

**MINUTES OF MEETING OF FOREST ADVISORY COMMITTEE (FAC)**

**HELD ON 31<sup>st</sup> MAY 2021**

**Agenda No. 1**

**Sub: Renewal for diversion of 1,365.92 ha. of Forest Land in favour of Indian Army Station Headquarter Mount Abu for Re-Notification for Bharja Field Firing Range in Sirohi District, Rajasthan (Online proposal no. FP/RJ/DEF/35093/2018) - reg.**

1. The State Government of Rajasthan vide their letter No.P.1(45)VAN/2019 dated 04<sup>th</sup> November, 2019 forwarded a Renewal proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for Renewal for diversion of 1365.92 ha. of Forest Land in favour of Indian Army Station Headquarter Mount Abu for Re-Notification for Bharja Field Firing Range in Sirohi District, Rajasthan. The proposal was without submission of kml files for proposed forest land diversion which was submitted later.

2. The above stated agenda item was considered by Forest Advisory Committee (FAC) in its meeting held on 31.05.2021. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).

3. The proposal was discussed in detail by the FAC and it was observed that:

- i. The Stage-1 approval for diversion was initially accorded by the Ministry vide letter dated 19.11.2007 and the Stage-II/Final approval was accorded vide letter dated 13.10.2009.
- ii. As per the conditions stipulated in the stage-I approval, the compensatory Afforestation and the penal Compensatory Afforestation (CA) was to be raised on degraded forest land. Whereas the stage-II approval has erroneously stipulated that the CA will be raised on non-forest land. However, the user agency has deposited the compensatory levies at the time of initial approval and the Compensatory Afforestation has been done by the forest department on degraded forest land. It was further observed that as per Para 2.5(iv) of the Handbook of guidelines the CA in case of Field Firing range is permissible on Degraded Forest Land.
- iii. The Stage-II approval accorded on 13.10.2009 was valid for a period of 10 years. The proposal for the renewal of forest clearance has been submitted to the Nodal Officer prior to the expiry of this approval.
- iv. As per the compliance of conditions imposed earlier, condition no. 10 of the Stage-II approval dated 13.10.2009 was not complied; the User agency was to construct retaining walls below the targets so that the soil erosion could be checked. Colonel Shri Ahuja representing User Agency informed in the meeting that the given firing range is a Field Firing Range wherein the weapons are fired in different directions/areas not on fixed target. Therefore, there is no damage caused to the surrounding

area by repeated firing at one place. Thus, negating the requirement of construction of retaining wall. The FAC agreed to the justification given by the User Agency, however a serious view was taken of the fact that a condition stipulated in Stage-II approval was neither complied with nor the User Agency approached the ministry for its relaxation in last ten years.

### **Decision of FAC:**

The FAC after thorough deliberation and discussion with Nodal Officer (FCA), Government of Rajasthan, User Agency, IRO and the representative of State Govt., recommended the proposal with general, standard and following specific conditions:

- I. The User Agency neither complied with nor applied for relaxation of condition no. 10 stipulated in the Stage-II approval that was accorded vide MoEF&CC letter dated 13.10.2009.. Therefore as a penal measure afforestation over 10% area of the Impact zone, that 33.8 ha afforestation, shall be carried out over Degraded Forest Land at the cost of the user agency. As far as possible, the afforestation will be taken up within or nearby the diverted area.
- II. The diverted area shall be demarcated on ground using four feet high RCC pillars and each pillar should be inscribed with serial number, forward/backward bearing and the distance between two adjacent pillars.
- III. The User agency shall take up afforestation measures in the blanks within the diverted area in consultation with Forest Department.
- IV. The User Agency shall submit an undertaking that no tree felling and construction activities shall be taken up.

\*\*\*\*\*

### **Agenda No. 2**

**File No :8-22/2016-FC**

**Sub: Proposal for non-forestry use of 162.42 ha of forest land for Chromite ore mining in Sukarangi mining lease in favour of M/s Odisha Mining Corporation in villages Kamarda, Ostapal, Saruabil, Sukurangi, Tailangi in Sukinda Tehsil, Distrcit Jajpur (Odisha) – reg.**

1. The above stated agenda item was deliberated in the FAC meeting on 31.5.2021. The detail of the proposal is available on *parivesh.nic.in*. The proposal was granted Stage-I approval vide this Ministry's letter of even number dated 14.09.2017.
2. The total lease area of the project is 382.709 ha out of it 267.21 ha is forest land, which was granted in-principle approval in two parts; for part forest area of 104.79 ha vide Ministry's letter no. 8-104/200-FC dated 21.07.2011 and the remaining 162.42ha on 14.9.2017.
3. It is reported that during the previous approval granted for 104.79 ha forest area

in 2011, the user agency had deposited an amount of Rs. 76,54,180/- @ Rs. 20,000/- towards the cost of Regional Wildlife Management Plan for the entire mining lease area of 382.709 ha.

