

Minutes of Meeting of Forest Advisory Committee held on 17.02.2021

Agenda No. 1

File No 8-58/1997-FC Vol.

Sub: Proposal for seeking prior approval of the central Government under Section 2 of the Forest (Conservation) Act, 1980 for non-forestry use of 172.30 ha of forest land in favour of Cement Corporation of India Ltd (CCIL) for the renewal of Mining Lease of Manal Limestone Mine within the jurisdiction of Poanta Forest Division Distt. Sirmour of the State of Himachal Pradesh (Online Proposal No. FP/HP/MIN/9286/2013)

The above stated agenda item was considered by the Forest Advisory Committee (FAC) in its meeting held on 17/02/2021. Corresponding agenda note may be seen at parivesh.nic.in.

1. The proposal is for extension in period of Forest Clearance under FCA, 1980 for diversion of 172.3 ha of forest land for mining lease in favour of Cement Corporation of India Ltd. (CCIL). The proposal for diversion of 172.3 ha. of forest land for mining lease in favour of CCI was initially approved by the Ministry vide letter No. 8-58/97-FC dated 22.03.1999. The area allowed for mining was 55ha out of the total diverted area of 172.3 ha.
2. The State Government of Himachal Pradesh vide letter no. Ft.48-130/1992 (FCA) dated 05.08.2020 intimated the compliance to the conditions stipulated in the final approval accorded by central govt. vide letter No. 8-58/97-FC dated 22-03-1999, and requested for the renewal of the mining lease.
3. The Nodal Officer cum APCCF (FCA) has informed that the original lease was granted to the user agency on 3rd August 1973. The User agency applied for the renewal of mining lease to their office on dated 18-07-2013 and the same was sent to MoEF&CC, Gol for approval vide letter no. Ft.48-130/1992(FCA) dated 04-04-2015. User agency has not submitted the FRA certificate as the same is still under process with DC Sirmour HP.
4. The Nodal officer also informed that the user agency had requested that NPV may be imposed only for the broken up area of 55 ha and the same was

refused by the state govt. as no such exemption is there to the present proposal. Now, the user agency as per letter No. RCF/Mine/FCA/NPY/2020/01/3674 dated 12-11-2020 is ready to deposit the NPV and requested to initiate the procedure for payment of NPV to the tune of ₹14, 55, 93,500/- in lieu of 172.30 ha of forest area as demanded by forest department.

During deliberations the FAC observed that:

1. The original mining lease was granted to the UA on 03.08.1973 for 20 years and was valid up to 02.08.1993.
2. The FC approval was granted on 22.03.1999 with the condition that "*the period of permission under the Forest (Conservation) Act, 1980 will be for twenty years w.e.f. expiry of the previous lease and co-terminus with lease under MMDR Act, 1957.*"
3. After promulgation of the MMDR Act, 2015 the mining lease originally granted on 3rd August 1973 is deemed to be extended till 3rd August 2023 i.e. for a period of 50 years.
4. The Forest clearance was initially granted for a period of 20 years and was valid up to 02.08.2013.
5. As per the information provided by the state the mining operation remained closed from 2013 to 03.06.2015.
6. The para 7.3(iii) of the Chapter 7 of the Handbook of Forest (Conservation) Act, 1980 and the Forest Conservation Rules 2003(Guidelines and Clarifications) mentions that: "*In case of existing mining leases, where approval under section 2 (ii) of the FC Act for the entire forest land in the mining lease has been obtained before 1.4.2015 the FC validity is deemed to have been extended co-terminus with ML in accordance of the provision of the MMDR Act. The extension of validity of FC is subject to realization of NPV before 31.03.2017, if not already realized earlier, failing which the Forest Clearance shall remain in abeyance till NPV is realized. Moreover, this deemed extension shall not apply to forest land falling in a Mining Lease for which renewal has been rejected, or which has been determined or lapsed before 1.04.2015.*"
7. The user agency did not deposit the NPV in respect of 172.30 hectare forest area within stipulated time i.e. before 31.03.2017.
8. The deadline for the payment of NPV for such leases was 31.03.2017 beyond which the Forest Clearance was deemed to be in abeyance in case of non-payment of NPV.
9. Delay in deposition of NPV within stipulated time frame and penalty in lieu of

