation of the FAC on 09.07.2008 were communicated to the State Government vide this Ministry's letter of dated 4.08.2008. **However, the comments of NTCA was not sought as per the direction of the then DGF&SS whose remarks on file states that "I don't think reference to NTCA is necessary because of the fact stated by CWLW Maharashtra which is that the Mine is 19 Km from Tiger reserve and 8 Km from buffer".**
- 5 The reply of the above communication was received from the PCCF/State Government of Maharashtra, vide their letter no. FLD-3606/CR 208/F-10 dated 17.02.2014 . It states that:
 - i. With regards to the nearness of the project to the Tadoba Tiger Reserve, the State Forest Department has informed that a per the remarks of PCCF (Wildlife) and CWLW Nagpur, in his letter dated 22/02/2013, the distance of project site form the boundary of TATR is 19.00 km and 8.00 km from buffer of TATR. The proposed area does not fall in the corridor of wildlife and CWLW has no objection for the project. In view of the remarks offered by the CWLW, It is felt that the examination of the proposals by NTCA) may not be necessary for this proposal.
 - ii. With regards to violation of the FCA, it is mentioned by the State Government that violation report for this project is submitted to Government of Maharashtra vide this office letter dt. 12/12/2006. As per the violation report, U/G mining was done on

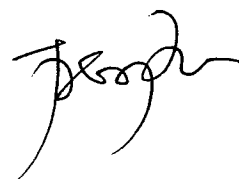


77.71 ha of forest area before 25/10/1980. U/G mining was done in 47.07 ha forest area during the period of 25/10/1980 to 31/3/2005. As the mine is very old the documents such as lease deed maps etc. are not available, the only document made available by the project authority is a letter by DFO, North Chanda No. G/300 dt.23/01/1945 stating that Reserve forest area of 311 acres is granted to Mahakali Coal Mines Ltd. vide mining lease letter No. 967L/XIII dated 30/8/1921 along with a challan for Rs. 30.14

- iii. From these facts and the violation report it is clear that the U/G mining was carried out in 47.07 ha of forest areas after 25/10/1980.
 - iv. The Mahakali Colliery is an underground coal mine and the surface forest area has not been disturbed and hence rehabilitation of 146 persons from these lands is not required.
- 6 Due to contradiction in the facts reported by the State Government and the Regional Office, the Regional Office was also requested on 12.09.2014 to re-inspect the area along with some senior officer of the State Government and submit a detailed Site Inspection Report along with Clear and unambiguous recommendations to the Ministry for further necessary action in the matter.
- 7 In response to this Ministry's letter dated 12.09.2014, the Regional Office vide its letter dated 12.12.2014 submitted the SIR of re-inspection. The Site Inspection of this project was carried out by CCF on 14.11.2014 in presence of Shri S.S.Patil, DFO, Chandrapur & Shri Pakmode, Surveyor of the Forest Department, Shri R.K.Mishra, Area General Manager, Chandrapur Area, Shri S.K. Singh, Chief Manager(M), WCL, HQ, Shri. R.S. Gupta, Area Planning Officer, Shri J. Charde, Colliery Manager, Mahakali Mines and others. The details of SIR is as under:

- i. **Legal status of the forest land proposed for diversion:**
193.19 ha. of forestland with following category is required for the diversion:
Reserved Forest - 93.64 ha.
Protected Forest - 85.84 ha.
Zudpi Jungle - 13.71 ha
Total - 193.19 ha.
- ii. Item wise break-up details of the forest land proposed for diversion: The entire forest area proposed for diversion is required for underground mining. Status of underground mining is as follows:

Mining already done up to 25/10/1980	77.71 ha.
Mining done after 25/10/1980	47.07 ha.
Mining to be done	68.41 ha.
Total	193.19ha



Though there is no dissent that mining has to be done in 68.41 ha. and mining was done in 47.07 ha. area after 1980 in violation of FCA, the contentious issue is to ascertain period of mining done in 77.71 ha. The WCL insists that it was done before 1980, the State Government does not agree to it and proposes penal CA on 125.49 ha.

- iii. **Whether proposal involves any construction of building (including residential) or not. If yes, details thereof:**
No. But 141 families were rehabilitated on Zudpi Forest from the site of Hindustan Lalpet Open Cast Mining and the same- has been regularized by the State Government. No surface right for this forest area is sought, but many encroached households were noticed in the Protected Forest land near Chandrapur- -Ballarshah road which passes through the proposed mining lease area.
- iv. **Total cost of the project:** The cost of the project is reported to be Rs. 9.96 crore.
- v. **Wildlife:** This mining lease area being close to Chandrapur township is surrounded by habitation and is not very important from Wildlife point of view.
- vi. **Vegetation:** Area is dominated by the bushy type of vegetation of mixed category and is highly degraded.
- vii. **Background note on the proposal :**
Mahakali Colliery (Underground Mine) opened in the year 1922 is located close to Chandrapur Town. Temporary Working Permission was granted by the MoEF, GoI vide letter no. 8-82/2005-FC dt. 23/11//2005 for one year. Mining has been stopped on expiry of this permission. Mining was done in 125.49 ha. and now the proposal is to carry out mining in 64.41 of balance forest land.
- viii. **CA:** Since this project involves underground mining, no CA is proposed.
- ix. **Whether proposal involves violation of FCA:** Yes. But the contention is about the area of violation. Though M/s WCL maintains that mining has been continuing in the area since 1922 and till the year 1980 about 77.71 ha. of forest land was worked up and the violation was done for 47.78 ha. Only. The Forest Department/Govt. of Maharashtra disputes this as the User Agency could not produce any documentary evidence to prove that mining on 77.71 ha. was done before 1980. Hence, mining in 77.71 ha. of forest land claimed to have been broken prior to 1980 is treated by State Govt. as violation of provisions of FCA and total mining done in 125.49 ha. has been considered as violation.
- x. **Whether proposal involves rehabilitation of displaced persons:** No.
- xi. **Reclamation plan:** Since it is a case of underground mining by Board & Pillar method and depillaring operation in conjunction with sand stowing, no reclamation plan is prepared.
- xii. **Details of catchment and command area under the project:** NA.
- xiii. **Cost benefit ratio:** The Cost-Benefit ratio is calculated as 1:8.39
- xiv. **Recommendation of the PCCF/State Government:** The PCCF, Maharashtra has recommended the proposal for approval subject to usual conditions including



- Penal CA over four times the forest area worked in violation and Environmental Clearance.
- xv. Regional APCCF shall give detailed comments on whether there is any alternatives route/alignment for locating the project on the non-forest land: Coal mining being site specific activity, hence question of alternative does not arise.
- xvi. **Utility of the project:** The underground coal mining project will supply coal to Thermal Power house and will generate employment.
- xvii. **Whether land being diverted has any socio-cultural/ religious value:** No.
- xviii. **Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:** No.
- xix. **Whether the land under diversion forms part of any unique eco-system:** No.
- xx. **Situation in respect of any Protected Area:** Tadoba-Andhari Tiger Reserve is 15-16 kms away.
- xxi. **Any other information relating to the project:** Compartment histories and pictures taken by the CCF who carried out site inspection are enclosed.

Recommendation of Regional APCCF along with details reasons: The proposal is recommended for approval subject to the following:

- (i) Penal CA may be carried out over twice the degraded area involved in violation.
 - (ii) Since the issue of area involved in violation is not agreed upon by the UA and State Government, this has to be settled during FAC meeting in presence of representatives of State Government and Coal India Ltd.
 - (iii) All unauthorized encroachments must be removed.
8. The State Government of Maharashtra vide their letter dated **03.03.2016** informed that the discrepancy observed in the total area worked by the project proponent in violation of the FCA and the details of subsidence predication for assessing long term damage on surface due to underground mining. The information is submitted as under.
- i.) The details of 193.19 ha forest land proposal for diversion are as under:-
 - a) Forest area mined out before 25.10.1980 – 77.71 ha.
 - b) Forest area mined out after 25.10.1980 – 47.07 ha
 - c) Forest area not yet mined 25.10.1980 – 68.41 ha.

It is clear from the above details that 47.07 ha forest area was worked by the project proponent in violation of FCA.

- ii.) Subsidence prediction was conducted through CENTRAL Mining Research Institute Dhanbad which recommended that “The maximum predicted tensile strain due to extraction in all the four panels lying below the forest land is only 0.64 mm/m. This value of tensile strain is less than the value of 20 mm/m as per guidelines of MoEF, GOI.

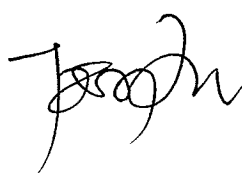
- 8 **Recommendation by FAC on 16.03.2016:** The committee after deliberations recommended that



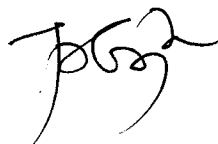
- i. State government may be asked to provide documents/orders regarding rehabilitation of 141 families on zudpi forest land.
- ii. State government may be asked to submit compliance of FRA as per the guidelines issued by MOEF&CC
- iii. The FAC decided that a sub-committee of FAC shall inspect the area and look into following points and submit report.
 - a) Violation of FCA committed by the project proponent and the state government.
 - b) Present status of forest land in the proposed area.

Accordingly, the state govt. was requested vide this Ministry's letter dated 12.04.2016, and a sub-committee of FAC was constituted.

- 9 The sub-committee of FAC submitted their report inspection Report. Findings of the Sub-Committee:
- i. Most of the areas of Compartment No 572 and 573 of PF (Survey Number 421, 441/1-4 and 461 and 463/1) at village Chanda Rayatwari were noticed under encroachment and covered with buildings, roads, railway line, transmission line and other structures.
 - ii. In addition to the area of 2.65 ha used for rehabilitation of 143 families by the District Administration in survey No. 469/1, 469/2, 469/3 and 469/4, many other settlements and structures exist on this patch of Zudpi Jungle.
 - iii. No encroachment was noticed in Compartment no. 483 and 484 of Reserved Forest.
 - iv. From the observation in the field visit and on the basis of records/mining data produced by the User Agency, it can be concluded that the area of 77.71 ha was worked prior to 1980 and no mining work seems to be in progress in this area at present.
 - v. An area of 47.07, beneath Compartment No. 484 of RF, has been worked after 1980 and at present the galleries of the area (47.07 ha) are filled with water and no mining work is possible.
- 10 **The reply, on the recommendation of FAC on 16.03.2016, was awaited from state govt.** However, the inspection report of sub-committee of FAC was placed before FAC in its meeting held on 12.07.2017. **FAC noted that action on reported encroachment has to be taken by state authorities.** The FAC on 12.07.2017 further recommended that the proposal shall be placed before FAC as and when following report from state government is received:
- a) Documents/orders by the state government regarding rehabilitation of 141 families on zudpi forest land.
 - b) Compliance of FRA as per the guidelines issued by MOEF and CC
- 11 The State Govt. was requested vide the Ministry's letter dated 03.08.2016 to furnish the information as sought on the recommendation of FAC in its meeting held on 12.07.2016. The State Government vide their letter no. Desk-17/Nodal cell/17-1.ID.11403.2400/2017-18 dated 08.01.2018 submitted their compliance. The point-wise information sought by the Ministry and reply thereof given by the State Govt. are as follows.



S. No.	Points	Compliance
a)	Documents/orders by the state government regarding rehabilitation of 141 families on zudpi forest land.	<p>In this regard , the State Govt. Stated that the details of encroachment has been shown on the map and documents regarding rehabilitation of 141 families issued by District Collector, Chandrapur vide letter No. 4/Desk-5/Nazul/1988/904, dt. 28.06.1988 is submitted.</p> <p>With regard rehabilitation of 141 families, the State Govt. has given a copy of letter dated 28.06.1988 issued by District collector A translated copy is also given and placed in file In translated copy, it is mentioned that the Sub-Divisional Officer was directed to issue order to Western Coalfields Limited to take possession land at Babupeth area vide order dated 16.05.1988, for rehabilitation of the residents of Siddarth Nagar as alternate land. This order was issued erroneously, and hence this order is cancelled.</p> <p>As proposed by Sub Divisional Officer, Chandrapur, as per approved layout of land at Mouza Chanda Rayatwari bearing Survey No. 469/1,2,3 and 4, 2.65 Ha (Shown on map in Green Color) is handed over (possession) to Western Coalfields Limited, Chandrapur Area for rehabilitation of residents of Siddarth Nagar on the following conditions:</p> <ul style="list-style-type: none"> (i) The land use should be the same as the purpose for which the land possession has been allotted; the land should not be used for any other purpose. (ii) The price (Valuation) as decided by the Town Planner for this land shall be deposited by Western Coalfields Limited to Government Treasury immediately. (iii) All terms and conditions of



		<p>Maharashtra Land Revenue code 1966, The Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971 shall be binding on Western Coalfields Limited.</p> <p>Verified translated copy of DC's order is not given and moreover in given translated copy it is indicated that <i>this translation is correct to the best of my knowledge. For any clarifications, the original Marathi content can be referred.</i> In addition, It is not clear whether the above conditions imposed by the Collector vide his order dated 28.06.1988 have been complied by the State Govt.</p>
b)	Compliance of FRA as per the guidelines issued by MOEF and CC.	<p>The original copy of certificate issued by the District Collector, Chandrapur under FRA issued vide letter No. Karya-4/RB-II/2017/119, dt. 14.11.2017 alongwith resolution of Gram Sabha and records of consultations and meeting of the Sub-Divisional Committee(s) in prescribed format Form-II as per GoI guidelines are submitted</p> <p>The FRA certificate with documentary evidence in local/ Marathi language is given. However, verified translated copy is not givenIn the unverified translated copy it is mentioned that <i>this translation is correct to the best of my knowledge. For any clarifications, the original Marathi content can be referred.</i></p>



RECOMMENDATION OF FAC:

FAC after thorough deliberation and discussion, took a note of request of the Nodal Officer, Maharashtra to defer the discussion on the project till next FAC as State Government will be able to submit the requisite information related to encroachment to the FAC. The request was accepted and discussion on the project is deferred. The project proposal will be placed in next FAC scheduled on 17.06.2018.

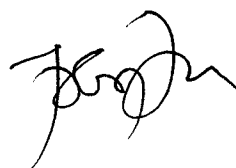
Agenda No. 2

F. No. 8-05/1993-FC (PT.)

Sub: Renewal of 61.2348 ha. (out of total 126.27 ha. Forest land granted under FCA) in Renukut Forest Division Sonbhadra for the construction of Ash Disposal Yard in favour of Renusager Power Company Limited.

