

**Minutes of Meeting of Forest Advisory Committee (FAC) held on  
24.03.2021**

**Agenda No. 1**

**F.No.8-26/2019-FC**

**Sub: Proposal for non-forestry use of 1243.27 ha of forest land in favour of M/s ODISHA MINING CORPORATION LTD for Dubna-Sakradihi Iron and manganese Ore Mines in district Keonjhar, state of Odisha**

1. The above stated agenda item was considered by the Forest Advisory Committee (FAC) in its meeting held on 24.3.2021. Corresponding agenda note may be seen at ***parivesh.nic.in***.
2. The proposal was earlier also considered by FAC in its meeting held on 23.01.2020. FAC had deferred the proposal seeking certain information/ clarification from the State Government.
3. The observations of FAC was clarified by the State Government through its communication dated 19.2.2021.
4. During the course of meeting all information available in the Division and information as desired by FAC were provided. DSS analysis of concerned land parcels were also made before FAC.

**Decision of FAC:**

After thorough deliberation and discussion with representative of Nodal Officer (FCA) of Odisha and Regional Officer of IRO Bhubaneswar, FAC recommended the proposal for in-principle approval with General, Standard and following Specific conditions.

- i. Encroachment over forest land in the proposed area shall be removed by the State Government prior to Stage II approval. It shall be ensured that rehabilitation of evicted encroachers does not take place on forest land.
- ii. The user agency does not propose to subject the whole lease area to mining/ancillary use in one go in the beginning of the proposed lease

period. Some areas may be worked 10/20 years after the commencement of leases, and such areas could be productively used for growing short rotation forestry crops in such interim period. If so, the life cycle ecological cost of the mining project would reduce considerably, besides financial benefits to the lease holders.

State Government shall, therefore, initiate a pilot study, at the cost of user agency, through an institute of national repute like ICFRE, IIFM, etc. which can explore a model of use of the degraded forests within the mining lease for more productive biological uses (e.g. raising short rotation forestry crops) for intermittent periods during the currency of mining lease period in a way that the ecological services continue to flow in an augmented manner and at the same time mining activities are not adversely affected. Such a model should enable user agency to raise additional revenue from the lease area. If successful, such models could be replicated elsewhere also for co-development of mining and ecology.

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**Agenda No. 2**

**F. No. 8-21/2018-FC**

**Sub: Diversion of 68.00 ha (49.34 ha non-forest land recorded as "Forest" as on 25th October, 1980 and 18.660 ha non-forest land having enough forest growth to be considered as "Forest") in line with the orders of Hon'ble Supreme Court of WP(C) No 202/1995) dated 12.12.1996, in respect of Unchabali (Mahaparbat) Iron Ore Mines of M/s OMC Ltd. including 11.240 ha 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 Forest Advisory

Committee (FAC) in its meeting held on 24.3.2021. Corresponding agenda note may be seen at ***parivesh.nic.in***.

2. The Stage I approval for the above stated proposal was accorded on 16.11.2018. The State Government had submitted the compliance report in respect of conditions in Stage-I approval, requesting for final approval. The compliance report was examined in the Ministry and it was observed that the same in respect of condition no. (iii) and condition no. (v) was incomplete.

3. The condition no. (iii) states that:

*"The 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 Stage-II approval".*

In compliance of this, the State government has informed that the lease was executed in 2008 and at that time the area in question was not forest for the purpose of application of provisions of FCA 1980. Moreover, no breaking of land has taken place. In this regard a detailed justification has also been submitted.

4. The contention of State government related to violation was again verified by Integrated Regional Office through site inspection and it was confirmed that there is no violation of the Act.

5. With respect to condition number (v), it was noted that the total amount of approved Site Specific Wildlife Management plan has not been deposited in CAMPA account. The amount corresponding to the work to be done by the user agency has not been deposited in the CAMPA account.

6. As far as the non-forest land of 18.660 ha is concerned, FAC observed that the lease was signed in 2008 when the area was neither notified nor recorded as forests. At that time, it was devoid of adequate vegetation to be recognised as forest. Accordingly, the land didn't conform to 'dictionary meaning of forest' and application of FC Act was not considered. Subsequently, the user agency made an application in 2018 for diversion of 68.00 ha (which included 18.660 ha non-forest land that was found to have enough forest growth by then to be considered as "Forest") under Section (ii) of FC Act. It was considered at that time that since the land is a 'forest' land and lease assignment has been made without seeking prior approval under FC Act, this amounted to violation. But

the fact was that the lease was signed (in 2008) when the land was neither a recorded/notified forest land nor was conforming to 'dictionary meaning of forest'.