the same was deliberated. The quantum of penal interest and its basis was also discussed. Interest rates announced by Department of Expenditure, Ministry of Finance on Compensatory Afforestation Fund public account shall be the guiding principle as the penalty imposed will be deposited in 'State Fund' which is a public account as per the provisions of the Compensatory Afforestation Fund Act, 2016.

Decision of the FAC:

1. The issue is of valid forest clearance which is held in abeyance on account of non-payment of NPV on total diverted land as per clause 7.3 (iii) of the Chapter 7 of the Handbook of Forest (Conservation) Act, 1980 and the Forest Conservation Rules, 2003 rather than seeking approval under Section 2 of the Forest (Conservation) Act, 1980. In this case the NPV was to be paid on or before 31.03.2017
2. Hence, the FAC recommended that already accorded approval vide letter dated 22.03.1999 shall be deemed to be co-terminus with the period of the mining lease i.e. till 03.08.2023 subject to the condition that the user agency makes the full payment of the NPV for the entire forest area of 172.3 ha along with the penal interest for delay in deposition of NPV beyond 31.03.2017.
3. The User Agency ought to have deposited the NPV in the CAMPA fund on or before 31.03.2017. Therefore, the User Agency shall pay penal interest on the late payment of NPV w.e.f. 01.04.2017 till such payment is made, and the penal interest rate shall be double the int annual interest rate on 'public account' CAMPA Fund of the respective year or @12% per annum, whichever is higher. The quantum of penal interest will be calculated based on compounding of penal interest on annual basis.
4. State Government will submit a report on deposition of NPV for total extent of diversion, penal interest as prescribed in para 3 above and other pending compliances of stage II approval of 22.03.1999 prior to validating final approval which is now in abeyance.

Agenda No. 2

File No 8-114/2005-FC Vol.

Sub: Proposal for seeking prior approval under Forest (Conservation) Act, 1980 for use of 0.8374 ha of additional forest land (in addition to the already diverted 69.3762 and 0.9274 ha) for construction of Road, Bridge, River protection/Training works for Rampur Hydro Electric Project in favour of SJVN in Rampur Forest Division and District, Shimla Himachal Pradesh (Online Proposal No. FP/HP/HYD/12761/2015)-reg.

The above stated agenda item was considered by the Forest Advisory Committee (FAC) in its meeting held on 17/02/2021. Corresponding agenda note may be seen at parivesh.nic.in.

1. The first proposal for diversion of 69.3762 ha of forest land for construction of 434 MW Rampur Hydro Electric Project in favour of SJVN, District Shimla, Himachal Pradesh was approved by the Ministry vide its letter No. 8-114/2005-FC dated 07.04.2006.
2. The Second proposal for diversion of 0.9274 ha additional area for construction of Adit along Head Race Tunnel (HRT) near Kasholi Khand and approach road to the Adit for construction of 434 MW Rampur Hydro Electric Project in favour of Satluj Jal Vidyut Nigam Limited in Shimla District, Himachal Pradesh was approved by the Ministry's vide letter No. 8-114/2005-FC dated 28.05.2009.
3. This is the third proposal of SJVN Ltd for additional area of 0.8374 ha for construction of Road, Bridge, River protection/Training works for Rampur Hydro Electric Project in Rampur Forest Division and District, Shimla Himachal Pradesh.
4. The Land use plan of the proposed area is as under:
Road (131m x 18.923m) = 0.2479 ha.
River training & protection (319m x 17.727m) = 0.5655
Bridge abutment (20m x 12m) = 0.024 ha.
5. As per the information provided in online form of part-II under column 11 (i), the proposed structures have already been constructed on the spot. It has been

mentioned that the matter with regard to encroachment and raising of permanent structures over forest land has been reported to Police under Section-32, 33 of Indian Forest Act, 1927 by lodging an FIR. At the same time the encroachment case has been prepared and challaned in the Court of Collector Grade-1-cum-Tehsildar Rampur vide Range Officer Rampur letter dated 1-6-2013.