4. Now when the approval for the balance forest area with in the total lease area was granted in 2017, the DFO raised the demand for differential amount of RWMP on account of escalation in the cost @ Rs. 58000/- and the user agency paid an additional amount of Rs. 1,45,42,942/-. Total amount paid by the user agency for the implementation of RWMP is Rs. 1,91,42,342/- for the entire lease area.

5. Nodal Officer in his letter dated 11.09.2019 has mentioned that the guidelines dated 15.02.2018 issued by the F&E Department, Government of Odisha, provides that *'the mining leases who have deposited the cost of RWLPM pertaining to the entire mining lease area as per rate applicable for that time period /on that date need not deposit any further amount owing to revision of rate of RWLMP in subsequent occasion.*

Nodal Officer further mentioned that user Agency has requested to adjust the excess amount paid by them towards the cost of CA. In a subsequent communication the State Government requested that the excess amount may be adjusted against the dues of Rs. 2,97,50,700/- of additional site-specific Wildlife Management Plan approved by the PCCF (WL). In this respect Central Government approval has been requested by the State Government.

**Decision of FAC:** After thorough deliberation and discussion with the Nodal officer Odisha, FAC has desired that:

- I. State Government may submit the status of Regional Wildlife Management Plan (RWLMP) formulation and its implemetation. The State Government may also clarify whether the total amount which was levied from the user agency in the year 2011 for the purpose of RWLMP, has been utilized or not. If the amount has not been fully utilized and the resultant RWLMP has not been formulated and implemented fully, the reason for the same may be conveyed. The decision on the above request of the State Government for adjustment shall be taken after review of the clarification /additional details furnished by the State Government.
- II. Separately, the State Government shall also submit a list of monies received towards different Regional WL Management Plans, Integrated WL Management Plans and site specific WL Management Plans vide approvals under FCA 1980, and the present financial and physical achievement against each of these plans.

\*\*\*\*\*

**Agenda no. 3**

**Sub: Diversion of 398.0085 ha of forest land in favour of DMG, Rajasthan in Pahadpur Block A & B for mining and generation of employment and earning of revenue for Government in Bharatpur District in the State of Rajasthan (FP/RJ/MIN/125714/2021)-reg.**

1. The Government of Rajasthan has uploaded the above subject proposal on PARIVESH portal on 12.05.2021 seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. The details of the proposal may be perused at PARIVESH portal.
3. For examinations of the proposal, all information available in the Ministry, in the online application (which includes comments and recommendations of various authorities in the State Government), Site Inspection Report by IRO, Jaipur and the DSS report prepared by Division were placed before the Committee. A Rapid Survey report prepared by the Wildlife Institute of India (WII), Dehradun was also shared with the FAC.
4. During deliberations on the proposal in presence of Regional Officer (MoEF&CC), Nodal Officer (FCA), Govt. of Rajasthan and Senior officials of Department of Mines & Geology, Govt. of Rajasthan, the FAC observed that:
  - i. The proposal is for mining of red sandstone in Bharatpur District of Rajasthan, in parts of the Bansi Pahadpur Blocks A & B.
  - ii. The Directorate of Mining & Geology (DMG) of Government of Rajasthan is the user agency in the proposal.
  - iii. These two blocks were part of the Band-Baretha Wildlife Sanctuary but were physically isolated from the main sanctuary as distinct patches. The proposed area is characterized by highly degraded landscape and poor conservation value which has resulted mainly due to mining activities in the past. The area falls in a sandstone mining zone where mining has been prevalent on a large scale since 1950s particularly in the Rupbas and Bayana tehsils. As a result, a number of mining pits could be seen in the area.
  - iv. The Wildlife Institute of India, Dehradun in its Rapid Survey report that has been undertaken to assess rationalization of the boundaries of the Band Baretha Wildlife Sanctuary for its better management, had recommended, inter alia, that *"...for rationalization of the boundary of the sanctuary by shifting it south-westwards i.e. replacing these blocks with adjoining forest blocks of district Karauli i.e. Mewla, Pahar Tali, Banswari, and Jamura Timkoli. This will serve double purpose of reducing the number of fragments from seven to four and better management measures for the sanctuary. The heavily mined areas of Bansi Pahadpur has suffered irreparable ecological loss. The severity*