The above stated agenda was considered in FAC meeting on 26.4.2018. FAC after thorough deliberation observed that:

1. The project proposal had already been granted stage I approval on 13.02.2017 with general, standard and specific conditions. Two penalty clause were recommended by FAC. These are
 - i. **The User agency shall pay NPV at the rate 20 per cent for each year since the violation of FCE has commenced.**
 - ii. **User agency shall raise penal CA equivalent to the land utilized in violation of the provision of FCA.**
2. The State Government forwarded the request of the user agency for modifying the following condition no. (5) and condition no. (6) as stipulated in **In-principal** approval/Stage-I Clearance dated 13.02.2017 for **penal charges**
3. The said proposal for modification of penal conditions was discussed in FAC meeting on 25.04.2017 and the **following penal conditions were recommended instead of conditions indicated in para (1) above** and accepted by the competent authority:
 - (i) A committee under that chairmanship of Sh Tejender Singh, PCCF regional office Bhopal with members Sh Kanwarjeet singh APCCF, RO Nagpur, Sh Reddy APCCF, RO Chennai, Sh Sanjay Deshmukh Member FAC and Sh Deepak Kumar Sinha IG (FC) MoEF&CC is formed to decide a policy frame work and quantum of penalty to be imposed in deliberate and unavoidable violations of provisions of FCA.
 - (ii) Since the User agency has violated the provisions of FCA and Rules made thereof, the quantum of penalty shall be imposed and realized as per the recommendations of the committee, constituted for this purpose by the FAC and accepted by the competent authority in the ministry.




- (iii) Project proponent may be granted stage II approval subject to submission of bank guarantee in compliance of the conditions no 5 and 6 of stage I approval and the same shall be refunded/adjusted on deposit of penalty amount calculated as per the recommendation of the above stated Committee.
4. With the approval of competent authority, the Ministry vide its letter dated 24.07.2017 deleted the condition no. 5&6 for penal charges and included the conditions as recommended by FAC on 25.4.2017.
5. Now the State Govt. of Uttar Pradesh vide their letter No. 81/14-2-2018-911/92 dated 25.01.2018 has forwarded the compliance report on the conditions stipulated in the Stage-I approval dated 13.02.2017 read with 24.07.2017. The conditions no. 5&6 for penal charges were revised indicating that the committee (formed vide the decision of FAC in its meeting on 25.04.2017) was to decide a policy frame work and quantum of penalty to be imposed in deliberate and unavoidable violations of provisions of FCA. Since the User agency has violated the provisions of FCA and Rules made thereof, the quantum of penalty shall be imposed and realised as per the recommendations of the committee, constituted for this purpose by the FAC and accepted by the competent authority in the ministry, **and the Project proponent may be granted stage II approval subject to submission of bank guarantee in compliance of the conditions no 5 and 6 of stage I approval and the same shall be refunded/adjusted on deposit of penalty amount calculated as per the recommendation of the above stated Committee.**

(i) Now the user agency has submitted the Bank Guarantee of 6,13,32,776/- and a Bank Guarantee of 93,01,811/- on the calculation of the conditions no. (5) and (6) respectively as stipulated in **In-principal** approval/Stage-I Clearance dated 13.02.2017 for which validity period was upto 30.11.2017 and it was extended upto 30.11.2018. These conditions have been revised by the Ministry on 24.07.2017 to be imposed and realized as per the recommendations of the committee.

(ii) **As per para 2.2 (iv) of FCA guidelines, the user agency shall submit the proposal for renewal of mining lease to the Forest Department one year prior to date of expiry of existing lease, failing which the proposal may be liable for rejection. The State Government shall send the complete proposal to the MOEF at least 6 months prior to the expiry of the existing lease. In case of any delay, a detailed report elaborating the cause of delay shall be sent along with the proposal.**

The instant proposal was submitted by the User Agency to the concerned DFO on 10.06.2008. However, the proposal was received in the Ministry from State Govt. vide their letter No. vide their letter no. 1377/14-2-2012 dated 5.07.2012.

6. The report of the said Committee chaired by Sh Tejender Singh, PCCF, Regional Office, Bhopal was discussed in FAC on 25.04.2017 and after its recommendation and approval by the competent authority, the guidelines have been issued vide this Ministry's letter No. 11-42/2017-FC dated 29.01.2018 **to be followed the said common guideline by FAC/REC while considering the proposal under FCA in connection with quantum of penalty to be imposed on the activities which constitutes violations of provisions of FCA.**



It is mentioned in the guidelines that this Ministry has decided to follow the said common guidelines while imposing monetary penalty in various cases, on the recommendations of FAC/REC after due deliberation in its meeting, for use of forest land for non-forestry purposes in violation of the provisions of the FCA and Rules made thereof and guidelines issued from time to time to implement FCA and Rules on the following components of violation:

(a) In cases where the proposal under FC Act has not been submitted and forest land is diverted without FC:

- i. Diversion of forest land for non-forestry purposes without the prior approval of the competent authority in the state will be dealt under the provisions of Indian Forest Act 1927 or State Forest Acts or any other State act dealing with such land as the case may be. The land in question will not be considered as diverted under FCA 1980 and the status of land shall continue to be Forest.
- ii. If the permission for use of forest land for non-forestry purposes have been granted by the state authority without the prior approval of the central government under section 2 of the Forest Conservation Act 1980 then action under section 3A and /or 3B of FC Act, as may be applicable shall be taken against the authority causing the diversion. A report with full details of violation shall be submitted by the State Government on the recommendation of the Forest Department of the State to the Ministry of Environment, Forests & Climate Change Government of India, New Delhi and formal enquiry shall be conducted by the Regional Office of the MoEF & CC.

(b) In cases where the proposal under FC Act is under consideration and forest land is diverted before grant of FC:

- i. The penalty for violation shall be equal to NPV of forest land per hectare for **each year** of violation from the date of actual diversion as reported by the inspecting officer with maximum up to **five (5) times the NPV** plus 12 percent simple interest till the deposits is made.
- ii. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (i) above.
- iii. State government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
- iv. User agency responsible for violation shall be prosecuted under local Act of the state for unauthorized use of forest land without the permission of state authority.

(c) Violation /non-compliance of any conditions imposed while granting approval under FC Act: In such cases the penalty will be imposed on the recommendation of the APCCF Regional office in whose jurisdiction the alleged violation has occurred. The violation will be reported to REC/FAC and the committee will give time to comply the conditions within stipulated time:

- i. In case the offence is proved then the penalty shall be imposed for violation committed over forest area without approval equal to twice the normal NPV.
- ii. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (i) above.

(d) Violation on account of change of land use in the approved mining plan:

- i. No penalty is to be imposed for such violation if the change is as per change in mining plan duly approved by competent authority. User agency shall intimate all approvals related to change in mining plan to the regional office within one month of approval. In other cases, change in land use plan shall not be carried out without prior approval of MoEF&CC under the provisions of FCA 1980.
- ii. Any violation of change in land use (other than mining operations), penalty of two times the NPV plus simple interest 12 per cent from the date of actual violation committed will be imposed.
- iii. In case the approved change in mining plan is not intimated within one month of the approval the same fine shall be imposed as in para 4(ii).

(e) In cases where 'Forest land' has been changed to 'non forest land' in government records: If the violation is not attributable to the user agency, no penalty shall be imposed.

RECOMMENDATION OF FAC:

FAC after detail deliberation and discussion with user agency observed that the area diverted for construction of Ash disposal yard was for a period of 10 years from 1999 to 2009. It is observed that in the year 2008 the user agency applied for renewal of the diversion to the State Government and the case was submitted to the MoEF&CC in 2012. Complete case for renewal was submitted before FAC only in 2016. In the meeting of FAC the usage of land after 2009, without renewal, was treated as violation. User agency was asked to stop the non-forest use of land.

FAC after thorough deliberation and discussion with Nodal officer, Uttar Pradesh, APCCF, Regional Office, Lucknow and user agency recommend that:

1. User agency shall pay penalty for violation as per guidelines issued by this Ministry's letter no 11-42/2017-FC dated 29.01.2018. The present proposal was under consideration for renewal of diversion of Forest land for non forestry purpose under FCA 1980 but user agency preferred to use the land for non-forestry purpose without valid renewal. User agency shall pay penalty two times the NPV. If the amount is not paid in time bound manner the user agency shall also pay 12 per cent simple interest on NPV from the date of issue of this clarification from MoEF&CC till the deposit is made. The penal NPV amount will be in addition to the normal NPV stipulations. It shall be deposited in Ad-hoc CAMPA account.



Compliance of above stated conditions along with other stipulated conditions in Stage-I approval shall be complied prior to Stage-II approval.

Agenda No. 3

F. No. 8-100/1997-FC (Vol.)

Sub: Proposal for diversion of balance 17.14 ha of Sabik Kisam forest land as on 25.10.1980 including 0.57 ha of forest land in safety zone in addition to already diverted forest land of 224.63 ha for Chromite mining in their Saruabil Chromite Mine of 246.858 ha in village Saruabil, Kamarda and Tailangi under Sukinda Tahasil of Jajpur District, Odisha under Cuttack Forest Division during extended Mining lease period as per MMDR (Amendment) Act, 2015 by M/s Misrilal Mines (P) Ltd.

The above stated agenda Item was considered in FAC on dated 26.4.2018.FAC after detail deliberation observed that

1. The State Government of Odisha vide their letter No. 10F (Cons) 20/2016/2052/F&E dated 07.11.2016 submitted the above mentioned proposal seeking prior approval of the Central Government under Sectin-2 of the FCA. The said proposal was considered by the **FAC in its meeting held on 28.02.2017.**
2. In its meeting on 28.02.17 FAC recommended that:
 - i. State government shall submit the status report on working mines on sabik lands. State Government to clarify whether mining is in progress in the area sought for diversion or not.
 - ii. User agency had reported that they had obtained court's order to continue mining in Sabik land. The copy of the order shall be provided to the ministry.
 - iii. State government shall submit complete compliance of FRA as per the guidelines issued by MoEF and CC
3. Based on the above recommendation of FAC, the State Government of Odisha requested by this Ministry's letter 28.03.2017 for submission of compliance.
4. In response to Ministry's referred letter dated 28.03.2017, Government of Odisha vide their letter no. 10F (Cons) 220/2017/2052/F&E dated 16.12.2017 informed that the lessee vide its representation bearing no. MMPL/SCM/Forest/2017-18 dated 15.09.2017 to F&E Department has requested to allow them to continue mining operation over the diverted forest area of 224.663 ha and also to allow them to retain 17.14 ha of sabik kisam forest area in the ML without its utilization for mining activities considering the fact that all statutory clearances are available for continuing mining operation over the diverted forest area/non-forest area including payment of NPV of entire forest land including sabik kisam forest land of the ML area.
5. It is further informed that the State Government in Steel & Mines Department have extended



- the validity of lease period of this lease from 15.05.2014 to 31.03.2020 vide their order No. 372/SM dated 14.01.2016. After compliance of stipulation of guidelines of MoEF&CC vide F. No. 11-599/2014-FC dated 01.04.2015 with specific reference to payment of NPV for entire forest area, the supplementary lease deed has also been executed on 02.04.2016. In view of limited period of lease left in this ML, **the lessee does not intend to use 17.14 ha of sabik kism forest land for mining purpose for which forest diversion proposal was earlier filed by them and now under consideration of the Ministry.**
6. The Addl. PCCF (Forest Diversion) & Nodal Officer, FC Act, O/o PCCF, Odisha vide his letter No. 25077 dated 25.11.2017 has reported that 17.14 ha of sabik kism forest land earlier applied for diversion as per circular F. No. 8-78/1996-FC (pt.) dated 10.03.2015 of MoEF&CC, GoI contains 7.242 ha of virgin forest land 9.328 ha of pre-1980 broken up land and 0.57 ha in safety zone. **The field verification report of DFO, Cuttack confirms that no mining activity was going on in the 17.14 ha of sabik kism forest land now applied for diversion.**

RECOMMENDATION OF FAC:

FAC after thorough deliberation and discussion with APCCF, Regional office Bhubneshwar and user agency recommend that the request of State Government may be accepted to close the project. State Government and user agency shall ensure that no non forestry activity is carried out over 17.41 ha of forest land. If any violation of the provisions of FCA over 17.41 ha is observed by the State Government, the work on entire forest land, which has been diverted under section (ii) of FCA 1980, shall be stopped immediately

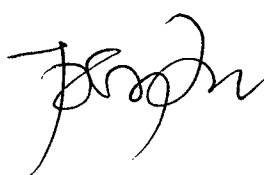
Agenda No. 4

F. No. 8-02/2016-FC

Sub:- Diversion of 845.34 ha in favour of Chief Construction Engineer, DRDO for establishment of technical facility for DRDO in Mahasamund Forest Division in Mahasamund District in the State of Chhattisgarh.

The above stated agenda item was considered in FAC on 26.4.18. FAC after thorough deliberation observed that:

1. The State Government of Chhattisgarh vide their letter No. F-5-50/2015/10-2 dated 08.01.2016 submitted the above subject proposal for seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. The said proposal was placed before FAC in its meeting held on 12.07.2016 and 28.02.2017.



3. The FAC on 28.02.2017 recommended the proposal with general, standard and following specific conditions:

(i) No residential buildings shall be allowed within the diverted forest land

FAC further observed that the proposal shall be placed before competent authority after following information is received from the State Government:

(i) State government shall submit revised enumeration list of trees coming under proposed land for diversion. The tree enumeration shall be carried out as per the guidelines issued in this regard.

(ii) Encroachment from the area proposed for diversion shall be removed by the forest department before stage I approval.

(iii) Perennial water bodies, located in the foot hills and whose catchment area is proposed for diversion, should be developed and the catchment area should be enriched by way of preparing an appropriate catchment treatment plan with appropriate soil conservation measures to arrest flow of silt in the reservoir and improve water regime at the project cost. The project authority shall submit the Catchment treatment plan duly approved by the competent authority.

4. Accordingly, the State Govt. was requested vide the Ministry's letter dated 28.03.2017 to furnish the information as sought on the recommendation of FAC in its meeting held on 28.02.2017. The Nodal Officer (FCA), State Govt. of Chhattisgarh vide their letter no. BHU-PARBANDH/VIVIDH/115-374/1965 dated 21.06.2017 informed that the desired information has been forwarded as provided by CF, Mahasamand Forest Circle vide his letter dated 09.06.2017. The point wise information sought by the Ministry and reply thereof given by the State Govt. are as follows:

S. N.	Information sought by MoEF&CC	Response of the State Govt.
i.	State Government shall submit revised enumeration list of trees coming under proposed land for diversion. The tree enumeration shall be carried out as per the guidelines issued in this regard.	In this regard, it is reported that information is given in the prescribed format.
ii.	Encroachment from the area proposed for diversion shall be removed by the forest department before stage – I approval.	In this regard, it is reported that there is no encroachment at present on the proposed forest land of diversion.
iii.	Perennial water bodies, located in the foot hills and whose catchment area is proposed for diversion, should be developed and the catchment area should be enriched by way of preparing an appropriate catchment treatment plan with appropriate soil conservation measures to arrest flow of silt in the reservoir and improve water regime at the project cost. The project authority shall	In this regard, it is mentioned that it is not required.

	submit the CAT plan duly approved by the competent authority.	
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5. After examination the reply received from the State Government, this Ministry vide its letter dated 28.08.2017 requested the State Government to clarify/provide the following:
- It may clarify that the tree enumeration has been carried out as per the extent guidelines.
 - The Catchment Area Treatment Plan with cost structure shall be prepared, as sought on the recommendation of FAC, and submitted it after approval of the competent authority.
6. State Government of Chhattisgarh vide their letter no. BhuPraband/115-374/3552 dated 12.12.2017 furnished their reply in response to Ministry's letter dated 28.08.2017. The details are as under:

S.No.	Information sought by MoEF&CC	Response of the State Govt.
1.	It may clarify that the tree enumeration has been carried out as per the extent guidelines.	In this regard, the State Government reported that the enumeration of trees was done in accordance with the direction of Government of India and the same is given in the prescribed format.
2.	The CAT Plan with cost structure shall be prepared, as sought on the recommendation of FAC, and submitted it after approval of the competent authority.	In this regard, the State Government has reported that CAT Plan is not required in this proposal. In this connection, a representation has been given by the user agency.