6. The Site Inspection has been carried out by the DFO Rampur Division on 12.06.2015. The SIR shows that this is a violation case.

During deliberations the FAC observed that:

- i. The estimate of the CA scheme submitted earlier was ₹587057/- and the revised estimate is ₹483918/-. From the perusal of both CA schemes it has also been observed that CA scheme prepared for 1500 plants per hectare earlier has now been revised to 1100 plants per hectare as per prevalent norms in the state of Himachal Pradesh.
- ii. The User agency has constructed the structures without the prior approval of the competent authority and therefore strict penalty is required to be imposed.
- iii. Though the extent of violation has been reported by the state govt. however the same is required to be confirmed by the Integrated Regional Office.

Decision of the FAC:

This is a case in which User Agency has violated the provisions of Forest (Conservation) Act, 1980. After thorough deliberation and discussion the **FAC recommended for according "in-principle" approval to the proposal** under Section 2(ii) of the Forest (Conservation) Act, 1980 with general, standard, and following specific conditions:-

1. As per extant guidelines made under the FC Act, 1980 by the Ministry and existing precedence in similar cases, the User Agency shall pay five times of NPV and five times penal CA on double degraded forest land in respect of 0.8374 ha of forest land on which violation of the FC Act has been reported by

the State Government.

2. The Integrated Regional Office Shimla shall certify the extent of area under violation, and if the area under violation is larger than the area reported by the State Government, the five time NPV and five times CA shall be imposed on the larger area.
3. The State Government shall ensure that the legal action initiated against the user agency is pursued and taken to its logical conclusion and appropriate action as per law is taken against the persons/officials/authority responsible for violation and breaking of forest land without the prior approval of the competent authority.

Agenda No. 3

F. No. 4-KRB1151/2018-BAN

(MoEFCC, New Delhi F. No. 11/274/2019-FC)

Sub: Diversion of 1.645 ha. (Revised from 1.7456 ha) of forest land in SM Block, and Sy. No. 224 of Bannihatti Village (Section-4 proposed area) in Ballari District for proposed Main Pipe Conveyor Belt Corridor from Nandihalli Railway Yard to JSW Plant in favour of M/s JSW Steel Ltd. Vidyanagar, Ballari District.

1. The above stated agenda item was considered by the Forest Advisory Committee (FAC) in its meeting held on 17.02.21. Corresponding agenda note may be seen at *parivesh.nic.in*
2. The instant proposal was accorded Stage-II approval dt. 25.06.2019, in which the following was one of the conditions:

"In order to safeguard Wildlife and free movement of wild animals during the night, transportation of ore through conveyor belt shall be restricted from sunrise to sunset."

3. Later the user agency made a request to amend the condition, so as to allow

them to operate the conveyor belt for 24 hours. While forwarding the request of the UA to GoI, the State Government had proposed for allowing the conveyor belt to operate for 20 hours subject to certain conditions and citing possible environmental implications and certain operational issues.

4. Ministry accepted State Government's recommendation and allowed 20 hr per day operation on an experimental basis, subject to following conditions:

- i. *The operation time of Conveyor Belt established by M/s JSW Steel Ltd., Thorangal be extended from morning 6.00 hours to night 2.00 hours (totally 20.00 hours) on experimental basis for 04 months.*
- ii. *A study on impact on wildlife due to increase in operation timings of conveyor belt system during experimental phase be taken up through an institute of repute like Wildlife Institute of India with ToR of proposed study finalized in consultation with State Forest Department.*
- iii. *The findings of the study will be shared with Forest Conservation Division of the Ministry and the cost of the study would be borne by the user agency.*

5. In the present proposal, the State Government vide its letter no. FEE-11FFM/2019 dt 22.01.2021 has submitted that, due to Covid-19 Pandemic situation, both Forest Department as well as user urgency were unable to submit the compliance of the conditions. The State Govt. has also requested that **the user agency may be permitted to extend the activity of Conveyor Belt from 12.00 am to 12.00 am (24 hours)** subject to following conditions.