FAC deliberated on the peculiarity of such a situation which was a result of the clause 'dictionary meaning of forest' and also expressed serious concerns on the wider implication of such a provision while dealing with FCA, 1980. One of the very adverse and significant implications could be that it would discourage land owners including Government PSU agencies (having non-forest land under their possession) from raising plantations or allowing growth of natural vegetation over it. Such a policy and approach would further slowdown the pace of achieving various national and international environmental targets including achieving the ones such as the target of bringing one-third of area under forest & tree cover as per the National Forest Policy, 1988 and the target of additional carbon sink of 2.5-3.0 billion tonnes of CO<sub>2</sub> eq by 2030 as subscribed under country's UNFCCC Nationally Determined Contribution (NDC).

Taking a pragmatic view on the whole issue, FAC was of the view that this needs to be looked into by Ministry seriously and Government should consider appropriate policy intervention and wherever necessary may bring amendment/modification in the norms/statutes to address this issue having wider and long term implication.

### **Decision of FAC**

- i. After thorough deliberation and discussion with representative of Nodal Officer (FCA) of Odisha and Regional Officer, IRO Bhubaneswar, FAC accepted the justification submitted by the State Government that though the lease was executed in 2008 there is no breaking of land till date. Moreover, the forest area which was considered to be under violation is a deemed forest as per dictionary meaning and in 2008 when the lease was signed, the area did not look like forest and cannot be considered forest for the purpose of FC Act, 1980. The facts have been verified by the Integrated Regional Office and through time series satellite images of the area. In this backdrop FAC recommended to drop the condition number (iii) from the Stage I approval.

- ii. With regard to deposit of part monies collected on account of approved plans for compliance of conditions of forest clearance into CAMPA account, FAC recommended that the State government shall ensure that if the payments are part of approval under the provisions of FCA 1980, then the entire amount against such approved plans shall be deposited into CAMPA account. FAC also made it clear that in future the State Government shall deposit the monies in the Compensatory Afforestation Fund forthwith, as the provisions in the CAF Act 2016 are amply clear in this regard.

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### **Agenda No. 3**

**F. No. 8-01/2020-FC**

**Sub: Proposal for diversion of 783.275 ha of forest land consisting of 643.095 ha of RF in Chhendipada & Kankurupal RF and 140.180 ha of Village Forest land in Chhendipada Range of Angul Division for Naini Coal Block (Open Cast) under Angul District Odisha in favor of M/s Singareni Collieries Company Ltd.**

1. The above stated agenda item was considered by the Forest Advisory Committee (FAC) in its meeting held on 24.3.2021. Corresponding agenda note may be seen at ***parivesh.nic.in***.
2. The proposal was earlier considered in FAC meeting on 21.9.2020 wherein FAC deferred the proposal seeking certain additional information/clarification /justification from State Government, NTCA and Project Elephant (PE) Division of the Ministry.
3. The State Government has submitted the desired information on 11.2.2021. NTCA has also conveyed its “no objection” to the said project and has not made any specific comment. It was informed in the meeting that PE Division has sought comments from the State Government.
4. The information received from the State Government and inputs given by the officials of PE Division in the meeting were deliberated in the meeting.

### **Decision of FAC**

After thorough deliberation and discussion with representative of Nodal Officer, Odisha and Regional Officer, IRO Bhubaneswar, FAC recommended the proposal for in-principle approval (Stage-I approval) with general and standard conditions applicable for such projects.

FAC further observed that the proposal shall be processed for approval of competent authority only after the comments of PE Division have been received. All mitigation measures, as per recommendation of PE division shall be incorporated as specific conditions.

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#### **Agenda No. 4**

**Sub: Proposal for diversion of 4.85 ha. of forest land in North Eastern Block Forest (near Karadikolla village), Sandur Taluk, Bellary District for approach road to Mining Lease No. 2487 (an e-auctioned 'C' category mine of erstwhile FC holder M/s. Lakshminarayana Mining Company) in favour of successful bidder M/s. MSPL Ltd, Hospete.-regarding (Online Proposal No. FP/KA/MIN/37101/2018).**

1. The above stated agenda item was considered by the Forest Advisory Committee (FAC) in its meeting held on 24.3.2021. Corresponding agenda note may be seen at ***parivesh.nic.in***.
2. FAC observed that:
  - i. Being a linear project this proposal was submitted by the State Government to the IRO, Bangalore. However, the IRO, Bangalore forwarded this proposal (vide their letter dated 02.06.2020) for consideration of MoEF&CC (HQ) since this proposal for diversion of 4.85 ha. of forest land, is for an approach road to a Mining Project, the forest land for which has been diverted under FCA, 1980 vide letter of the Ministry dated 07/08 July 2003. This was as per para 7.6 (e) of the Handbook of FCA, 1980, which reads:

*“approach road/conveyer belt and other ancillary activities related to mining shall be considered as part of the mining*

*project and should therefore processed accordingly”*

- ii. The original diversion was for renewal of mining lease no. 1876 in favour of M/s. Lakshminarayana Mining Company for Iron Mines over an area of 105.22 ha of already broken-up forest land in Bellary District, vide Ministry's letter dt. 07.07.2003.
- iii. The Mining lease no. 1876 is a C-category mines, which was cancelled and later auctioned in pursuance of order of Supreme Court and relevant guidelines and M/s MSPL Ltd. Hosapete was allocated the mines. Subsequently, Ministry vide its letter dated 25.10.2019 transferred the final forest clearance obtained by M/s. Lakshminarayana Mining Company (the previous lessee) to M/s MSPL Ltd. Hosapete in respect of diversion of 86.12 ha (as was reduced from 105.22 ha by CEC).

#### **Decision of FAC**

After thorough deliberation and discussion with Nodal Officer (FAC), Karnataka and IRO Bangalore, FAC recommended the proposal with general, standard and the specific condition that the State government shall ensure bamboo plantation and appropriate soil conservation measures on either side of the road.

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#### **Agenda No-5**

**File No. 8-13/2020-FC**

**Subject: Proposal for diversion of 160 ha. of Forest land for relocation of forest village Karmajhiri in Seoni District under Pench Tiger Reserve Buffer Zone in the State of Madhya Pradesh - reg.**

1. This proposal was considered by FAC in its meeting dt. 24.02.2021. The detailed agenda notes may be seen on [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. FAC, while deliberating on the proposal, observed that:
  - i. The instant proposal has been examined in view of the Ministry's guidelines dated 20.05.2019 regarding relocation of villages from National Parks,

Sanctuaries and Tiger reserves based on Hon'ble Supreme Court Orders in IA No. 3924/2015 in WP (Civil) 202/1995 dated 28.01.2019.

- ii. The guidelines dated 20.05.2019 are specifically for relocation of villages from the core area of a tiger reserve and it has also been specified that the extent of proposed denotification under Section 2(i) of FCA, 1980 can't exceed the extent of land to be vacated. Extent of land to be vacated and extent of relocation site has been made congruous on account of inclusion of area under Nistar Rights of inhabitants. This issue needs documentary support and valid justification.
- iii. The Chief Wildlife Warden (CWLW), Madhya Pradesh informed that:
  - a. the village Karmajhiri is not a part of core area of Pench Tiger Reserve but it will be incorporated as core area of Pench Tiger Reserve once the relocation of village takes place due to its strategic location i.e. surrounded by dense forest patches of Pench Tiger Reserve.
  - b. the fringe forest area of the proposed village to be relocated has extreme biotic pressure due to existing Nistar Rights of inhabitants.
  - c. the proposed area for relocation is 730 meters away from the boundary of the Buffer area and 15 km away from the core area of Pench Tiger Reserve.

**Decision of FAC:**

After thorough deliberations and discussions with the Nodal Officer (FCA) Government of Madhya Pradesh and Regional Officer, Integrated Regional Office, Bhopal, FAC deferred the proposal and desired the following clarification/additional information:

1. The State Government shall provide the detail of the extent of the area with documentary evidence which is presently under extreme adverse ecological pressure due to existence of Nistar Rights of inhabitants of the forest village, and that the proposed relocation will create inviolate areas of the same land in Pench Tiger Reserve accordingly.
2. Ministry may seek legal opinion on applicability of the guidelines dt. 20.05.2019, (which was issued in pursuance of the direction of Hon'ble Supreme Court in their order dt. 28.01.2019 in IA No. 3924/2015 in WP (Civil)

202/1995) for relocation of village that do not form part of core area of a Tiger Reserve or part of any National Park or Wildlife Sanctuary,

**(Confirmed through email)**

(Sh. Anmol Kumar)

Member

**(Absent)**

(Sh. S. D. Vora)

Member

**(Confirmed through email)**

(Dr. Sanjay Deshmukh)

Member

**(Confirmed)**

(Sh A. K. Mohanty)

Member

**(Confirmed)**

(Sh Soumitra Dasgupta)

Additional Director General of  
Forests

Member

**(Confirmed through email)**

Additional Commissioner (Soil Conservation)  
Ministry Agriculture

Member

**(Approved)**

(Dr. Sanjay Kumar)

Director General of Forests & Special Secretary

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