*of the damage does not appear to be restorable by any regular forestry activities. The replacement recommended can therefore be an immediate way to preserve the biodiversity/conservation values by incorporating contiguous forest blocks in better conditions.”*

- v. As per the above recommendations of the WII, the State Government proposed for rationalization of the sanctuary boundary and the Bansi Pahadpur Blocks A & B were de-notified as sanctuary under the Wild Life (Protection) Act 1972 following due procedure as per Rajasthan State gazette notification dated 23.3.2021. As per the user agency, which is the Deptt. Of Mining & Geology itself, the sandstone available in these two blocks are of very high quality and is available in large quantities.
- vi. ADGF (WL) present in the meeting clarified that additional area added to Band Baretha Wildlife Sanctuary in-lieu of rationalization is more than area reduced which is beyond redemption.
- vii. Following the above denotification of Block A and Block B and the request of the State Government, the ESZ around the above two blocks have also been de-notified following the due procedure vide Ministry of Environment, Forest and Climate Change gazette notification dated 18.5.2021. Thus, the proposed area does not fall either in any Protected Area or in the ESZ. Subsequent to the above denotifications, the user agency has applied under FC Act for diversion of certain forest lands for mining purpose in the abovementioned two blocks.
- viii. The concerned DCF, CF, Nodal Officer (FCA) and the State Government have recommended the proposal for in-principle approval, subject to certain conditions.
- ix. The site inspection has been conducted by the Regional Officer, who has also recommended the proposal for in-principle approval.
- x. As per the comments of the state authorities including the CF, there has been no violation of the provisions of the Act by the user agency. The same has also been confirmed by the Regional Officer during her site inspection. However, the WII and the SIR of the IRO also describe illegal mining activities in the Banshi Pahadpur area, and the DCF has also raised concern over possible illegal activities in the forest areas in the Bansi Pahadpur blocks which are not part of the instant proposal for forest diversion. The representative of Dept. of Mines & Geology, Govt. of Rajasthan submitted that one of the main purpose of this application is to curb the incidences of illegal mining, and undertake scientific mining in an environmentally sustainable manner which will also benefit local people with legitimate employment who could otherwise be lured into engaging in illegal mining for livelihoods.
- xi. The representative of the Department of Mining & Geology, Govt of Rajasthan further clarified that a Joint Monitoring Committee (Inter-departmental District Task Force) exists in the area to keep a tab on illegal mining, and it is meeting and taking regular actions in this regard. Regarding other mining leases in the area it was clarified that there are 4 nos of mining leases which are sub judice, so their area is not included in the present proposal. The two leases viz lease no. 10/69 of Shri Ramsahai Gujjar and 39/83 of Shri Vijai Gupta are depicted as active, hence it shall be re-confirmed by the State Government that these are not included in the present proposal.
- xii. The Compensatory Afforestation has been proposed in a single patch,

which is part of a 1700 ha stretch of Protected Forest. It was clarified by the Nodal Officer (FCA), Rajasthan State Govt. that this Protected Forest of 1700 ha is a land bank which has been created out of transfer of non-forest land to Forest Department in the past, and has been earmarked by the State government for utilizing against CA to be taken up towards the proposals under FC Act of the State Government in the future. It was further clarified by the Nodal Officer, FCA, Rajasthan that the area is already in possession of the forest department. This area identified for Compensatory Afforestation cannot accommodate plants @ 1000plants/ha, therefore additional degraded forest land has been proposed for the balance plants.