7. It was observed in Site Inspection Report done by Regional Office, Nagpur that the area proposed for diversion forms the immediate catchment of five water bodies (small to medium sized ponds). The villagers of the surrounding villages use these water bodies for their water based needs. A river named Bagh River also has its course adjacent to the area proposed for diversion on northern side. Therefore, keeping in view the perennial water bodies whose water inflow are linked to the area proposed for diversion, a Catchment Area Treatment Plan should be prepared and implemented in the area at the project cost to prevent siltation of reservoirs and also ensure water availability round the year. **The FAC specifically recommended to implement CAT Plan before placing the proposal for approval of competent authority.** But the user agency has not submitted CAT Plan indicated that CAT Plan is not required as the process of sedimentation embodies the sequential process of erosion, entrainment, transportation, deposition and compaction of sediments in the reservoirs formed by way of construction of dams across river which reduces capacity of the reservoir thus affecting the water availability for the designed use and also the removal of soil from the catchment adversely affecting the agricultural production hence a well-designated Catchment Treatment Plan is required to be prepared to ameliorate the above problems. But the project proposed by the DRDO is not related to any river valley project wherein no catchment area is proposed for diversion and will not affect the perennial water

bodies near the project. **It is further mentioned by the user agency that the proposed plan will be submitted at later stage, if required, before start of the project.**

8. Nodal officer Chhattisgarh reported in the meeting that due to security concern it will be difficult for the state forest department to implement CAT plan within the diverted forest land for DRDO

RECOMMENDATION OF FAC:

FAC after thorough deliberation and discussion with Nodal officer Chhattisgarh, representative of APCCF regional office Nagpur recommended that:

1. CAT plan shall be prepared by the user agency in consultation with state forest department. It shall be approved by the competent authority in the forest department. User agency shall implement the same at their own cost and the annual compliance of implementation of plan shall be submitted to state forest department and regional office Nagpur. The requisite plan duly approved by competent authority shall be submitted prior to Stage II approval.

Agenda No. 5

F. No. 8-31/2010-FC (Vol.)

Sub : Application for Change of land use of 29.09 ha forest land out of already diverted forest land of 762.00 ha out of approved 1898.328 in favour of Rajasthan Rajya Vidyut Utpadan Nigam Limited, in Villages Parsa and Kete, Telsil Udaipur, District Surguja, Chhattisgarh.

The above stated agenda Item was considered in FAC on dated 26.4.2018. FAC after detail deliberation observed that:

1. The project proposal has already been discussed in earlier FAC meeting held on 20.7.2017.
2. The State Government of Chhattisgarh vide their letter no. F 5-4/2010/10-2 dated 03.05.2017 submitted the above mentioned proposal for seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.
3. The Facts related to proposal for change in land use pattern as reported by the State Government in their said letter dated 03.05.2017 are as given below:



(i) The State Government has indicated that the Government of India, Ministry of Environment and Forest vide their letter no. F. No. 8-31/2010 dated 15.03.2012 had conveyed their final approval under Section -2 of FCA for **diversion of 1898.328 ha** in two phases of forest land for Parsa East and Kanta Basan captive coal block open cast mining project in favour of **M/s Rajasthan Rajya Vidut Utpadan Nigam Limited** in South Surguja Forest Division in Surguja District of Chhattisgarh.

(ii) It is further mention by the State Govt. that as per clause 2 A (iii) of Environment Clearance No-J/11015/03/2008-IA.II (M) dated 21/12/2011 **mentioned that** ,the Thermal Power Plant are to be established for re-use of reject coal from Coal Washery plant for power generation. **The para 2 A (iii) of the Environment clearance order dated 21.12.2011 is reproduced below:**

The estimated 2.25 MTPA of coal rejects shall be fully utilised for power generation in an FBC based Thermal Power Plant being established with the ML. Coal rejects shall be dispatched to the FBC based TPP through a closed belt conveyor. The linked 135 MW FBC power Plant shall be commissioned in 2-3 years , until an FBC based TPP is established, the coal reject shall be sold during the initial 2-3 to users of coal rejects for which an project area beyond 2-3 months of its generation.

(iii) The APCCF (land Management) has recommended the proposal for land use change of 29.09 ha. of forest land from Infrastructure and Ancillary Purpose to Establishment of Power Plant.

(iv) Rajasthan Rajya Vidyut Utpadan Nigam Limited has explored alternative sites for locating the Rejects based Power Plant. The Power Plant is proposed in 29.090 ha forest land out of already diverted 762 ha forest land for non-forestry purpose.

(v) Approved Mining plan and map of change in land use are attached with the proposal

(vi) Detail of 29.09 ha forest land is given below:

AREA STATEMENT FOR 29.09 HA LAND PROPOSAL			
<u>Proposed Area is part of 322.509 Ha area diverted previously for infrastructure & ancillary purpose</u>			
Name of Village	Forest Land Required	Legal Status	Total area proposed for this proposal of 29.09 Ha

	Khasra No	Comp. No	Area as Per 7/12	Area Requested for Transfer in this proposal		
1	2	3	4	5	6	7
Revenue Forest (RF)						
Parsa	721/8		3.237	0.743	RF	0.743
Total	1 No.		3.237	0.743	RF	0.743
Kente	15		0.020	0.020	RF	0.020
	16		0.016	0.016	RF	0.016
	23		0.737	0.737	RF	0.737
	43		3.182	1.040	RF	1.040
	28/1		1.961	1.060	RF	1.060
	159/1		1.445	1.005	RF	1.005
	1/1		53.413	2.975	RF	2.975
Total	7 Nos		60.774	6.853	RF	6.853
Grand Total	8 Nos		64.011	7.596	RF	7.596
Protected Forest (PF)						
Kente		P2008		21.494	PF	21.494
Grand Total	1 NO.			21.494	PF	21.494
Grand Total (RF+PF)	9 No.		64.011	29.090	RF+PF	29.090

4. The proposal was also considered by the FAC in its meeting held on 20.07.2017 and after thorough deliberations and discussion with the user agency it was observed that Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) had signed MOU with Adani group for mining in the area and a file has been moved by Adani group for EC clearance in IA division of MoEF&CC for construction of thermal power project in the same area.
5. The FAC in its meeting held on 20.07.2017 *inter-alia* recommended that:
- Before taking any decision on the issue, state government may be requested to submit details of MOU signed between RRVUNL and Adani group and clarify whether forest land diversion permission given to RRVUNL under FCA has been transferred to Adani group without concurrence of MoEF&CC in violation of FC guidelines 2.8.

- ii. State government shall submit complete compliance status of conditions imposed in stage II approval which was granted vide letter no. F. No. 8-31/2010 dated 15.03.2012 in favour of RRVUNL.
 - iii. Since the present proposal has been forwarded without detail of exploring alternative sites in non-forest areas. State government shall explore alternative so that the project can be installed over non-forest land.
 - iv. The FAC decided to defer the proposal till the above stated information are received from the State Government and placed before the FAC.
6. Based on above recommendation, the State Government was requested vide this Ministry's letter dated 23.08.2017 to furnish the information/documents as indicated in para (5) above for further consideration of the proposal in the Ministry. The State Government of Chhattisgarh vide their letter no. *Bhu-Praband/Vidut/479-138/3583* dated 13.12.2017 has submitted their response.
7. The point wise information as sought on recommendation of FAC and reply thereof given by the state govt. are as under

S. No.	Information sought by MoEF&CC	Response of State Govt.
i.	Before taking any decision on the issue, state government may be requested to submit details of MOU signed between RRVUNL and Adani group and clarify whether forest land diversion permission given to RRVUNL under Forest (Conservation) Act 1980 has been transferred to Adani group without concurrence of MoEF&CC in violation of FC guidelines 2.8.	In this regard, the State Govt. reported that RRVUNL appointed Adani Enterprises Limited (AEL) as Mine Developer and Operator for Parsa East and Kanta Basan Block through tender. A copy of Tender Document is given and placed in file The Joint Venture Agreement between RRVUNL and AEL was made on 03.08.2007 on the condition of the tender which states that a Joint Venture Company shall be form between RRVUNL and AEL on mutually agreed terms (The "Company") and that RRVUNL shall enter into the coal mining and delivery agreement with the said Company permitting, inter-alia, the Company to undertake development and opretion of the Coal Block and



		<p>delivering the Coal from the Coal Blocks to RRVUNL TPS.</p> <p>It is also mention by the State Govt. that the Joint site inspection of 29.09 ha from diverted forest land has been carried out by DFO, Surguja, Sub-DFO, Udaipur, RFO, Udaipur and official of RRVUNL was done on 12.09.2017 and it is found that no construction work in said diverted forest land 29.09 ha. is done.</p> <p>It is further mentioned by the state govt. that in accordance with letter no. 1939 dated 15.09.2017 of RRVUNL diverted forest land in Parsa East and Kanta Basan has not been transferred in favour of AEL. However, copy of referred letter is not given.</p>
ii.	State government shall submit complete compliance status of conditions imposed in stage II approval which was granted vide letter no. F. No. 8-31/2010 dated 15.03.2012 in favour of RRVUNL.	<p>In this regard, the State Govt. reported that the conditions-wise compliance report on stipulated in the Stage-I approval for the stage – II approval date 15.3.2012 is given vide their letter no. <i>Bhu-Praband/khanij/331-228/2898</i> dated 20.09.2017 In this regard, it is also mentioned that the Ministry has decided and communicated to State Govt. vide this Ministry's letter dated 12.04.2018 (Pg. 816-818/c) that the compliance report of conditions in stage-II approval will be submitted to Ministry by the Regional Office within three months.</p>
iii.	Since the present proposal has been forwarded without detail of exploring	In this regard, the State govt. reported that the study for

	alternative sites in non-forest areas. State government shall explore alternative so that the project can be installed over non-forest land.	assessment and identifying probable power Plant locations / near Parsa East and Kanta Basan to establish Power Plant in alternative sites/non-forest land was done and a copy of the comparative details has been given .
iv.	The FAC decided to defer the proposal till the above stated information are received from the State Government and placed before the FAC.	----

9. It is noted that the user agency i.e. RRVUNL approached the IA division of MoEF&CC for grant of EC to the expansion project "Parsa East and Kanta Basan (PEKB)" Opencast Coal Mine from 10 MTPA to 15 MTPA along with the expansion of Pit Head Coal Washery from 10 MTPA to 15 MTPA on which the Ministry observed that since the Supreme Court has stayed the part (4) of the order of the NGT whereby the ongoing operation of mining was suspended, the matter should be placed before the Forest Advisory Committee (FAC) in compliance of the remaining part of the NGT order to seek advice of FAC on the whole issue. Accordingly, the whole issue was considered in **FAC meeting held on 25.01.2018**. The proceeding & recommendations of the FAC meeting held on 25.01.2018 is placed as under:

The Ministry of Coal allotted Parsa East & Kete Basan coal block vide its letter dated 19/25.06.2007 to Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) to meet the requirement of coal for their two thermal power project viz. Chabra phase-II and Jhalawar projects. The approximate area of the project is 27.11 sq km which is situated in district Surguja, Chhattisgarh. The area proposed for Parsa East & Kete Basan coal block open cast mines, fall under Udaipur Range of South Surguja Division, Ambikapur. Total forest area in 16 compartments of Phatehpu, Matringa, Gumga and Ghatbarra protected forest block is 1654.109 ha and revenue forest land is 244.219 ha. Total forest land 1898.328 ha.

There are eight coal blocks viz Tara, Bissar, Madanpur, Paturia, Parsa, Morga-I & Morga-II in Hasdeop Arand coal fields. All these proposed coal fields are in forest areas. The Ministry of coal, Government of India sanctioned Parsa East and Kete Basan coal blocks to Rajasthan Rajya Vidyut Utpadan Nigam Limited. The total mineable reserves of coal are 452.46 MT. The reserve shall last 49 years at estimated production 10 MTPA. Mining is proposed by open cast mining. The initial mining lease period proposed is 30 years which is renewable in future. The coal produced shall be used in two thermal power projects 2x250



MW project unit no. 3 &4 and Kalisindh Thermal power project 2x600MW district Jhalawar which are under construction phase and different units are likely to be commissioned between the period 31.10.2011-31.12.2012 and 31.12.2011-31.03.2012, respectively. A joint venture company M/s Parsa Kante Collieries Limited has been formed between Rajasthan Rajya Vidyut Utpadan Nigam Limited and Adani Group for development of mines.

- I. The State Government of Chhattisgarh, vide their letter dated 28.04.2010, submitted a proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of **1898.328 ha** of forest land for Parsa East and Kante Basan coal block open cast mining in Hasdeo Arand forest.
- II. The said proposal along with the site inspection report submitted by the RO, Bhopal was considered by the FAC in its meeting held on 10.03.2011 and the Committee desired that area may be visited by the Sub-Committee of the FAC to have a better appreciation of the proposal. The site was visited by the Sub-Committee of FAC and report submitted to the FAC. Subsequently, the proposal was again considered by the FAC in its meeting held on 20-21st June, 2011 and the Committee noted the following:
 - i. The coal block is on the northern fringe of Hasdeo-Arand.
 - ii. The mining is planned in two phases with the aim of sequential mining, scientific void management, planned felling of trees and afforestation, top soil management, and reclamation, etc.
 - iii. In phase-I (15 years), total requirement of forest area is 762 ha (40% of total), where 1,25,547 trees will be affected.
 - iv. In phase-II (16th year onwards), total requirement of forest area will be 1136.328ha, where 2,42,670 trees will be affected.
 - v. The reclamation of mined out area will start from 3rd year onwards.
 - vi. The project belongs to the State Government and is directed to meet the energy requirements of the State.
- III. The FAC also taken into consideration the observations of the sub-committee of the FAC, which visited the area recently that the quality of the forest cover available in the Parsa East and Kante Basan coal block is poorer compared to area in the Tara coal block. However, as per the study jointly undertaken by the MoEF and MoC Gross Forest Cover is 52.95% and Weighted Forest Cover comes to 27.55%.
- IV. The FAC after considering all the findings and observations did not recommend the diversion of the proposed forest area in view of fact that area proposed for diversion has high ecological and forest value and the number of trees to be felled was very high, which did not justify diversion from conservation point of view.
- V. Recommendation of FAC was placed for approval before the Hon'ble Minister of Environment & Forests for their acceptance. The then Hon'ble Minister of State for Environment & Forests after considering the recommendations of FAC and taking into

consideration the various issues, proceeded on to grant permission for Stage – I approval to the proposal on 23.06.2011.