- i. *Quick study to be undertaken through Environmental Management and Policy Research Institute (EMPRIJ), Bangalore regarding the efficacy/noise/ pollution effects on the wildlife.*
- ii. *User Agency to undertake changes in the conditions if required subsequent to the study.*
- iii. *The established yellow lamps near hopper site, should be pointed towards down and centre and these lights should not be of high beam.*
- iv. *The user agency should ensure that the feeder and hopper point land should be fenced so that the entry and exit of vehicles may be restricted in one way/lane.*
- v. *The speed of ore transporting vehicles from 6.00 pm to 6.00 am should be restricted to less than 20km/hour.*

- vi. *The user agency should ensure that all sound producing systems produce very low sound by inter controlling measures and also the frequency of sound should be maintained below 70 decibels from 6.00 pm to 6.00 am.*
- vii. *The user agency should ensure that, reforestation in the leased-out forest land (below the Conveyor Belt) should be undertaken with the plants of quick growth to enable free movement and resting of wildlife.*
- viii. *The user agency should arrange training / awareness programmes to the officials regarding human-wildlife conflict who are involved in the Conveyor Belt Operations.*
- ix. *The user agency shall abide by any other condition that may be stipulated by Central Government / Regional Office / State Government / the office of Principal Chief Conservator of Forests (HoFF) in future in the interest of conservation, protection and development of forests and wildlife.*

Decision of FAC:

After thorough deliberation and discussion with Nodal officer (FCA), State Government and Regional officer IRO Bangalore, FAC recommended that the user agency may not be allowed to operate the conveyer belt in continuity for 24 hours a day without appropriate study as suggested in earlier approval dated 13.01.2021. However considering the unprecedented situation due to COVID 19 pandemic and considering that the conveyor belt transport method has been considered as one of the better option from environmental pollution angle, in addition to other conditions proposed by the State Government, the user agency may be permitted by the State Government to operate the Conveyer belt *from morning 6.00 hours to night 2.00 hours (i.e. a total of 20.00 hours a day) upto 15th June 2021.* The State Government shall ensure that the required study is completed and the findings are submitted to the Ministry for appropriate decision prior to 15th June 2021.

Agenda No. 4

File No. 8-24/2020-FC

Sub: Proposal for diversion of 401.5761 hectare (*revised from 484.0733 ha.*) (388.00 ha for mining + 13.5761 ha. for approach road=401.5761 ha.) of forest land in Swamimalai (SM) Block Forest, Sandur Taluk, Ballari District for Iron Ore and Manganese Ore Mining in Devadari Hill Range in favour of M/s KIOCL Ltd. (formerly Kudremukh Iron Ore Company Limited), Bengaluru.- regarding (Online Proposal No.FP/KA/MIN/32568/2018).

1. The above stated agenda item was considered by the Forest Advisory Committee (FAC) in its meeting held on 17.02.21. Corresponding agenda note may be seen at *parivesh.nic.in*
2. The Government of Karnataka Department of Forest, Ecology and Environment vide their letter No. FEE 19FFM 2020 (e) dated 09th October, 2020 forwarded a fresh proposal as at the subject line, to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980.
3. The initial proposal was for 484.0733 ha but the State government has recommended for 401.5761 ha with the following justifications:
 - i. *The KIOCL has agreed as a good will gesture to develop a forest corridor for easy movement of animals, particularly elephants, in the State of Karnataka. Accordingly, the Company has committed to spend Rs. 50 crores over a period of 10 years to develop the corridor. This would be done by spending an amount of Rs. 10 crores during the first year after execution of the Mining Lease, Followed by Rs. 4-5 crores per annum in the next 9 years totalling Rs. 50 crores.*
 - ii. *The User Agency has also agreed to implement planting of saplings under the guidance of the Forest Department at the project site as well as the abandoned mining area.*
 - iii. *The Company will pay towards Compensatory Afforestation (CA) charges, Net Present Value (NPV), etc applicable to Central PSUs.*
 - iv. *The Company is a flagship CPSU steel producer in the State. It is for the first time that it has obtained a captive mine in the State. Further, it has plans to invest around*