xiii. Members raised the issue of detailed mining plan for this proposal. The representative of the Dept. of Mining & Geology, Govt of Rajasthan clarified that they have already submitted a Cluster Mining Plan. This was perused and discussed in detail in order to ensure that the mining proceeds in a scientific and environmentally sustainable manner. It was observed that the said mining plan describes the areas of total forest diversion out of which delineated area, excavation area, plantation area, approach road, safety zone area, dumping area etc. have been calculated. The method of mining, bench parameters, gradient of haul roads, drainage plan, etc. have been mentioned and the same needs to be scrupulously followed in order to ensure erosion protection in adjoining areas. Further, it has been observed in the Mining Plan that seasonal streams do pass through the mining lease area, and drainage plan, along with ground water recharge and tree plantation has been described. Members took note of the submission made by the Mines & Geology Dept. , Govt. of Rajasthan of creation of Environmental Management Fund, and observed that all the environmental and water protection measures mentioned in the Mining Plan shall be adhered to. Utmost care needs to be taken to ensure that, as suggested in the said mining plan, the top soil shall be stacked and protected separately so that it could be used for back-filling and or serial rehabilitation of the worked out areas in a periodic and timely manner. It was also observed that the mining plan further needs to also incorporate description of the examination of taking up non-site specific activities which are ancillary to mining and locating them outside the forest area so that forest area could be minimized, and scope of common infrastructure for all the mineral leases granted in the area. The representative of Mining & Geology Department, Govt. of Rajasthan agreed that details of 'Cluster Mining' shall be made as per the Forest (Conservation) Act, 1980 guidelines in consultation with State Forest Department, and that the whole of 'Safety Zone' of the mining cluster shall be included in the proposed forest diversion and would be raised in a manner that the total periphery of the proposed area is covered. The mining plan indicates the life of mines as 21 years on the basis of anticipated rate of mining, however, it has also been submitted that the life of mine may change depending upon the market demand, rate of production and the extent of mechanization adopted by the lessees in future. The lease period is proposed to be granted for 50 years as per the existing regulations. It was observed that the forest diversion period will be coterminous with the provisions contained in sub-section (2) of section 8A of Mines and

Minerals (Development and Regulation) Amendment Act, 2015 i.e. 50 years. The approval under FCA, 1980 will be reviewed after 20 years viewing availability of sandstone in the proposed forest diversion.

xiv. The DSS Analysis for the area proposed for diversion and sites identified for CA has been done. The major observations are:

- a. In Case of Land proposed for Diversion: Calculated area of Shape file/ KML file of Forest land proposed for diversion is found 397.81 Ha (software calculated) comprising 114.58 Ha forest land for Block 'A' mining and 283.221 Ha forest land for Block 'B' mining. Interpretation through satellite imagery reveals presence of some non-forestry activity in the nearby area of this instant project.
- b. In case of Compensatory Afforestation Land: Compensatory afforestation site has been proposed in a single patch and it is falling on the forest land as per the forest compartment map available on the DSS web portal and legal status of the CA land is Protected Forest.

### **Decision of the FAC**

After thorough examination of all information and detailed deliberations with the authorities of the State Government, Regional Officer, Jaipur and user agency, FAC decided to recommend the proposal for *in-principle* approval, subject to general, standard and following specific conditions:

- I. A detailed cluster Mining Plan will be submitted prior to handover of forestland which will incorporate the scope of common green infrastructure for all sub-leases to optimize resources and minimize ecological impact. Necessary details of mining will be given, including total mining leases in the cluster, area and location of each mining lease, the strip around the mining leases to be used as safety zone, entry and exit points of mining lease and transportation of mined material, the area meant for stocking of mined material, the areas for dumping overburden, area left out of mining operations for reasons of slope, soil and water conservation etc. along with appropriate mitigative measures for the conservation of forest area and wild life.
- II. The State Government shall ensure that the environment and water management measures to be adopted during mining and mine reclamation as per the approved Mining Plan are undertaken in a timely manner, and included in the Annual Compliance Report.
- III. Since the area is highly refractory and the rainfall is also low, to ensure successful plantation in the safety zone and at other designated places, the plantations in and around the proposed area should be carried out under the supervision of expert institutions, like AFRI, Jodhpur.
- IV. The mining lease period will be coterminous with the provisions contained in sub-section (2) of section 8A of Mines and Minerals (Development and Regulation) Amendment Act, 2015 i.e. 50 years. In view of the User Agency's submission of expected life span of 21 years, however, the status will be reviewed by the FAC after 20 years to consider remaining availability of sandstone in the proposed forest diversion area and further protective/ reclamation measures to be taken.
- V. In order to address the issue of probable man-animal conflict that may arise

in the area due to proximity of Bandh Baretha Wild Life Sanctuary and because the area is semi-arid, suitable Integrated Wild Life Management Plan for the Sanctuary area in 500m width on the periphery of the Sanctuary towards Blocks A and B, including development of the buffer area and establishment of a Wildlife Rescue Centre at a suitable location, shall be prepared and implemented at the cost of User Agency.