VI. The Hon'ble MEF had overruled the recommendation of the FAC on the following grounds:

- a) *Coal block located in fringe area and not in biodiversity rich area of Hasdeo-Arand Coal filed.*
- b) *Substantial changes have been introduced in the mining plan as originally envisaged. Revised plan envisage mining in two phases of 15 years each.*
- c) *Concern identified relating to wildlife should be taken care of through a well-prepared and well-executed Wildlife Management Plan and Programme under the aegis of WII, Dehradun.*
- d) *These coal blocks are linked to super critical thermal power generating stations. In fact this is an explicit pre-condition for approval in order to remove any ambiguity on this score.*
- e) *Both the State Government involved –Chhattisgarh and Rajasthan (which will use the coal mined at Parsa East and Kante Basan) have been persistently following up since their power generation plans are closely linked with these coal blocks.*
- f) *While the FAC has to do its due diligence with single-minded focus, as the Minister I have necessarily to keep the boarder development picture in mind and balance out different objectives and considerations*

VII. On the basis of the order dated 23.06.2011 of the then Minister, this Ministry decided to give Stage-I clearance to diversion proposal of (I) Tara Coal Block and (II) PEKB Coal Block in Hasdeo-Arand Coal Block. MoEF granted Stage-I clearance dated 06.07.2011 to the diversion of 1898.328 ha of forest land (for mining in two phases) in Parsa East and Kante Bassan captive coal blocks open cast mining project in favour of M/s RVUNL in South Sarguja Forest division in Sarguja district of Chhattisgarh subject to fulfilment of certain terms & conditions, as specified therein.

VIII. The State Government of Chhattisgarh has furnished the satisfactory compliance report on conditions stipulated in the Stage-I approval dated 6.07.2011 vide their letter no. 331-53/2455 dated 31.12.2011. After having found the compliance report submitted by the State Government complete, the stage –II approval was granted by MoEF on 15.3.2012 for the said proposal subject to fulfilment of certain conditions.

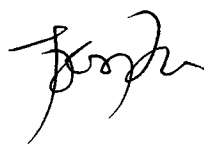
IX. Subsequently, an appeal was filed by Mr. Sudiep Shrivastava before the Hon'ble NGT challenging the order dated 28-3-2012 passed by the State Govt. of Chhattisgarh under section-2 of the FCA for diversion of 1898.328 Ha of forest land of Parsa East and Kante Besan Captive Coal Blocks open cast mining project. Matter was concluded after



series of hearing conducted by the Hon'ble NGT and judgment was passed on 24.03.2014 wherein the Hon'ble NGT inter-alia directed as under:

- a) *“Order dated 23rd June, 2011 passed by the respondent no. 2- MoEF Government of India and consequential order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;*
- b) *The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the proposal discussed herein above with emphasis on seeking answers to the following questions: (i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.*
- c) *The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.*
- d) *All work commenced by the respondent no. 3 project proponent and respondent no.4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law.”*

- X. The Order of NGT was challenged in Hon'ble Supreme Court through Civil Appeal No. 4395 of 2014.
- XI. In compliance of the NGT order, the FAC considered the proposal again on 29-30th April 2014 and reviewed the whole matter and after examination of the issue, recommended that since the matter is sub-judice, decision on the matter may be deferred.



- XII. In the meanwhile the Hon'ble Supreme Court heard the matter on 28.04.2014 and directed as under:
- “.....we stay the direction in the impugned order that all works commenced by the appellant pursuant to the order dated 28th March, 2012 passed by the State of Chhattisgarh under Section 2 of the Forest Conservation Act, 1980 shall stand suspended till further orders are passed by the Ministry of Environment and Forests”.*
- XIII. Based on the stay order the user agency continued the work. Since 2014, the matter is pending in the Supreme Court and user agency is working in the area based on the stay order of Hon'ble Supreme Court.
- XIV. In the meanwhile the user agency had approached the IA division of MoEF&CC for **grant of EC** to the expansion project “Parsa East and Kanta Basan (PEKB)” Opencast Coal Mine **from 10 MTPA to 15 MTPA** along with the expansion of Pit Head Coal Washery from 10 MTPA to 15 MTPA
- XV. The file was processed and Hon'ble Minister of State for EF&CC directed that *“since the matter is pulling for long, FAC may convene a meeting and decide the matter in 4 weeks*
- XVI. The Ministry observed that since the Supreme Court has stayed the part (4) of the order of the NGT whereby the ongoing operation of mining was suspended, the matter should be placed before the FAC in compliance of the remaining part of the NGT order namely (1), (2), and (3) and seek advice of FAC on the whole issue.
- XVII. The Ministry is of the opinion that since the Supreme Court has not stayed the complete order of the NGT except the part 4 whereby the mining operation was suspended, the case was remanded to the FAC for reconsideration as directed by NGT and the Hon'ble Minister of State MoEF&CC.
8. The FAC on 25.1.18 analyzed the existing condition of the mining lease area using the shape file on the DSS of the Ministry and google images and satellite imageries. **FAC observed that the mining in the area is under process and forest has been cut as per the mining plan after the stay order granted by the Hon'ble Supreme Court against NGT order.**The mining cannot be stopped now due to the stay order on suspension of mining operation. Since the matter has become a *fait accompli* situation, the user agency has to comply the mitigation measure as recommended in the Stage-II granted by the Ministry.**FAC decided to recommend that the Ministry should ensure compliance of all conditions referred in Stage-II clearance subject to the final Decision of Hon'ble Supreme Court in Civil Appeal No. 4395 of 2014 in the matter of Rajasthan Rajya Vidyut Nigam Ltd. Vs. Sudiep Shrivastava. FAC further recommended that:**



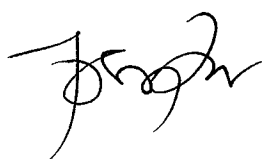
- a. The mining shall be restricted to the area proposed in Phase I area i.e 762 ha only without any change in mining plan till the final order of the Supreme Court in Civil Appeal No. 4395 of 2014.
- b. A biodiversity assessment study based on the criteria fixed by NGT in its order in Appeal no 72/2012 in the matter of Sudiep Srivastava versus state of Chhattisgarh, shall be undertaken by State Government through ICFRE Dehradun in consultation with Wildlife institute of India Dehradun for the whole Hasdeo- Arand coalfields comprising of Tara, Parsa, Parsa East, Kante. The study is to be awarded by State Government by associating the Indian Council of Forestry Research and Education (ICFRE), Dehradun and Wildlife Institute of India (WII) Dehradun and integrated wildlife management plan (IWMP) will be prepared and conservation area will be identified and mitigation measures will be recommended by the expert committee. The cost of study and cost of implementation of recommendations shall be borne by M/s Rajasthan Rajya Vidyut Utpadan Nigam Ltd (RRVUNL). The report will be submitted within two years.
- c. It was informed by regional office that a wild life management plan involving financial provision of Rs. 22.0 Crores, concurred by the Wildlife Institute of India, Dehradun, has been proposed to be implemented in the core area and buffer area over a period of 15 years. The provisions to implement in the Wildlife Management Plan include general protection of the core area and protection and conservation of the buffer zone ecosystem by carrying out various activities like fire protection, protection from grazing, illicit felling and plantation, empowerment of people for protection, soil and moisture conservation works, etc. The Wildlife Management Plan has been proposed to mitigate the impact of the mining operations on the wildlife in area, including providing for safe movement of elephants. However, it is observed that though the said plan has been approved for its implementation by the PCCF (Wildlife) on 6.03.2013, till date no provisions of the Wildlife Management have been implemented by the State Forest Department. State Government shall start the implementation of the provisions of the plan within three months and the compliance report shall be submitted to regional office, Bhopal.
- d. FAC had observed that the State Government had not complied with the conditions prescribed for compensatory afforestation land. It is learnt that the Orange forest land proposed For CA has not been mutated in favour of forest department and not declared as PF/RF as per the provision of IFA 1927 / local Act. The non - compliance was viewed very seriously. It is recommended that state government shall take action against the erring officials for non-compliance of the condition and shall take immediate step to mutate the orange forest land, as proposed in original proposal, in favour of Forest department and declare the same as RF/PF within two months.

- e. Since the Stage-II was granted in 2012 and stay order from Supreme Court in 2014, mining has continued till date and considerable time has passed and reclamation must have been done by the user agency as per the reclamation plan. The compliance of the Reclamation plan submitted with proposal will be monitored by the Regional Office. In the reclamation plan it has been proposed to fell trees in a phased manner. Plantation of reclaimed area was be done in a phased manner to nullify the number of trees felled. It has been planned to plant trees in unworked area, outside dump area during the first two years. During the third year, plantation on unworked area and outside dump area and on dump area in a phased manner has been proposed. During fourth and fifth year plantation outside dump and on dump area has been proposed. From seventh year onwards, plantation on dump area has been proposed in a phased manner. Over the entire life of the mine, afforestation will be done over 2173.10 ha. Native species shall be planted at 1500 saplings per ha.
- f. **The compliance report of conditions in stage-II approval will be submitted by the Regional office within three months.** If the orange forest land identified for CA for this case is not transferred and mutation done in favour of forest department and notified as forest under Indian Forest Act within six months, and the reclamation plan is not implemented the matter will be reported by the Regional Office. In case of non-compliance of the conditions stipulated including reclamation and compensatory afforestation the stage-II should be suspended by the ministry and reported to the Supreme Court who is hearing the Civil Appeal No. 4395 of 2014.
- g. **The recommendations of FAC are subject to final outcome of the Civil Appeal No. 4395 of 2014.**
9. The above recommendation of FAC on 25.01.2018 has been approved by the Hon'ble Minister of Environment, Forest and Climate Change and communicated to State Govt. and Regional Office on 12.04.2018 for compliance.

RECOMMENDATION OF FAC:

FAC took a note of all past permissions granted to the project in the light of different court orders, After thorough deliberation and discussion with the Nodal officer Chhatisgarh, APCCF, Regional Office, Nagpur and user agency **FAC recommended that:**

- a. The mining over 763 ha is being carried out after stay on NGT order by Hon'ble Supreme Court. In the FAC meeting held on 25.1.2018 it was recommended that
- “The mining shall be restricted to the area proposed in Phase I area i.e 762 ha only without any change in mining plan till the final order of the Supreme Court in Civil Appeal No. 4395 of 2014.”*



Since the matter is sub-judice, any decision on change of land use of 29.09 ha forest land out of already diverted forest land of 762.00 ha out of approved 1898.328 in favour of Rajasthan Rajya Vidyut Utpadan Nigam Limited, in Villages Parsa and Kete, Telsil Udaipur, District Surguja, Chhattisgarh can be considered only after final decision of Hon'ble Supreme Court in Civil Appeal No. 4395 of 2014 in the matter of Rajasthan Rajya Vidyut Nigam Ltd. Vs. Sudiep Shrivastava. The proposal is recommended to be closed.

Agenda No. 6

F. No. 8-64/2017-FC

Sub: Diversion of 426.823 ha of forest land for Ramdurg Field Firing range in reserved forest areas of Ramdurga, Bhutaramanahatti & Godhihal villages in Belagavi in favour of Indian Army, Maratha Regiment, Belagavi, Karnataka.

1. The above mentioned proposal was considered by the FAC in its meeting held on 26.04.2018 and the FAC, after examination of the proposal and discussion with user agency, observed as below.
2. The State Government of Karnataka vide their letter No. FEE 103 FLL 2017 dated 27.11.2017 submitted a proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 426.823 ha of forest land for Ramdurg Field Firing range in reserved forest areas of Ramdurga, Bhutaramanahatti & Godhihal villages in Belagavi in favour of Maratha Regiment, Belagavi, Karnataka.
3. The project is located in the Belgaum Forest Division, District Belgaum, Karnataka
4. The legal status of the forest land is Reserved Forest
5. It is reported that the Ramdurga Field firing Range had been a notified range till June 2012 vide GOK order, FEE 225 FGL 99 dated 25.06.2002. It is located in Belgaum Dist of Karnataka.
6. Vegetation Density 0.2 in this area as reported.
7. It is reported that the proposed area do not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
8. It is reported that no rare/ endangered/ unique species of flora and fauna found in the area
9. It is reported that no protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.



10. Violation of the Forest (Conservation) Act, 1980 has been reported.as the user agency is working in the area after the expiry of lease period since 2012.
11. It is reported that the requirement of land is unavoidable and barest minimum for the project.
12. The Compensatory Afforestation scheme has not required in case of renewal.
13. Complete compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not given.
14. Period proposed for diversion is 20 years.
15. The proposal has been recommended for approval under section 2(ii) of Forest (Conservation) Act, 1980 by DCF, CF, PCCF and the State Government. However signed copy of part-II is not given with the proposal.
16. The State Govt. in their forwarding letter dated 27.11.2017 informed that the lease period for instant proposal has been expired and PCCF vide their letter dated 24.11.2017 has sent a proposal which certain conditions. It is also informed by the State Govt. that the User agency has built civil infrastructure in violation of act over an extent of 2.5047 ha. for which penal CA and Penal NPV may be imposed.
17. The PCCF, Karnataka recommended the proposal with following conditions:
 - i. The legal status of Forest land shall remain unchanged and it shall continue to be as forest land.
 - ii. The lessee shall pay lease rent as fixed by the Govt. from time to time.
 - iii. The lease tenure is for a period of 20 years.
 - iv. The leased out area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within one year or when it is no longer needed for the stipulated purpose, the area should be resumed to the Forest Department under Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forest / Deputy Conservator of Forests is authorized to take necessary action in this regard.
 - v. The Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
 - vi. CA over degraded forest areas to an extent of 751.00 ha as identified by the Karnataka Forest Department shall be raised at the cost of User agency at the rate prevailing at the time of approval.
 - vii. User Agency shall take care that built –up area should not exceed 2.5 ha as earmarked for camp area as shown in the map which is enclosed with the proposal.
 - viii. The User Agency shall pay cost of charges towards felling / extraction and transportation of trees if any for execution of the project in accordance with the estimate prepared by the Deputy Conservator of Forests, Belagavi Division.
 - ix. The diverted forest area shall be demarcated on ground by fixing RCC pillars at an interval of 20.00 Mtrs and the boundary shall be fenced with chain link mesh at the cost of the User Agency.



- x. 30 meter wide strip plantation all along the periphery of the field firing range inside the boundary of FFR shall be taken up / raised at the cost of user Agency.
- xi. The UA shall ensure that there should be no damage to the available fauna and other flora. And all precautions shall be taken by the User Agency so that there shall not be any loss to the Civilians, cattle, etc of the surrounding villages.
- xii. All waste /debris generated shall be scientifically disposed off outside the forest area.
- xiii. Any damage to forest area due to such improvement and widening works shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
- xiv. All precautions shall be taken to ensure fire protection to the forest by the User Agency.
- xv. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
- xvi. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986, if required.
- xvii. The User Agency shall also abide by all the conditions imposed upon by Government of India, the Government of Karnataka and PCCF.