Rs 3500 crores in the State and provide employment to 1500 persons. Such investment and employment would enhance the State GSDP and also provide revenues to the State.

- v. *The User Agency has also stated that the proposed ML is already reserved for the Company by the Department of Commerce and Industries (Mines) of Government of Karnataka vide Notification No. CI 294 MMM 2015, dated 23-01-2017 and has obtained mining plan approval plan from Indian Bureau of Mines on 08-03-2018 for production of 2 Mtpa Iron Ore. The Company is ready to exclude 82 hectares out of 484.0733 hectares forestland. Hence the User Agency requires 388 hectares for mining and 13.5761 hectares for ancillary purposes (construction of downhill conveyor, approach road etc.,). Thus, as per the requirement of User Agency, the proposed land extent will be revised to 401.5761 hectares.*

4. During deliberations FAC observed that:

- i. The proposal has been recommended by the State Government, but the DCF, CCF, Nodal Officer / PCCF, have raised certain environmental concerns and possible adverse impact on forest, its biodiversity value and wild life in the area and have “not” recommended the proposal. Further the DCF, CCF, Nodal Officer / PCCF have also referred to different orders of Hon’ble Supreme Court which, *inter alia*, have imposed a cap on production limit of iron ore mining in Bellary district of Karnataka, in relation to A, B and C category mines. Legal clarity in this regard is required to be provided.
- ii. The area was inspected by Regional officer of Integrated Regional office Bangaluru and the site report was also deliberated upon.
- iii. As per the analysis of the KML files on DSS and perusal of the report of Regional officer, it is seen that the proposed area is situated largely on hillock on which there already exists a broken up forest area adjacent to proposed area whereas the proposed area is a virgin (not broken forest area). It is reported that the broken up area visible on DSS is a ‘C’ category mining lease of

24.47 ha that has since been re-auctioned to M/s Kirloskar Ferrous Industries and the same has been recommended by DCF, CCF, PCCF and the State Government for approval under FCA 1980. There are other broken up forest area also for iron ore mining in nearby areas. M/s KIOCL could not go for those mining leases for which forest land was already broken and which have been put for re-auction. Instead, the proposed virgin forest area has been allocated to them by the State Government, and, therefore, M/s KIOCL has applied for forest clearance for proposed area. Visible impression of the proposed area through DSS clarifies that the proposed area does not have dense vegetation except for on certain slopes and other portions. This was endorsed by the Regional officer of MoEF&CC, Bengaluru who had inspected the area. He further stated that the majority of trees enumerated (around 80 percent) are of less than 60 cm girth class. It is noteworthy, however, that during the site visit of DDG, IRO Bengaluru, indirect evidences of important wild life species such as Four Horned Antelope were noticed at various places in the proposed lease area establishing that this area is important from wildlife point of view.