VI.

- a. The water streams in the diverted forest land shall be protected as per the Standard Conditions in the Forest (Conservation) Guidelines; the State Government shall ensure that soil and moisture conservation activities are undertaken on the banks of these water streams by the User Agency, along with mining operations, to sustain water flow in the streams.
- b. Small Naalas/ anicuts in Banshi Pahadpur A and B blocks can be used as garland drains to provide / recharge water into Bandh Baretha Dam. Village pond of Banshi Pahadpur village should be conserved by the User Agency. All natural/man-made existing water bodies shall be conserved and protected by user agency and no hindrance shall be caused to obstruct flow of water in such water bodies.

VII.As the Banshi Paharpur area has been subjected to open cast mining for several decades and land degradation is a major issue (refer Wastelands Atlas of India 2019 and Desertification Atlas of India 2016) at least 10 per cent of the District Mineral Foundation Trust Fund should be used for Tree Plantation on suitable sites, e.g. road side, around water bodies, etc. in the District (first preference in Banshi Pahadpur area) during the lease period under the supervision of State Forest Dept.

VIII. User Agency will obtain permission for felling of trees as per applicable court orders/Forest Act/Rules/Guidelines.

IX.The District Task Force on illegal mining shall meet at least once in three months and review that adequate action has been taken to prevent illegal mining on lands outside the approved mining leases in the Banshi Pahadpur area.

\*\*\*\*\*

#### **Agenda No :-4**

**F. No. 8-24/2020-FC**

**Sub: Proposal for diversion of 401.5761 hectare (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 IWS KIOCL Ltd. (formerly Kudremukh Iron Ore Company Limited), Bengaluru.-regarding (Online Proposal No.FP/KA/MIN/32568/2018).**

1. The above stated proposal was discussed in the Forest Advisory Committee (FAC) meeting on 31.5. 2021. The details of the project proposal can be seen on



<http://parivesh.nic.in/>.

2. The Government of Karnataka, Department of Forest, Ecology and Environment vide their letter No. FEE 19FFM 2020 (e) dated 09<sup>th</sup> October, 2020 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for the above-mentioned subject.

3. The above stated agenda item was earlier considered by the FAC in its meeting held on 17.02.2021. A copy of the minutes of the FAC meeting can be accessed at <http://parivesh.nic.in/>. It was decided in the meeting that

*i. 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 of iron ore mining in virgin forest area when a number of opened up areas of de-allocated mines are already 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, IRO, 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.*

*ii. 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.*

*iii. 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.*

4. The decision of the FAC was communicated to various authorities as below, seeking requisite information as sought by FAC:

- Letter dt.10.03.2021 to State Govt. communicating the decision of FAC.
- Letter dt. 10.03.2021 constituting the sub-committee as per the FAC decision.
- Letter dt. 10.03.2021 to Ministry of Steel and Ministry of Mine to ascertain 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.

5. As per the decision of FAC a visit of the area was carried out by the subcommittee. Subsequent to the field visit the Regional Officer, IRO, Bangalore vide letter no. F.No.4-KRA 1269/2020-BAN/ S dated the 15th April, submitted the report of the sub-committee. The Sub-Committee has suggested that the FAC may consider the proposal for Stage-I as recommended by Govt. of Karnataka with a specific condition that M/s. KIOCL should complete the detailed exploration of the proposed area (as per MoEFCC letter no. F.No. 5-3/2007-FC dated 24th December 2018 and other statutory norms), prepare Reclamation and Rehabilitation Plan as per the guidelines issued by CEC of Honourable Supreme Court and comply to all the statutory conditions for scientific and sustainable mining before grant of final area for mining under FC Stage-II along with other recommendations.

The report also mentioned that, out of 51 'C' category mines that have been cancelled on the direction of Hon'ble Supreme Court of India, 14 have already been auctioned and remaining 37 mining leases are found to be non-viable hence could not be auctioned. The Sub-Committee reported that no 'C' category mine is available for KIOCL in the State of Karnataka. Regarding Maximum Annual Production (MAP) of iron ore of Category A, B and C working mines from in the district it was informed by the Regional officer (IRO Bengaluru) that in the sub-committee report the figures may be read as 50.122 MMT instead of 43.122 as 7 MMT production from NMDC.