18. The Breakup of forest land proposed for diversion are as under:

Village wise breakup	
Village & Sy. No.	Forest Land proposed for diversion under FCA
Ram durga (17, 18, 21, 23, 24, 25, 27, 30, 31, 33, & 34)	123.06 ha
Bhutaramanahatti (35, 36, 37, 38, 39, & 40)	167.14 ha
Godihal (5, 6, 23, 24, 25, 26, 27, & 42)	136.62 ha.
Total	426.823 ha
Component wise Breakup	
Camp Area (Forest)	2.5047
Military Training extent	51.2680
Infantry Extent	373.046
Total	426.823 ha

18. Site Inspection of the area was carried out by the Regional Office, Bangalore. The detailed of SIR is as follows:

1. Legal status of the forest land proposed for diversion: Reserved forest
2. Item-wise break-up details of the forest land proposed for Component wise breakup



diversion:

S. No.	Purpose	Extent in ha.
1	Camp Area (Forest)	2.5047
2	Military Training extent	51.2680
3	Infantry Extent	373.046
	TOTAL	426.823

3. Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:

Yes. **Administrative buildings were constructed.**

4. Total cost of the project at present rates:

Rs.1197.94077 lakhs

5. Wildlife:

The major mammals found in this area are Sloth bear, Wolf, Golden jackal, Jungle cat, Common langur, Wild pigs, Bonnet macaque and civets. **Does not form part of any Wildlife Sanctuary, National Park, Bio-sphere Reserve, Tiger Reserve or Elephant Corridor, etc.**

6. Vegetation:

The density of vegetation varies from 0.2 to 0.5. The hills have lower densities compared to the plains. On either side of nallahs, the vegetation is thick and the density is 0.5 to 0.6. The major ecological class is Eco-Class III (Tropical Dry deciduous forest). **No trees are required to be felled as training for assault and combing is given in this area.**

The major species found are Anogeissus latifolia, Dillenia pentagyna, Stereospermum chelonoides, Careya arborea, Albizzia odorotissima, Emblica officinalis, Ficus religiosa, Terminalia paniculata, Syzygium cumini, Dalbergia paniculata, Dalbergia



latifolia, Butea monosperma, Wrightia tinctoria, Ficus retusa, Ficus mysorensis Pongamia etc. The area is having good natural tree growth with variety of food plants like *Zizyphus jujuba*, *Cordia myxa*, *Zizyphus xylopyrus*, *Canthium didymium*, *Zizyphus oenoplia* and *Carissa carandus*, etc.

7. Background note on the proposal:

Govt. of Karnataka vide its Notification No.RD 10 TRT 78 dtd 24.01.1979 had notified an area of 1156.30 acre of forest, revenue and private lands for carrying out periodical field firing and artillery practices by the Army Authorities at Belagavi for a period of 20 years from 24.01.1979.

MoEF & CC, New Delhi vide its letter dated 8-7/2000-FC dtd 12.03.2001 had accorded TWP for a period of 9 months for carrying out firing practice by the Army Authorities and the same was extended for a period of 3 months w. e. f. 12.12.2001.

GOI, MoEF&CC New Delhi vide letter no. 8-7/2000- FC dtd. 21.05.2002 had accorded approval for diversion of 50 ha of forest land (actual impact zone) under F(C.) Act, 1980. Accordingly, Govt. of Karnataka vide order No. FEE 225 FGL 1999 dtd 28.06.2002 had permitted lease over an extent of 50.00 ha of forest land for Ramdurga Field Firing Range for a period of 10 years. **The said lease period expired on 27.06.2012.**

The said 50 ha of forest land diverted was in two patches viz., camp area of 2.50 ha and training area of 47.50 ha. Now, the UA, in their justification note quoting reasons for expansion of the said field firing range for conducting training of

troops and recruits for firing of multiple weapons, has applied for diversion of 426.823 ha of forest land, which includes 50 ha of forest land diverted earlier.

The validity of the earlier proposal for 50 has was upto 20 May 2012 vide Govt. Notification No.FEE 225 FGL 99 dtd 28 June 2002. **The current proposal is for renewal of Field Firing Range lease under Section-2 of Forest Conservation Action 1980 of Indian Army for twenty years and also for increase in area diverted for the infantry facility.**

It is reported by DCF, Belagavi that **50 ha of RF land was given for Ramdurga Field Firing Range on lease basis from 2002 to 2012** vide MoEF & CC letter F.No.8-7/2000-FC dated 21.05.2002 for Impact Zone and **4631.91 ha was supposed to be notified for safety zone as per Government Orders.** The said lease is yet to be renewed. A training camp with the civil structures built during the earlier lease period still exists in the proposed area. **Now the proposal of the UA is for an extent of 431.5477 ha (Forest land 426.823 ha and private of 4.7247 ha) instead of the earlier lease area of 50 ha.** Further it is also reported as per condition No.(h) of the said G.O dated 28.6.2002, 86.55 ha of strip plantation has also been taken up during 2015-16.

8. Compensatory Afforestation:

The user agency has given an undertaking that they are ready to bear the cost of Afforestation for 426.823 hectares of forest land proposed for diversion for Ramdurg Field firing Range. The area has not been identified in the field. The user



agency has to bear the cost of Compensatory Afforestation for 754 ha , ie. two times the area diverted for Afforestation in degraded forest land.

9. Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials: There is no violation reported.
10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not: No displacement involved.
11. Reclamation Plan:
Details and financial allocation: Not applicable.
12. Details on catchment and command area under the project: Not applicable.
13. Cost benefit ratio:
14. Recommendations of the Principal Chief Conservator of Forests/State Government: PCCF and State Government have recommended the proposal.
15. Recommendations of Regional Chief Conservator of Forests along with detailed reasons: Recommended as the area will remain well protected. The user agency may be requested to plant trees wherever possible within area.
16. Regional Chief Conservator of Forests shall give detailed comments on whether there are any alternatives routes/alignments for locating the project on the non-forest

land:

17. Utility of the Project:

This area is being used by MARATHA LIRC for:-

- a. Firing of small arms & other flat trajectory weapons.
- b. Firing of 51 mm Mortar
- c. Practice firing of hand grenades.
- d. Practical training in explosive handling by Commando Wing of Infantry School, Belgaum.

The proposed project will ensure continued training to approx 1500 recruits & even more trained soldiers of the Maratha Light Infantry Regimental Centre and other units located in the Military Station, Belgaum.

18. Whether land being diverted has any socio-cultural/religious value:

There is no protected/ archaeological/ heritage sites located in the proposed area.

19. Situation w.r.t. any P.A.

No Protected Area within a radius of 10 km.

20. Any other information relating to the Project:

The forest area is highly essential for training commandos and soldiers in assault, firing and combing operation by the MEARATHA LIGHT INFANTRY REGIMENTAL CENNTRE, Belgaum.

Out of the total area proposed for diversion, the living area of the trainees is 3 ha and firing and assault training area is 47 ha, both on the eastern boundary of the Reserved Forest. The rest of the area, ie. 376.82 ha on the western side of the RF is proposed for training of recruits and other activities lime combing, map reading and navigation. Therefore Compensatory Afforestation for 754 ha needs to be done in double the degraded forest land at the cost of user agency.



Soil and moisture conservation measures like gully plugging, contour trenching and small check dams etc may be constructed at right locations especially in the hillock and adjoining areas as per the guidance of the State Forest Department. Suitable plantation may be carried out in the hillock where the shooting practice takes place.

This proposal does not include the approach road to the LIRC from the highway which is a forest land.

6. The Ministry vide letter no. 8-7/2000- FC dtd. 21.05.2002 had accorded approval for diversion of 50 ha of forest land (actual impact zone) under F(C.) Act, 1980 subject to certain conditions prescribed therein. The said lease period already expired in 2012.
7. It is observed that the present proposal is not complete as the land use plan is very vague and it is not clear that the whole area is sought for firing range or training facility with ancillary infrastructure. Proper analysis of the proposal as per FCA guidelines and rules is required to be carried out at state level prior to submission of proposal.

RECOMMENDATION OF FAC:

FAC after thorough deliberation and discussion with Nodal officer Karnataka, APCCF in charge regional office Bangalore, recommend that:

1. The proposal submitted by the state government is not complete and not acceptable in present form. State government shall examine the proposal for its completeness as per the guidelines and rules and submit complete detail about the project for proper analysis in MoEF&CC. The proposal shall be returned to the state government for resubmission of completed application. Specific clarification regarding complete land use is required to be provided while re-submission.

Agenda No. 7

F. No. 8-21/2018-FC

Sub: Diversion of 68.00 ha of forest land (49.34 ha of non-forest land recorded as 'Forest' as on 25th October 1980 and 18.660 ha of non-forest land having enough forest growth to be considered as 'forest' in line with the orders dated 12.12.1996 of Hon'ble Supreme Court of WP(C) No. 202/1995) in respect of Unchabali



(Mahaparbat) Iron Ore Mines of M/s OMC Ltd including 11.240 ha of forest land located in the safety zone in village Unchabali and Balda under Barbil Tahasil within the jurisdiction of Keonjhar Forest division in Keonjhar district, Odisha.

1. The above stated agenda item was considered by the FAC in its meeting held on 26.04.2018 and the FAC, after examination of the proposal and discussion with user agency, observed that:
2. The State Government of Odisha vide their letter No. 10F (Cons) 110/2016/6193/F&E dated 16.03.2018 had submitted the above subject proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980.
3. The project is located in the Keonjhar Forest Division, Keonjhar District, Odisha
4. It is reported by the State Government that the legal status of the forest land is Non-forest land recorded as forest as on 25.10.1980 - 49.339 ha and non-forest land having forest growth is considered as "treated forest" - 18.660 ha
5. It is reported that Soil erosion is likely to increase following felling of trees in the undulating topography.
6. It is reported that the applied area for diversion is situated adjacent to Baitarani Reserve Forest. Eco Value Class has been treated as "Eco Value Class-I" based on proximate location - Baitarani Reserved Forest and the canopy density has been considered at par with Baitarani RF and kept at 0.5.
7. There are **1,872 nos of trees** of different floral species above 30 cm girth comprising of 415 numbers of sound trees, 1457 numbers of unsound trees and 4764 numbers of poles below 30 cm girth enumerated in the proposed area.
8. It is reported that the applied area does not form part of any National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. However, movement of wild elephants in the adjoining forest blocks can't be ruled out.
9. It is reported that no rare or endangered flora & fauna is noticed in this area but however, movement of mega fauna like elephant is often noticed in the fringe area. The area comes under the elephant habitat zone-2 of ORSAC, Bhubaneswar.
10. It is reported that no violation is observed in the forest land, involved in the instant diversion proposal and proposed for diversion under FC Act, 1980, in respect of Unchabali Iron Ore mines of M/s OMC Ltd. It is mentioned that the total broken up land, involved in the mining lease is 1.923 ha. The said land was mined out treating the land as non-forest land.
11. It is reported that the requirement of land is unavoidable and barest minimum for the Mining purpose.
12. Environment Clearance has already been obtained by the user agency vide Ministry's letter no. J-11015/779/2007-IA.II (M) dated 16.01.2009. In the said letter it is mentioned that total land is 68.000 ha and out this 0.1 ha is agriculture land and 67.43 ha is wasteland and 0.47 is surface water bodies. It was indicated in the EC that no forest land is involved.



13. The Compensatory Afforestation has been proposed over non-forest Govt. land to the tune of 65.591 ha. in lieu of proposed diversion of 68.00 ha. in village Kerapai under Thuamulrampur Tahasil with total financial outlay of Rs. 2,00,37,300.00 .
14. It is observed that Land Suitability Certificate has not given for CA Land.
15. The complete compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 along-with resolution of Gram Sabha has not submitted by the State Government.
16. The proposal has been recommended for approval under section 2(ii) of Forest (Conservation) Act, 1980 by DFO, RCCF, PCCF and the State Government.
17. The ML is located in village Unchabali and Balda of Barbil Tahasil of Keonjhar district of Odisha. This iron ore mining lease was granted in favour of M/s Odisha Mining Corporation (M/s OMC Ltd.), a State Govt. Undertaking, vide proceedings of the Govt. of Odisha in erstwhile Mining and Geology Department bearing No. III (A) SM.5/99-6327 dt. 11.06.2003.
18. The lease deed was executed on dated 09.06.2008 for a period of 20 years with validity up to 09.06.2028.
19. The ML area located within jurisdiction of Champua Forest Range of Keonjhar Forest Division in Keonjhar district, finds place within the Latitude of 21°52' 42.54"N to 21°53'23.54"N and longitude of 85° 25' 5.66"E to 85° 25'36.49"E on Survey of India Toposheet No. F 45 N 5.
20. The area exhibits an undulating topography with varying elevations from 525.00 m to 608.50m above Mean Sea Level (AMSL).
21. Although the total mining lease hold area over 68.0 ha was non forest land having kissam Parbat-II entirely, yet pursuant to the issue of guidelines bearing F. No. 8-78/1996-FC (pt.) dt. 10.03.2015 read with F No. 8-78/1996-FC(pt.) dt. 09.03.2016 by MoEF&CC, Govt. of India, status of the land involved in the mining lease as on 25.10.1980 was provided by the Tahasildar, Barbil.
22. As reported by PCCF, Odisha, the ML area has 49.340 ha of non-forest land in village Unchabali recorded as 'Forest land' as on 25.10.1980 and 18.660 ha of non-forest land in village Balda which stands un-surveyed as on 25.10.1980.
23. The un-surveyed non-forest land in village Balda, having enough forest growth, has been considered as " forest" as per orders of Hon'ble Supreme Court dt. 12.12.1996 in WP(C) 202/1995.
24. Thus the mining lease granted/executed over 68.00 ha, involves 49.34 ha of non-forest land recorded as 'Forest' as on 25th October 1980 and 18.660 ha of non-forest land having enough forest growth considered as "forest".
25. It is reported that above leasehold area was also earlier held by OMC Ltd. within their ML area over 686.73ha. for iron ore in village Balda, Unchabali etc which had been executed on 6.8.1963 for a period of 20 years. Later OMC Ltd. had surrendered the said area which has been accepted by Government w.e.f. 1.9.1982. Thereafter the area was thrown open for re-grant of the area. It has also that during this period, OMC had only undertaken prospecting operation
26. It is reported by the DDM, Joda that excavation done previously by M/s Essel Mining & Industries Ltd had crossed the Southern boundary of existing Unchabali Mining lease of



OMC Ltd at CC1 lease line. This broken up area in the ML area over 68 ha. is to an extent of 1.923ha .