Decision of FAC:

1. FAC, in view of above observations, and after thorough deliberation and discussion with the Nodal officer (FCA), Karnataka, Regional Officer, IRO Bengaluru, and the representatives of the user agency decided that:A Subcommittee of the FAC shall visit the area and ascertain the factual position on the ground. The sub-committee shall discuss the proposal with officials of the State Government at various levels and also with representatives of M/s KIOCL. The sub-committee shall also look into the rationale of allowing iron ore mining in virgin forest area when a number of already opened up areas of de-allocated mines are available in the State. A holistic examination shall be made by the committee considering supply potential of broken up areas for

iron-ore mining purpose and in case of new area for iron-ore mining (including the present proposal) may be required, the period or periods from which they might be allowed. The sub-committee shall have following members

- A. Deputy Director General, Integrated Regional Office, Bengaluru
- B. Dr. Sudhir Kumar, DDG (Ext.), ICFRE, Dehradun
- C. Dr Sanjay Deshmukh, FAC member

The DDG, Integrated Regional Office, Bengaluru shall be assisted by Scientists posted in IRO, Bengaluru. The KML files related to the project proposal shall be shared with FSI for detailed analysis of the area as per different parameters of DSS and with the help of high resolution satellite imageries, and the finding shall be made available by FSI to the sub-committee to facilitate examination.

2. The Forest Conservation Division will ascertain with Ministry of Steel and Ministry of Mines if there is any embargo by Hon'ble Court on allowing new iron ore mines on virgin forest area and if there is any production cap for iron ore mining in Bellary district/Karnataka State and that proposed mining by M/s KIOCL is permissible now.
3. It is reported in the SIR that major patches of forest land adjoining to cultivation areas have not been included in the proposed CA areas. DCF, Bellary may revisit the proposed CA sites and suggest larger patches of forest area for CA so that it could be treated for better management in future, subject to in-principle approval if accorded by the Ministry.

Agenda No. 5

Policy Issues No. 1

Sub: Promotion of ecotourism in forest areas; defining permanent structures thereof

1. The above stated policy agenda was discussed in the FAC meeting held on 17.02.21.
2. Matter related to guidelines on eco-tourism i.e. whether to consider facilities developed under eco-tourism as non-forestry activities, was considered by the FAC in its meeting held on 23.04.2019 and 23.01.2020. FAC in its meeting held on 23.04.2020 recommended as under:

Construction of permanent structures for the purpose of ecotourism on forest land shall be considered as non Forestry Activity. In such cases Prior approval of the Central Government under the Forest (Conservation) Act, 1980 is required.

3. Above recommendation of the FAC, after obtaining the approval of competent authority were updated in the Handbook. However, inadvertently, both the paras in the Handbook of FCA, i.e., para 1.18(iv) and 12.13 related to ecotourism could not be updated and hence has resulted apparent ambiguity in the provisions.
4. Existing guidelines under the Handbook of Forest (Conservation) Act, 1980 provides following with regards to ecotourism:

***11.10 Eco-tourism:** Construction of permanent structures for the purpose of ecotourism on forest land shall be considered as non Forestry Activity. In such cases Prior approval of the Central Government under the Forest (Conservation) Act, 1980 is required.*

***12.13 Eco-Tourism:** Ecotourism is a non-forestry activity, and will be allowed in Protected Areas if the said activities are part of the Management Plan/ Tiger Conservation Plan and are duly approved by the Central Government. "*

***1.18 (iv)** Ecotourism is a non forestry activity requiring prior approval under FC Act*

5. During subsequent examination of the recommendation of the FAC dated 23.01.2020 and other parallel developments related to ecotourism in the Ministry, it was desired to have more clarity on the nature of permanent structures. Therefore, with a view to remove ambiguity and to bring in more clarity about nature of structures to be considered permanent for the purpose of ecotourism in forest areas, the matter was deliberated at various levels in the Ministry. Based on the consultation with concerned Divisions and officers of the MoEF&CC, attempt was made to define the permanent structure but appropriate definition has not been finalized. Further it is observed that the Ministry is in the process of formulating Ecotourism Guidelines to regulate ecotourism activities in the Forest area.

Decision of FAC:

FAC after thorough deliberation and keeping in view the discussion held in previous FACs, recommended that section 12.13. and 1.18 should be deleted.

Policy Issues No. 2

Sub.: Zoo to be considered as a forestry activity

1. The above stated policy agenda was discussed in the FAC meeting held on 17.02.21 and 19.2.2021. Presently 15 per cent land used for zoo is considered non forestry activity as approximately as this much area is used for parking, cafeteria etc.
2. FAC observed that as per section 2(39) of Wildlife (Protection) Act 1972, zoo is defined as *an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public but does not include a circus and an establishment of a licenced dealer in captive animals.*
3. As per Explanation in section 2 of Forest (Conservation) Act 1980 it is clarified that *for the purpose of this section "non-forest purpose" means the breaking or clearing of any forest land or portion thereof for-*

(a) The cultivation of tea, coffee, species, rubber, palms, oil-bearing plants, horticultural crops of medicinal plants;

(b) any purpose other than reforestation, but does not include any work relating or ancillary to conservation, Development and management of forests and wildlife, namely, the establishment of check-posts, fire lines, wireless communications and Construction of fencing, bridges and culverts, dams, waterholes, trench marks, boundary marks, pipelines or other like purposes.

4. The issue mentioned in the subject above was referred by the Central Zoo Authority for its further consideration by the Forest Conservation Division in the light of provisions of the Forest (Conservation) Act, 1980. A brief background of the case is given as under:

- i. The proposal for "Zoo to be considered as a forestry activity" was placed as an agenda item no. 7.13 before the Technical Committee of the Central Zoo Authority in its 96th Meeting of held on 30.07.2020 for deliberation and recommendation. The Committee recommended to CZA for inclusion of zoo as a forestry activity. Subsequently, the minutes of the meeting were also approved by Hon'ble Minister for Environment, Forest and Climate Change, Govt. of India and Chairperson, CZA.
- ii. FAC observed that until 2007, (Letter no F. No.11-66/2004-FC dated 13.11.2007 of the Ministry of Environment & Forests, GOI) activities related to development of zoos undertaken as per the Master Plan approved by the CZA were to be considered as forestry activities for the purpose of applicability of the provisions of Forest Conservation Act, 1980.
- iii. In subsequent discussions in the Ministry on the issue it has been deliberated that Zoo, Rescue/Rehabilitation Center and Captive breeding facility for wild life management should be treated as a forestry activity for the purpose of applicability of the provisions of FCA 1980. However, as mentioned above construction of Zoo over forest land has diversified components including few public utility facilities that have since been treated as non-forestry activity. 5. The FAC members reviewed this issue in great detail in the present meeting and opined that all these public utility facilities are necessary for catering to

broad objective of raising of awareness and people's participation in wild life conservation and for wildlife education.

Decision of FAC:

FAC after thorough deliberation and discussion observed that at present a zoo is planned, approved or constructed with the prior approval of Central Zoo Authority (CZA) under strict adherence to its guidelines for Establishment and Scientific Management of Zoos, 2009. The FAC concurred with the facts highlighted by CZA that considering zoo as a non-forestry activity has added multiple / overlapping layers of permissions to be procured under different agencies. Such multiple regulations hampers the spirit of conservation enshrined in FCA 1980 which permits work relating or ancillary to conservation, development and management of forests and wildlife. Therefore, FAC recommended that establishment of Zoo over forest area by the forest department/State Zoo Authority and its management by the Forest department/ State Zoo Authority after it is duly approved by CZA, a central regulatory authority under the Ministry, should not be considered as a non-forestry activity for the purpose of implementation of provisions of FCA 1980. However, MoEF&CC shall make a detailed guidelines (list of Do's and Don'ts), in consultation with CZA, for establishment of Zoo on forest land by the forest department/ State Zoo Authority in so far as the application of FC Act is concerned, and the CZA shall ensure that these guidelines are adhered to both while according approval for such zoos over forest land and during the operations phase of such zoos.