27. The project does not involve displacement of human habitation.

Table – 1

Extent of broken-up non-forest land recorded as forest as on 25.10.1980 along with deemed forest involved in the mining lease

S. No.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken up non-forest land considered as deemed forest (in ha)	Total broken up non-forest land recorded as forest as on 25.10.1980 and deemed forest (in ha)
1.	Mining Quarry-1	-	1.120	1.201
2.	Mining Quarry-2	0.078	-	0.078
3.	Mining Trench-1	0.334	-	0.334
4.	Mining Trench-2	0.116	-	0.116
5.	Mining Trench-3	0.060	-	0.060
6.	Dump-1	0.094	-	0.094
	Dump-2	0.040	-	0.040
Total		0.722	1.201	1.923

Table-2

Extent of virgin non-forest land recorded as forest as on 25.10.1980 along with deemed forest involved in the mining lease

S.No.	Pattern of Utilization	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land considered as deemed forest (in ha)	Total virgin non-forest land recorded as forest as on 25.10.1980 and deemed forest (in ha)
1.	Mining	36.533	6.821	43.354
2.	Dumping of over burden	2.132	0.034	2.166
3.	Infrastructure for site services and weigh bridge	3.578	1.512	5.09
4.	Minerals rejects	1.105	2.145	3.25
5.	Road	0	0.110	0.11
6.	Nala	0.479	0.596	1.075
	Sub-total	43.827	11.218	55.045
7.	Safety Zone	4.791	6.241	11.032
Total		48.618	17.459	66.077

Table-3
Abstract of Existing and Proposed Land use of non-forest land recorded as forest as on 25.10.1980 along with deemed forest involved in the mining lease

S. no.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Total non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken up non-forest land considered as deemed forest (in ha)	Virgin non-forest land considered as deemed forest in ha	Total non-forest land considered as treated forest in ha	Grand total (in ha)
1	Mining	0.493	36.533	37.131 (Add 0.105 ha OB dump from row-2 and column-3)	1.002	6.821	7.823	44.954
2	Dumping of over burden	0.105	2.132	2.132 (Deduct 0.105 ha OB dump from row-2 and column-3)	0	0.034	0.034	2.166
3	Infrastructure for site services and weigh bridge	0	3.578	3.578	0.115	1.512	1.627	5.205
4	Minerals rejects	0	1.105	1.105	0	2.145	2.145	3.250
5	Road	0	0	0	0	0.110	0.11	0.110
6	Nala	0	0.479	0.479	0	0.596	0.596	1.075
	Sub-total	0.598	43.827	44.425	1.117	11.218	12.335	56.760
7	Safety Zone	0.124	4.791	4.915	0.084	6.241	6.325	11.240
	Total	0.722	48.618	49.340	1.201	17.459	18.660	68.00

Table-4
Land use plan applied for diversion under FC Act, 1980 vis-à-vis provision of approved mining plan

S. No.	Items	Land use Pattern applied under FC Act, 1980 in ha	Land use plan as per approved mining plan in ha
1.	Mining	44.954	42.827
2.	Dumping of over burden	2.166	2.165
3.	Infrastructure	5.205	5.204
4.	Minerals rejects	3.250	3.250
5.	Road	0.110	2.239
6.	Nala	1.075	1.075
	Total	56.760	56.76
7.	Safety Zone	11.240	11.24
	Grand Total	68.00	68.00

Safety zone

The mining lease granted over 68.00 ha involves an area of 11.24ha. as safety zone. The details of land (forest) located in the safety zone of the mining lease is furnished hereunder-

S. n o.	Pattern of Utilization	Broken up non-forest land recorded as foest as on 25.10.1980 (in ha)	Virgin non-forest land recorde d as forest as on 25.10.1980 (in ha)	Total non-forest land recorde d as forest as on 25.10.1980 (in ha)	Broken up non-forest land considere d as deemed forest (in ha)	Virgin non-forest land consider ed as deemed forest in ha	Total non-forest land considere d as treated forest in	Gran d total (in ha)
1	7.5 mtrs width all along the mining lease boundary	0.124	1.174	1.298	0.084	1.118	1.202	2.500
2	50 mtrs width along both sides of Express Highway	0	0.061	0.061	0	0.950	0.950	1.011
3	50 mtrs width on	0	3.556	3.556	0	4.173	4.173	7.729

	both side of the perennial Nala							
	Total	0.124	4.791	4.915	0.084	6.241	6.325	11.24 0

The Principal Chief Conservator of Forests, Odisha has recommended the proposal.

Further, the State Government is requested that may be approved under Section-2 of Forest (Conservation) Act, 1980 in favour of the User Agency subject to the following stipulation:

- a) The User Agency shall pay towards cost of removal of trees enumerated before commencement of work on Stage-II approval and tree felling should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest Officer, Keonjhar Forest Division.
- b) The User Agency shall pay the proportionate cost for implementation of Regional Wildlife Management Plan as per revised cost norm. Besides, the Site Specific Wildlife Conservation Plan for the project as well as its impact area shall be prepared by the user agency and approved by CWLW, Odisha for its execution at project cost.
- c) 11.24 ha of forest land is to be maintained as safety zone and in no circumstances, it shall be used for mining and other allied activities.
- d) The user agency shall undertake demarcation of the lease area on the ground posting four feet high cement concrete pillars embedded two feet inside the soil with serial number, forward and backward bearings, and distance from pillar to pillar. The user agency shall also submit the map of lease area showing different kinds of forest land using DGPS survey datas and latitude and longitude of each pillar to the Divisional Forest Officer, Keonjhar for his reference before commencement of work on final forest clearance.
- e) Since environmental clearance has been obtained by the user agency for 0.7MTPA and Mining scheme is for production of 1MTPA, revised environmental clearance if required, shall be obtained by the user agency.
- f) Since the DFO has reported that soil erosion is likely to increase following felling of trees in undulating topography, the user agency shall take appropriate steps to control erosion in the applied area.

RECOMMENDATION OF FAC:

FAC after thorough deliberation and discussion with APCCF, Regional Office, Bhubneshwar and user agency recommended that:

1. State Government shall clarify the reason for execution of lease over forest land in 2008 without prior approval of MoEF&CC, Government of India. State



Government shall initiate action as per the provisions of MoEF&CC letter no 11-42/2017-FC dated 29.01.2018. The action taken report shall be submitted to MoEF&CC prior to consideration of the proposal.

Agenda No. 8

F. No. 8-33/2018-FC

Sub: Diversion of 64.00 ha Reserved Forest land for Tiger Interpretation Safari Park at Kakadiya village, Tilakwada Ta. Of Narmada District in favour of Conservator of Forests, Wildlife Circle, Vadodara.

1. The above mentioned proposal was considered by the FAC in its meeting held on 26.04.2018 and the FAC, after examination of the proposal and discussion with user agency, observed as below.
2. The State Government of Gujarat vide their letter No. FCA-1018/10-49/17/S.F-36/F dated 07.03.2018 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
3. It is reported that Tiger Interpretation Park, Narmada is proposed in Kevadiya village, Tilakwada of Narmada District, the project is proposed for 64.00 ha, since the project is on the way to Sardar Sarovar dam & ongoing statute of Unity, valley of Flower project, there is regular flow tourists & their number increase sharply during vacation period which helps to grasp opportunity of the inflow of tourists. There is no human habitation within proposed area of project. As proposed project will benefit local community by generation of employment in the form of tourist guide, sell of local items, souvenir shops etc.
4. The project is located in the Narmada Forest Division, Narmada District, Gujarat.
5. The legal status of the forest land is Reserved Forest
6. It is reported that the site falls within the lower Narmada valley which geologically includes the Precambrian basement metamorphic and granites, having medium slope, there is no possibility of erosion.
 - a. The vegetation density is reported to be 0.35.
7. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
8. It is reported that no rare/ endangered/ unique species of flora and fauna found in the area.
9. It is reported that no protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
10. It is reported that no work of violation of the Forest (Conservation) Act, 1980 has been carried out.
11. It is reported that the requirement of land is unavoidable and barest minimum for the project.



12. The Compensatory Afforestation has been proposed over degraded forest land of 20 ha. with total financial outlay of Rs. 60.86 lakhs.
13. The proposal has been recommended for approval under section 2(ii) of Forest (Conservation) Act, 1980 by DFO, RCCF, PCCF and the State Government.
14. The area involved has been declared as a Reserved Forest land vide Government of Gujarat Notification No. AKH/70-77/FLD-1677/71707-P, dated 09.06.1977.
15. 1382 trees are required to be cut in the demanded area.
16. Project authority has submitted undertakings to defray the cost of CA, NPV and any increase thereof.
17. The FRA is enclosed but it is not in accordance with the guidelines of the Ministry dated 03.08.2009 read with 05.07.2013.
18. The Cost Benefit Analysis is not in accordance with the guidelines of the Ministry dated 01.08.2017.

RECOMMENDATION OF FAC:

FAC after thorough deliberation and discussion with Nodal Officer Gujrat, APCCF, Regional Office, Bhopal recommend that:

- 1 The non-forestry use of the area sought for diversion shall not be more than 15 percent of the proposed Tiger Interpretation safari park.
- 2 State government shall pay NPV for 15 percent area which is being used for non forestry purpose
- 3 Compensatory afforestation shall be done over degraded forest area equivalent to 30 per cent of total area sought for diversion.
- 4 State Government shall submit detailed land use plan duly approved by CZA prior to stage II approval.
- 5 State Government shall submit compliance of FRA (in accordance with Guidelines of MoEF&CC) before State-II approval.
- 6 State Government shall submit Cost Benefit Analysis (in accordance with Guidelines of MoEF&CC) before State-II approval.

Agenda No. 9

F. No. 7-27/2014-ROHQ

Sub: Guidelines under Forest (Conservation) Act, 1980 for diversion of private forest land for construction of residential building-reg.

1. The above mentioned Agenda was considered by the FAC in its meeting held on 26.04.2018 and the FAC, after examination of the proposal and discussion with user agency, observed as below:
2. MOEF vide letter dated 11th February 2011 stipulated guidelines for allowing construction of residential or dwelling houses in private forest land located in areas falling under jurisdiction of the Mussoorie Dehradun Development Authority (MDDA);
3. These guidelines inter-alia provides that construction of residential houses in private forest / deemed forest in MDDA areas of Uttarakhand can be permitted on the following conditions:
 - a. Construction activity for residential purpose in private forest area shall be allowed only for domestic purposes and shall not be extended to any institutional building or commercial development.
 - b. The constructional activities shall be restricted to a maximum of 250 sq. meter of built up area in each case.
 - c. The construction of residential buildings in private forests is permitted in MDDA areas and other parts of Uttarakhand State only in order to alleviate hardship of homestead owners for constructing/completing their bona-fide residential building.
 - d. Permission will be subject to:
 - i. Tree felling should be minimum.
 - ii. Sufficient soil conservation measures should be taken.
 - iii. Permission of MDDA and other regulatory bodies for construction in hill areas shall be obtained.
 - iv. Construction shall be in accordance with the master plan of Mussoorie /Doon valley Notification and other regulatory conditions imposed by other regulatory bodies.
 - v. Building plan should be approved by MDDA.
 - e. All other standard conditions required for such projects including planting of tree species and NPV.
4. Regional Office (North Central Zone), Dehradun was informed the MoEF that they have received applications seeking prior approval of Central Government under the FC Act for construction of residential or dwelling houses in private forest land located in areas falling under jurisdiction of MDDA. However, according to them, as per these guidelines, none of the applicants have been found to eligible for grant of the said permission. The reasons for the same are as below:
 - a. The applicants are not homestead owners.



- b. The applicants are not local residents of Mussoorie.
- c. Permission can be granted only in those areas where slope is not more than 30 degree. But the factual position is that there would hardly be any forest land in Mussoorie which has slope less than 30 degree.
5. Regional Office (North Central Zone), Dehradun has therefore, requested that the said guidelines may appropriately be amended.
6. This issue was considered by the Forest Advisory Committee in its meeting held on 22nd & 23rd September, 2014 and the FAC after detailed deliberations recommended that in supersession of this Ministry' letter No. L-UP/952/1996-FC-V dated 11.02.11 said guidelines may be amended to provide that para 4.5 of the said guideline may read as below:
- (i) Construction activity for residential purposes in private forest/ deemed forest area of MDDA shall be allowed only for domestic residential purposes and shall not be extended to any other type of buildings.
- (ii) The constructional activities shall be restricted to a maximum of 250 sq. meter of plinth area in each case.
- (iii) Persons who have resided in the area falling in municipal limit of Mussoorie for a minimum continuous period of two years and are/ were registered as voter in area falling in municipal limit of Mussoorie for election to Members of Lok Sabha, Legislative Assembly or Municipal Council may be treated as local resident of the Mussoorie;
- (iv) Permission for construction shall ordinarily not be allowed if the slope of the land is more than 30 degree. However, Regional Office, after being satisfied that proposed construction will geologically and structurally be stable/safe and is not likely to trigger landslide and consequent damage to itself and areas in its vicinity, may accord permission for construction even if the slope of land is more than 30 degree.'
- (v) Permission shall be given in such cases with the condition that:
- a. Tree felling should be minimum.
- b. Minimum soil cutting should be done.
- c. Sufficient soil conservation measures shall be taken by the land owner during and after construction period.
- d. Construction shall be in accordance with the master plan of Mussoorie /Doon valley Notification and other regulatory conditions imposed by other regulatory bodies.
7. The recommendation of FAC held on 22nd & 23rd September, 2014 was placed before competent authority for approval. This was further discussed by DG (Forest) and MEF and it was conveyed vide letter no. 7-27/2014-RoHQ dated 09.09.2015 that this Ministry may continue with existing guidelines.

8. Meantime, various representation of different authorities was received in this Ministry, which is as follow:
- i. D.O. letter from Shri Vijay Bahuguna, Former Chief Minister, Uttarakhand dated 11.10.2016.
 - ii. D. O. letter from Shri Dinesh Aggrawal, Minister, Forest and Wildlife, Uttrakhand dated 31.08.2016.
 - iii. D. O. letter from Shri Ganesh Joshi, Member of Legislative Assemble, Vidhan Sabha, and Dehradun dated 17.03.2017.
 - iv. D. O. letter from Shri Bhagat Singh Koshyari, Member of Parliament (Lok Sabha) (Ex. Chief Minister, Uttarakhand) dated 28.02.2017.
9. In all the above D. O. references and representations of Shri Vinod Prakash Thapliyal, President, Mussoorie Estate Owners Association has been forwarded. Following issues has been highlighted in all the representations:
- i. Request to simplify the process and allowing owners of land in Notified Private Forest Estates, in Mussoorie, District Dehradun (Uttarakhand) to build residential houses under the guidelines issued by the MoEF&CC, vide Letter/G.O F.No. L-UP/952/1996-FC-V dated 11-02-2011.
 - ii. That under the said Guidelines dated 11.02.2011; provision is made to allow for reversion of Private Forest land to the extent of 250 sq. mtrs of plinth area to every 'homestead' owner of land, for residential purposes only.
 - iii. Word "HOMESTED" be deleted from para 3 of the above stated guidelines dated 11.02.2011, as the same seems to be alien in the Indian context, in order to protect the fundamental rights and interests of residents of Mussoorie.
9. It is alleged in the representation that benefit was given to influential bureaucrats, politicians and large business houses. Later on the a different interpretation of the guidelines dated 11.2.11 proposals had been denied the permission on following grounds:

The applicants are not home stead owners

- A) The applicants are not local residents of Mussoorie
- B) Permission can be granted only in those areas where slope is not more than 30 degree. But the factual position is that there would hardly be any forest land in Mussoorie which has slope less than 30 degree.

RECOMMENDATION OF FAC:

FAC after thorough deliberation and discussion with, APCCF, Incharge Regional Office, Dehradun observed that the matter is under discussion since long .It is a major policy decision which may have wider implications throughout the country. It is therefore recommended that:

1. A sub-committee of FAC under the chairmanship of PCCF Regional office Bhopal Dr. Tejender Singh IFS, shall be formed. Sh Sanjay Deshmukh FAC member, Smt. Kamlpreet IFS, in charge regional office, Dehradun and Sh Sandeep Sharma IFS



Assistant Inspector General of Forests, MoEF&CC shall be the members of the committee. The committee will visit the area and deliberate with different stake holders. The committee shall recommend necessary amendments, if any, to the MoEF&CC guidelines dated 11.02.2011. The committee will submit this report within 15 days after approval of FAC minutes.

Agenda 1.

F.No.8-277/1985-FC(VOL.)

Sub: Proposal for diversion of 2.85 hectares of forest in the Ramavaram RF of Kothagudem division for installation of Submersible Pumps & Sand Stowing Plant at Padmavathi Khani No. 5 Incline, in favour of Singareni Collieries Company Limited (SCCL).- reg.

The FAC discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-

1. The State Government of Telangana, Environment, Forests, Science & Technology submitted above proposal on 4th April, 2018 for diversion of 2.85 hectares of forest in the Ramavaram RF of Kothagudem division for installation of Submersible Pumps & Sand Stowing Plant at Padmavathi Khani No. 5 Incline, in favour of Singareni Collieries Company Limited (SCCL).
2. The proposed forest land is located at compartment 3, 4, 6 & 7 of Ramavaram Reserve Forest District Khammam.
3. The area was notified under section 18 of Hyderabad Forest Act.
4. This 2.85 ha. of area is having mixture of misc. species such as Chloroxyion Swetenia (Billudu), Hardwicka Binata (Narayepi), Acacia Sundra (Sundra), Morinda tomentosa (Togaru), Wrightia tinctoria (Pala), Diosapyros ferrea (Alli), Teminalia bellerica (Thani) and Cassia fistula (Rela) and having a density of <0.4 with an average height 2 to 3 mts. The area is having gentle slope with Red loamy soil all over the applied area, there is no possibility of soil erosion in the area.
5. The area applied for mining lease is in the middle of the Compartment No.3 is for sand stowing plant and pump houses area also in middle of Compartment No. 4,6,&7 is at a distance of 200 to 500 meters from boundary line.
6. In the proposed site there are no archaeological / heritage site or defence establishment etc. are enclosed
7. The user agency has identified non-forest land in Kadekal Village of Wazeedu Mandal of Venkatapuram Range of Bhadrachalam (N) Division of Khammam District. The User agency has handed over the non-forest land in Sy. No. 45/2=54.81 ha and 25/2=31.02 ha totalling 85.83 ha which was handed over to Divisional Forest Officer, Bhadrachalam (N) in the year 2004. As per the CA scheme proposal submitted by the DFO, Bhadrachalam (N), the non-forest land is adjacent to Peruru Reserve Forest on Northern side.
8. The DFO, Bhadrachalam (N) has prepared CA scheme which is enclosed along with this proposals. The Scheme envisages raising of NTFP plantations with SMC structures. The total cost of the scheme works out to Rs. 8.167 lakhs, during the



period from 2011-12 to 2017 to 2018. **The scheme was prepared in 2011-12 and since then wage rate certainly increased therefore the CA scheme has to revise on current wage rate and to be submitted with Shape file in the Ministry for consideration.**

9. The District Collector & District Magistrate, Khammam, Government of Telangana vide his letter No. G/1793/2011 dated 15.08.2012 has issued a FRA certificate for diversion of 2.85 hectares of forest in the Ramavaram RF of Kothagudem division for installation of Sub-mersible Pumps & Sand Stowing Plant at Padmavathi Khani No. 5 Incline, in favour of Singareni Collieries Company Limited (SCCL). Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been submitted.

10. Purpose wise breakup of the total land required:

A. For pump Houses:- : 0.36 ha.

(i) For 3 nos. of Pump Houses (3Nos. x 40m x 30m)

(ii) For approach road, transmission line and water pipe: 0.35 ha.

Line (3 m. width x 115 m. length)

Sub – total : 0.71ha.

B. For Sand Stowing Plant:-

(i) For showing plant, water tank, sand yard etc : 0.73 ha.

(119.0 m x 118.8 m)

(ii) For approach road, transmission line and water pipe: 1.41 ha.

Lines (7 m width x 1037.258 m. length)

Sub-total : 2.14 ha.

Total land required for (A) + (B) : 2.85 ha.

RECOMMENDATION OF FAC

After careful consideration of the facts which are placed before it and on the website, FAC recommended the project proposal for grant of in principle approval with general and standard conditions for such diversion proposals with following specific condition:

1. The KML file of NFL area over which CA is to be done shall be submitted by State Government along with revised CA scheme based on current wage rates.
2. State Government shall submit lease document showing the period of validity of lease of the forest area under proposal.


Agenda No. 2

File No-8-42/2017-FC

Sub:- Proposal for diversion of 68.40 ha of forest land for CCL Konar Washery, B & K Area, for seeking prior approval under section – 2 of FCA-1980 in the State of Jharkhand.

The Committee discussed the above mentioned proposal, heard the views of the user agency and observed as follows:

1. The Government of Jharkhand, Department of Environment Forests, and Climate Change vide their letter No. VAN BHOO MI – 03/2016-2166 VP, Ranchi dated 23.05.2017 submitted a proposal to obtain prior approval of the Central Government, in terms of the section-2 of the Forest (Conservation) Act, 1980 for diversion 68.40 hectares of forest land for CCL Konar Washery, B & K Area, in the State of Jharkhand.
2. The proposed area falls in Bokaro Forest Division of Bokaro District. Of the total 68.40 Ha proposed for diversion, 65.9 Ha is Protected Forest and 2.5 Ha of Jungle Jhari Land.
3. The density of vegetation is 0.7 and Eco Class is III.
4. The proposed area is hilly terrain and prone to erosion. As reported by the DFO, Bokaro some of animals present in the area proposed for diversion are *Hyaena, Rock Python, Peacock, Jungle Quail, Indian Jackal, Russel Viper etc.*, However it has been reported that the area does not form part of, or located within one km of any NP, WLS, biosphere reserve, tiger reserve, elephant corridor, etc and forest land proposed for diversion is not located within any ESZ of Protected Area notified under WPA-1972.
5. No protected archaeological/ heritage site/defence establishment or any other important monument is located in the area
6. The CA has been proposed to be taken up over 140 Ha of degraded forest land double in extent to the area to be diverted. The financial implication of the CA have been worked out to Rs. 343.63296 Lakhs.
7. The Certificates from competent authority regarding suitability of area identified for CA and from management point of view have also been submitted.
8. The District Collector, Bokaro, Government of Jharkhand has issued FRA certificate dated 24.12.2016 with respect to the land for diversion of 68.40 hectares (including GMJJ i.e. 2.50 ha) certifying the information in respect of all clauses of the MoEF's advisory dated 05.07.2013 i.e. diversion of forest land for facilities managed by the Government and safeguarding the rights of Primitive Tribal Group and Pre-Agricultural Communities as required under the FRA-2006, discussion on the proposal in meeting of concerned Gram Sabha (s) maintaining the prescribed quorum, etc. Documentary evidences in support of settlements of rights under the FRA-2006. The in concerned Gram Sabha (s) of Govindpur and Bermo villages have been provided.
9. It has also been stated that there is no displacement. It has been reported that, the Environment Clearance under EPA-1986, is under process in file no. J-11015/337/2005-IA-II (M) dated 03.11.2015.
10. The State Government of Jharkhand vide letter dated 23.05.2017 submitted the following additional information pertaining to the proposal:



- i. The justification given by the user agency for locating project on proposed land *“the coal seam is being a site specific, for which mining plan is approved, falls underneath the forest land proposed for diversion. Therefore, location cannot be changed.”*
 - ii. As informed by the project proponent no alternate site is available in 15 Km surrounding the diverted area.
 - iii. Total number of trees located in the diverted forest land 18137 No.
 - iv. The Land Schedule Plan has been submitted by the State Government of Jharkhand.
 - v. The State Government has also submitted the comments of CWLW, State Government of Jharkhand, wherein it was stated that the area proposed for diversion does not fall in any Protected Area nor any part of it falls within 10 Km vicinity of any Protected Area.
11. In accordance with recommendation of FAC held on 15.06.2017, the Govt. of Jharkhand intimated that the user agency has informed that the Washery will be constructed in 19.00 ha. within previously diverted forest area of 288.26 ha. of Konar OCP, 7.40 ha. is the part of applied area i.e. 68.40 ha. of forest land.

RECOMMENDATION OF FAC:

After careful consideration of the facts which were placed before it and on the website, FAC found that land actually needed is 30.00 ha (Power plant) + 19 (7.40 + 11.6) ha washery i.e. 49 ha only. Therefore, FAC recommended to grant in principle approval for 49 ha forest land only with general and standard conditions for such proposal.

Agenda No. 3

File No-8-31/2018-FC

Sub.: Proposal to obtain approval under the FCA-1980 for prospecting of Coal Minerals in 68.00 ha of forest land in West Chhindwara Division PML for drilling of 17 bore holes in favour of M/s. CMPDI, Limited Nagpur, West Chhindwara Forest Division State of Madhya Pradesh.

The FAC Committee discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-

1. The APCCF (Land Management) and Nodal Officer (FCA-1980), Government of Madhya Pradesh vide their letter No. F-1/790/2017/10-11/377 Bhopal dated 07.02.2018 forwarded a fresh proposal to obtain prior approval of the Central Government, under Section-2 of the FCA-1980 for prospecting of Coal Minerals for 68.00 ha of forest land in West Chhindwara Division PML for drilling of 17 bore holes in favour of M/s. CMPDI, Limited Nagpur, West Chhindwara Forest Division, State of Madhya Pradesh.

2. The M/s. Central Mine Planning & Design Institute Limited, Nagpur (Maharashtra) vide its letter No. 2048 dated 08.09.2017 has forwarded an application for prospecting of Coal Minerals for 68.00 hectares of forest land of 17 boreholes in West Chhindwara District, Madhya Pradesh, under the Forest (Conservation) Amendment Rule, 2016 issued by this Ministry's dated 06.03.2017.

3. In the similar context, the FAC had made following recommendations on 22.3.2018:-

Exemption of large scale non-forest activities, such as drilling of 15 – 20 bore-holes / sq. km. for prospecting of minerals in forest areas, from the requirement of obtaining prior approval under the FCA-1980 is not acceptable. However, to facilitate expeditious decision on applications seeking prior approval of Central Government under the FCA-1980 for prospecting of minerals in forest areas the Ministry, in consultation with the Ministries of Mines, Coal and Petroleum and Natural Gas formulated a simplified format of the application for obtaining prior approval of Central Government under the FCA-1980 for prospecting in forest areas.

Considering the observations made on the prospecting of minerals, the following recommendations were made.

- i. The prospecting of minerals by drilling bore holes for collecting seismic waves and collecting mineral samples constitutes non-forestry activities for the purpose of FCA-1980.
- ii. The user agency shall apply online for diversion of forest area as per the procedure laid down by MoEF&CC from time to time.
- iii. General approval may be accorded to the state government by the MoEF&CC for prospecting of minerals in forest land having average weighted crown density up to 40 % as per the latest FSI report.
- iv. In case of coal, lignite and metallic ores - test drilling up to 20 boreholes of maximum 8" dia per one sq km and in case of non-metallic ores excluding coal & lignite - test drilling up to 16 boreholes of maximum 6.6" dia per one sq km for prospecting exploration or reconnaissance operations, without felling of trees, may be allowed by state government. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required.
- v. In case of seismic survey for exploration of hydro carbon the user agency shall pay NPV @ of 2.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
- vi. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forest land having crown density upto 40%, the prospecting agency shall pay NPV @ of 5.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground



- vii. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forest land having crown density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay NPV @ of 10.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed.
- viii. The NPV deposited for prospecting will not be adjusted against the diversion proposal of forest land under section 2 of FCA-1980. The amount will be non-refundable as well non-adjustable.
- ix. User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the state.
- x. User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area and degraded forest land as per prescription of working plan in a contiguous patch.
- xi. The user agency shall engage ICFRE to conduct study on the impact of numbers of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC.
- xii. Prospecting in protected areas such as NPs, WLSs, biosphere reserve, TRs, corridors, pristine forests identified by State and Central Government etc. shall not be allowed.
- xiii. The delegation of power to grant permission for prospecting by the state government shall be valid for 5 years only and will be reviewed after expiry of five years.

RECOMMENDATION OF FAC:

In view of the above, FAC recommend to grant approval for proposal to obtain approval under the FCA-1980 for prospecting of Coal Minerals for 68.00 ha of forest land in West Chhindwara Division PML for drilling of 17 bores holes in favour of M/s CMPDI, Limited Nagpur, West Chhindwara Forest Division, State of Madhya Pradesh with the general and standard conditions applicable in such proposals.

Agenda No. 4

File No-8-11/2018-FC

Sub: Proposal for diversion of 248.76 ha. of Forest Land for construction of Kadan Medium Irrigation Project in favour of Water Resources Department, Sagar District Madhya Pradesh State.– regarding.

The FAC discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-



1. The APCCF (Land Management) and Nodal Officer (FCA-1980), State Government of Madhya Pradesh vide their letter No. F-3/81/2016/10-11/12/575 Bhopal dated 27.02.2018 submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the FCA-1980 for diversion of 248.76 ha. of Forest Land for construction of Kadan Medium Irrigation Project in favour of Water Resources Department, Sagar District Madhya Pradesh State.
2. Forest area proposed is of eco class 3 and having crown density of 0.3.
3. Upto FRL approx. 1605 trees are being affected.
4. Proposed area is at about 60 km from Panna Tiger Reserve.
5. Equivalent revenue land has been identified in Sagar Forest Division for compensatory afforestation as per details given by the State Government.
6. Land suitability certificate is given by the competent authority only for 176.00 ha.
7. The APCCF (Land Management) and Nodal Officer (FCA-1980), State Government of Madhya Pradesh vide their letter No. F-3/81/2016/10-11/12/947 dated 28.03.2018 has submitted additional information pertaining to the proposal:

(i) The user agency has given the purpose-wise breakup of the proposed forest land:

S. No.	Detail of work	Forest Division	Forest Section	Compt No.	RF/PF	Area in ha.
1.	3	4	5	6	7	8
1.	Main Dam place	Sagar (North)	71 Lalak Paatan	RF-367	Reserved Forest	3.90 3.00
2.	Vaist Vear Spill Ve	-	-	-	-	-
3.	Spill Channel	-	-	-	-	-
4.	Submergence area of Main Dam	-	-	RF-367 RF-368 RF-369	Reserved Forest	48.96 174.34 18.56
5.	River Area	-	-	-	-	-
6.	Mine	-	-	-	-	-
7.	Approach Road	-	-	-	-	-
8.	Other Work	-	-	-	-	-
Total:						248.76

8. The forest land proposed to be diverted has been inspected by Shri B. Abhay Bhaskar, Dy. Conservator of Forests (Central), Regional office (Western Zone), Bhopal. Important facts furnished in the inspection report submitted:-

(i) Legal Status of Forest land proposed for diversion.