Policy Issues No. 3

Sub: Matter related to imposition of Penal NPV due to violation caused by some officers/Authorities in State Governments/ UT Administrations-Reg

1. The above stated policy agenda was discussed in the FAC meeting held on 17.02.21 and 19.2.21.
2. FAC observed that in many of the cases of violations of the provisions of Forest (Conservation) Act 1980, occur due to the fact that one or another department/authority/officer has allowed a non forestry work with or without the knowledge based on comprehensive assessment of land records, and the user agency had started non forestry work on forest land in good faith but in violation of the provisions of F(C) Act,1980. The penalties are imposed on the User Agency alone and the penalties so recovered are credited to that State CAMPA Fund. To discourage occurrences of such violations, a decision is required to be taken that whether the penal levies (NPV,CA etc) are deposited in the State CAMPA fund or in National CAMPA Fund to discourage such State Govt./UT Administrations/Authorities.

Decision of FAC:

FAC after thorough deliberation and discussion recommended that there is a need to amend the Compensatory Afforestation Fund Act and Rules to deter violation of the Forest (Conservation) Act 1980. It is recommended accordingly that the penal levies (penal NPV, penal CA monies, etc) for violation of the provisions of FCA 1980 in which a User agency has undertaken/ started non-forestry work on forest land on the basis of an authority/ order given by State Government/ UT administration Department/ Authority/ Officer but prior approval of Central government has not been taken under the Forest (Conservation) Act, 1980, shall be deposited, in full, in the National Fund of CAMPA. It is clarified that it is only the penal levies (penal NPV, penal CA monies, etc.) that shall be deposited in the National Fund of CAMPA; the basic NPV, CA etc. should continue to be deposited in the State Fund of CAMPA as per the provisions of the CAF Act 2016 and the rules made there under. The land for penal CA may be made available in another State/ UT with the prior approval of the Central Government. Further, the basic levies (NPV, CA monies, etc.) should continue to be shared in 90:10 ratio in the State Fund and National

Fund as per the extant provisions. It is further clarified that the penal levies (penal NPV, penal CA monies, etc.) should continue to be deposited as per the present provisions in the State Fund of CAMPA when the violation of the F(C) Act, 1980 has been attributed to the User Agency, and in case both the User Agency and the State Government/ UT Administration department/ authority/ officer are responsible, the penal levies should be deposited in the National Fund and the State Fund as per ratio decided by the Central Government.

Additional Agenda No. 1

File No 8-01/2021-FC

Sub: - Proposal of Diversion of 238 hectares for Relocation of the Forest Village Laika in Dibru-Saikhowa National Park, Tinsukia (online proposal No-FP/AS/REHAB/120428/2021)-Reg

1. The above stated agenda item was considered by the Forest Advisory Committee (FAC) in its meeting held on 17.02.21. Corresponding agenda note may be seen at *parivesh.nic.in*.
2. During deliberations, FAC observed that, the land is required for relocation of Laika forest village from the core area of the Dibru Saikhowa Park to Digboi FD, Namphai RF in Jagun Forest Range. The State Government has submitted the KML files of the forest village and forest area where the inhabitants will be rehabilitated. On analysis of those, FAC Observed that, the requirement of new forest area for the purpose of rehabilitation is 238 ha whereas the forest village which will be vacated by the inhabitant has an area of 1345.84 ha. Such a proposal is, in fact, in the interest of forest Conservation in the long run.

Decision of FAC:

FAC after thorough deliberation and discussion with Regional Officer and officials of the State Government recommended the proposal for approval under Section 2(i) of the Forest (Conservation) Act, 1980, with Standard and general condition applicable to such projects.

(Confirmed through email)

(Sh S. D. Vora)

Member

(Confirmed)

(Sh A.K. Mohanty)

Inspector General of Forests (FC)

(Confirmed through email)

(Sh Anmol Kumar)

Member

(Confirmed through email)

(Dr Sanjay Deshmukh)

Member

(Confirmed)

(Sh Sisir Kumar Ratho)

Additional Director General of
Forests

(Absent)

*Additional Commissioner (Soil
Conservation)*

Ministry Agriculture (Member)

(Approved)

(Dr. Sanjay Kumar)

Director General of Forests & Special Secretary