- a. Reserved forest land : 248.76 ha
- b. Non-forest land : 506.02 ha

(ii) Total cost of Project. : **Rs. 38579.00 lakhs.**



- (iii) The project shall store water in 181.25 sq km area. The project is kadan medium irrigation tank project with command area of 9,990.00 ha. The project will bring command area under multiple cropping pattern, which will bring the uplifting of peoples
- (iv) Compensatory Afforestation: **Applicable, non-forest land = 248.76 ha. District Sagar**
- (v) Total financial outlay of 10 years CA programme- Rs4606.629 lakhs
- (vi) Cost benefit ratio : 1: 3.02 (5% interest) & 1:1.76 (10% interest)
- (vii) Compliance of FRA 2006- Certificate of DC (Sagar, MP) has been submitted.
- (viii) Some details obtained on DSS

Sl. No	Village	Area (ha.)	Khasara	DSS remarks
1	Mragawali	96	1/1/2	45 ha MDF , Agriculture, Encroachment.
2	Maswasi Grant	50	37/2	Agriculture, Encroachment.
3	Sahajpuri kalan	6.7	¼	Agriculture, Habitation
4	Kharkhari	4.68	1/3	Bare rocky area
5	Bhelaiya	30	402/1/2	Agriculture, Encroachment.
6	Bhardi	14.38	88/2	Bare rocky area , Agriculture.
7	Muderi	47	47/1	47 ha MDF , Agriculture, Habitation.

RECOMMENDATION OF FAC:

After careful consideration of the facts placed before it and on the website of Forest clearance of MOEF &CC, FAC recommended for grant of in-principle approval with general and standard conditions for such medium irrigation projects with following specific conditions-

- i. The State Government shall arrange to get the land proposed for diversion and for CA, vacated by encroachers if any, as pointed out in the report created by DSS cell of this ministry and also at Regional office Bhopal.
- ii. Such lands shall be inspected by Regional office Bhopal and Nodal officer jointly and ~~there~~ report shall be submitted along with compliance prior to obtaining Stage II clearance.

Agenda No. 1

F. No. 7-79/2015-FC (Pt. IV)

Sub: Issue of NPV in I.A. No. 2707/2009 in the matter titled as the Registrar, Kuvempu University Vs. Union of India & Others in W.P. (Civil) No. 202/1995 titled T. N. Godavarman Vs. Union of India

The FAC in its meeting held on 15/06/2017 discussed the above mentioned proposal and observed as follows:-

The State Govt. of Karnataka in 1978 granted lease over an area of 230 acres of Singanamane Reserve Forest in Shivamogga district in Bhadra Reservoir Project area of Karnataka in favour of the Mysore University for a period of 20 years. Meanwhile, Kuvempu University was established in 1987. In 1980s, the said area of 230 acres of Reserved Forest was constituted as Wild Life Sanctuary. In addition to this, FCA was enacted in 1980 prohibiting use of forest land for any non-forest use without prior permission of the Central Government.

The State Forest Department claimed that the lease granted to the Mysore University in 1978 had expired in 1998 and therefore the Kuvempu University cannot unlawfully occupy the area in question and construct buildings on it. Subsequently, the Kuvempu University approached the State Forest Department for renewal of the said lease. The matter was in turn referred to the Central Wild Life Board. The Central Wild Life Board imposed/suggested certain conditions including imposition of NPV amount to a cost of Rs. 43 crores on the ground that the said area is a Wild life Sanctuary. An equivalent area of revenue land was identified in the Chikkamagalore District to be added to the Bhadra Wild Life Sanctuary.

Thereafter, the Kuvempu University approached the State Govt. of Karnataka and on the basis of the suggestions filed an interim application in the Hon'ble Supreme Court of India for the exemption of NPV and permit the State Forest Department to renew the lease. The Hon'ble Court referred the matter to the CEC which made a report (on the basis of available records and not spot visit) recommending the renewal of the lease in favour of the Kuvempu University on the condition that the University should pay NPV at the normal rate treating the land to be reserve forest land.

Thereafter, the matter again came up for hearing in the Hon'ble Court to consider the report made by CEC. The instant IA i.e. I. A. No. 2707 of 2009 was considered along with



other similar applications and all the applications were referred/ transferred to the MOEF&CC for further consideration and decision in accordance with law.

As per the available records, facts related to the instant matter are furnished as under:

1. The Government of Karnataka vide order dated 21.2.1979 accorded sanction for the lease of 230 acres of forest land situated in Singnamane Minor Forest and another 20 acres of forest land situated partly in Singnamane Minor Forest and partly in Aldhara Reserve Forest to the University of Mysore (now Kuvempu University) for the purpose of construction of conference hall, guest house, buildings etc. at a lease rent of Rs. 50 per acre per annum. The Government of Karnataka by its order dated 17.12.1981 fixed the lease period of 20 years for the above said lease of forest land. Subsequently, in partial modification of the earlier order, the Government of Karnataka vide order dated 11.05.1987 restricted the extent of the lease area to 230 acres in Singnamane Minor Forest. Thereafter the lease agreement was executed between the Chief Conservator of Forests (General) and the Registrar, University of Mysore on 13.07.1987 for a term of 20 years starting from 28.02.1979.
2. The leased forest land forms part of **Bhadra Wildlife Sanctuary for which the preliminary notification was issued on 07.09.1974** and the final notification was issued on **09.03.1998**. The lease forest area also forms part of the Bhadra Tiger Reserve declared by order dated 20.12.2007 of the State of Karnataka.
3. The proposal for the renewal of the lease in favour of Applicant University was considered by the Standing Committee of the Indian Board of Wildlife (IBWL) in its meeting held on **12.07.2002** and has been recommended subject to following conditions:
 - (1) The University should start M.SC Course in Wild Life Science;
 - (2) The University should organize capsule courses on the use of information technology for wild life management.
 - (3) The University should refrain from using chemical fertilizers, pesticides in its lawns, horticulture gardens and agriculture fields; and
 - (4) The State Government will compensate for reduction of the area of the sanctuary by adding 339 Ha. of contiguous forest land to the sanctuary expeditiously in a period of 90 days.
4. In compliance of the above said decision taken by the IBWL the Deputy Commissioner, Chikmagalur District has by his order dated 26.05.2009 **transferred 301.27 acres of land** to the Forest Department. The Deputy Commissioner vide his letter dated 26.05.2009 addressed to the Regional Commissioner, Mysore Revenue Division, Mysore also recommended

- transfer of 648.408 acres of land to the Forest Department. Apparently no formal order for the same has till date been issued.
5. The Applicant University, in accordance with Apex Court orders dated 30.10.2002, 28.03.2008 and 09.05.2008 in IA No. 826 and connected IA's (NPV matter), is required to pay NPV for the forest land involved in the present case. The Applicant University in addition, in accordance with the guidelines issued by the MoEF regarding implementation of the Forest (Conservation) Act, 1980, is required to pay the cost of the compensatory afforestation. The present Application has been filed seeking exemption from the payment of NPV and the cost of compensatory afforestation and also seeking permission for renewal of the lease in favour of the Applicant University.
 6. The Karnataka Forest Department filed an affidavit dated 16.7.2010 before the CEC wherein it was stated that the Applicant University's prayer for exemption from the payment of NPV and compensatory afforestation is not maintainable either in law or on the facts of the case, in view of Hon'ble Supreme Court's order dated 30.10.2002, 28.03.2008 and 9.5.2008 (pertaining to NPV)
 7. CEC is of the view that after considering the following facts:
 - (a) The forest land involved in the present case was leased to the Applicant University for a period of 20 years prior to the enactment of the Forest (Conservation) Act, 1980,
 - (b) The use of the forest land by the Applicant University for the construction of conference hall, guest house and other buildings took place prior to this Hon'ble Court's order dated 30.10.2002 and
 - (c) The nature of the project (which is primarily a non-revenue earning public utility government project),

The instant case qualifies for considering exemption from payment of the full amount of the NPV. The forest land involved in the present case falls within the Bhadra Wildlife Sanctuary and thereafter as per Hon'ble Supreme Court's orders dated 28.3.2009 and 9.5.2009, the Applicant University is required to pay NPV @ 5 times i.e. the normal applicable rates of the NPV.

Recommendation made in the CEC Report dated 12th September 2013

1. The CEC was of the view that instead of payment of 5 times of the normal rates of the NPV, Hon'ble Supreme Court may consider the case of the Applicant University as a special case permitting it to deposit the NPV at the normal rate of the NPV. The cost of the compensatory afforestation is payable by the user agency in accordance with the guidelines issued by the MoEF for implementation of the Forest (Conservation) Act, 1980 and not in compliance of the directions issued by the Hon'ble Supreme Court and therefore no exemption from the



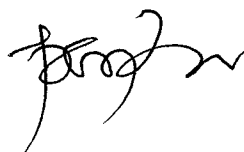
payment of the same may be considered by the Hon'ble Court. In view of the facts and circumstances of the present case and after considering that the use of the forest land falling within the Bhadra Wildlife Sanctuary is in public interest and no viable alternative is feasible the CEC was of the view that the renewal of lease in favour of Applicant University may be permitted.

2. The CEC recommended that the Hon'ble Court may consider permitting use of 230 acre of forest land falling within the Bhadra Wildlife Sanctuary for renewal of lease in favour of Applicant Kuvempu University subject to the following conditions:
 - i) The condition on which the proposal has been cleared by the Standing Committee of the India Boards of Wildlife in its meeting held on 12.07.2002 will be strictly complied with; and
 - ii) The NPV for the forest land will be deposited at the normal rates (instead of five times of the normal of the NPV).
8. **FAC Recommendation on 15/06/2017:** After careful consideration of the facts placed before it, FAC opined to obtain comments of State Government of Karnataka on the petitions received from Hon'ble Apex Court. The matter will be considered in next FAC meeting.
9. This Ministry has vide its letter dated 12.05.2016, 22.09.2017, 15.02.2018, 12.03.2018 and 20.04.2018 requested the State Government to furnish their comments and requested the applicant to present their case before the FAC meeting. The proposal was considered by the FAC in its meeting. The applicant alongwith their representatives were also present in the meeting and requested for exemption of NPV and Compensatory Afforestation in this matter.
10. The representatives of the State Government mentioned that the Applicant University's prayer for exemption from the payment of NPV and compensatory afforestation is not maintainable either in law or on the facts of the case, in view of Hon'ble Supreme Court's order dated 30.10.2002, 28.03.2008 and 9.5.2008 (pertaining to NPV).

RECOMMENDATION OF FAC:

In view of above and detailed deliberations, FAC recommended for renewal of lease in favour of applicant Kuvempu University, subject to the following conditions:

- i. The condition on which the proposal has been cleared by the Standing Committee of the India Boards of Wildlife in its meeting held on 12.07.2002, will be strictly complied with; and



- ii. The NPV for the forest land will be deposited at the normal rates (instead of five times of the normal of the NPV).
- iii. The Compensatory Afforestation is payable as per existing rates.

Agenda No. 2

Agenda No. 3 (F.No.7-79/2015-FC (Pt. V): Request for exemption of NPV as per order dated 05/10/2015 passed by Hon'ble Supreme Court of India in I. A. No. 3826 of 2014 in I.A. No. 826&859 in I.A. No. 566/2002 in W.P. (Civil) No. 202/1995 in the matter titled as T. N Godavarman vs. Union of India, was not considered because no one from the plaintiffs' side was present before the FAC.

The FAC decided to defer the matter and recommended that fresh notices should be issued to the applicants.

Agenda No. 3

F. No. 7-79/2015-FC (Pt. VII)

Subject: -IA No. 2247 has been filed by the Ootacamund Gymkhana Club seeking directions regarding the golf course being run by it in Wenlockdowns Reserved Forest in District Nilgiris, Tamil Nadu. The following prayer have been made in the IA.

This Ministry vide letters dated 12.05.2016 and 20.04.2016 requested the applicant to represent their case before FAC meeting. The proposal was considered by the FAC in the light of IA filed in the Hon'ble Supreme Court of India. The applicant alongwith their representative was also present in the meeting.

2. CEC in compliance of order dated 13.05.2008 of Hon'ble Supreme Court has filed the report dated 17.09.2009 in this matter. The recommendations of CEC are as under:-

"13. After considering that (a) the Applicant Club is a non-profit making organization registered under Section 25 of the Companies Act, 1956; (b) the golf course is being run by it since 1896; (c) the area under the Golf Club has been notified as Reserved Forest thereafter i.e. no 26.3.1900; and (d) the Rules notified simultaneously with that for the Reserved Forest specifically provide for the continuance of the existing Golf Club (s) in the Reserved Forest free of any charges it is recommended that:

- (i) As a special case the applicant club namely, Ootacamund Gymkhana club may be permitted to pay the NPV in 10 equal annual installments instead of lump sum payment;*
- (ii) One time approval under the FC Act may be obtained for annual renewals of permits for the golf course. Applicant Club, instead of doing so at the time of each annual renewal;*



- (iii) *As directed by this Hon'ble Court by order dated 4.3.1997, the District Collector, Nilgiris and the District Forest Officer of the area concerned should be associated with the functioning of the Applicant Club; and*
- (iv) *The approval under the FC Act and the annual renewal of permits should be restricted to 43.75 hectares of forest area actually being used by the Applicant Club. The physical possession of the balance forest area should be formally taken over by the Forest Department."*

RECOMMENDATION OF FAC:

In view of above, FAC recommended that, the applicant be directed to forward their proposal for diversion of forest land for Ootacamund Gymkhana club, Ootacamund to the State Government of Tamil Nadu. State Government will ensure that the area for diversion of forest land for Ootacamund Gymkhana club, Ootacamund shall be restricted to 43.75 ha of forest land which is actually being used by the club. The physical possession of balance area should be formally taken over by the Forest Department. As a special case, the club may be permitted to pay NPV in ten equal instalments. The applicant club will identify the equivalent non-forest land for Compensatory Afforestation and pay Compensatory levies as per Compensatory Afforestation Plan. The District Collector and District Forest Officer of the area concerned should be associated with the functioning of the applicant club. The recommendations of CEC will also be sent to the State Government for consideration while processing the application for use of forest land for non-forestry purpose.

(Dr. Sanjay V. Deshmukh)


(Dr Rajesh Kaushal)

(S. D. Vora)

Member


Member

Member



(A. K. Mohanty)

Inspector General of Forests (FC)



(Saibal Dasgupta)

Adtl. Director General of Forests (FC)

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



(Siddhanta Das)

Director General of Forests & Special Secretary

● C. Abbreviations used in the document

APCCF	: Additional Principal Chief Conservator of Forests
CA	: Compensatory Afforestation
CWLW	: Chief Wildlife Warden
DFO	: Divisional Forest Officer
EPA	: Environment (Protection) Act, 1986
ESZ	: Eco-Sensitive Zone
FAC	: Forest Advisory Committee
FRA	: Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006
FSI	: Forest Survey of India, Dehradun
ISFR	: India State of Forest Report (Biennial report published by FSI, Dehradun)
KML	: Keyhole Markup Language (it is a file format used to display geographic data in an Earth browser, such as Google Earth)
NP	: National Park
NPV	: Net Present Value
NTCA	: National Tiger Conservation Authority
NTFP	: Non-timber Forest Produce
PCCF	: Principal Chief Conservator of Forests
SMC	: Soil & Moisture Conservation
TR	: Tiger Reserve
WLS	: Wildlife Sanctuary
WPA	: Wildlife (Protection) Act, 1972