Regarding embargo on granting permission for opening of new mines and production capacity, it was clarified by the representatives of Mines Department,

Government of Karnataka and Ministry of Mines, Government of India that there is no restriction on opening up of new mines and production capacity in the district. The restrictions are related to Category 'A' and 'B' mines. Further the members of subcommittee informed that it is clear that the area is a mineralized zone. The subcommittee also highlighted the issue that the zone is having 33 number of mines within a radius 10 km from the proposed mine area in question.

FAC took note of all aspects and information provided by Department of Mines, Government of Karnataka, Ministry of Mines, Government of India, Department of Forest Ecology and Environment Government of Karnataka and information and recommendation of the Subcommittee of FAC. On analysing these information and inputs from the DSS and FSI images it was interpreted that any appreciable dense vegetation cover is available on some of the slopes only whereas it is absent or very sparse in the rest of the area. It was submitted by Department of Mines, Government of Karnataka that there is no plan to undertake mining on those slopes.

6. The Ministry of Steel, KOICL Division vide letter no. S-25016/1/2021-KIOCL dt 13.05.2021 in response to this Ministry's letters dt 10.03.2021 and 26.04.2021 informed that it is not in possession of the requisite information and further stated that MoEF&CC may take into consideration the view of Govt. of Karnataka for finalizing the proposal.

7. The Ministry of Mines has also furnished the comments vide their letter no 16/57/2021-M.VI on 31.5.2021. It was informed that Hon'ble Supreme Court in its order dated 18.04.2013 and further in its order dated 14.12.2017 has dealt with these issues. Further it was conveyed that MoEF&CC might take up the matter with the State Government to get the queries resolved.

### **Decision of FAC**

After thorough deliberation and discussion with the Nodal officer Karnataka, representatives of Department of Mines, State Government of Karnataka, Director, Ministry of Mines, Government of India, Regional officer (IRO Bengaluru) and members of the Subcommittee Committee, the FAC accepted the Subcommittee's report.

Taking all factors into consideration and after thorough deliberation, FAC recommended the proposal for grant of in-principle approval with General, Standard and following specific conditions:

- I. The area is within a mineralised zone. It is reported that at present there are 4 mining zones where active mining is taking place by a large number of organisations as per their individual plans. On the other hand the cumulative impact of mining on forest, wildlife and ecology needs to be understood and acted upon. As such, the area requires a comprehensive view with regard to sustainable mining vis-à-vis forest, wildlife and ecological conservation including promotion of green mining infrastructure in the future which could not only have least impact on forest and wildlife in the area but in some cases could actually promote forest and wildlife by itself. A comprehensive study jointly by a couple of reputed institutes like IIT(ISM), Dhanbad, IIT, Delhi, IISc, Bengaluru, ICFRE, Dehradun shall be undertaken by the State Government at the cost of the user agency so as to draw a perspective co-management plan for mining and forest and wildlife conservation and development, including for green mining infrastructure development. The study report shall be submitted within one year for its consideration by Govt of India and issuing guidelines/ direction for follow-up action by the mining companies at their cost. It is clarified that this study shall not be linked to the present FC approval.
- II. State government was informed earlier by the Ministry that small forest land adjoining cultivation areas should not be proposed for CA on account of management issues associated with such small forest patches. The State government shall therefore propose revised CA area with sufficiently large patches, and got the same verified from the Integrated Regional Office, Bengaluru. The so verified CA land details along with KML file shall be submitted by the State Govt. to the Government of India prior to Stage II approval.
- III. The User Agency and the State Government shall strictly adhere to the directions/ guidelines issues by the Honourable Supreme Court for mining, including directions on mining in Bellary district, and comply with all the statutory conditions for scientific and sustainable mining issued by competent authority.
- IV. Mines Department, Karnataka/ User Agency in consultation with the Forest Department, Karnatak shall prepare a plan with maps to secure dense vegetation on the slopes of the proposed area, and implement the same during the course of the lease period.
- V. In view of prevalence of wildlife in the area, a Site-specific Wild Life Management Plan shall be prepared, and implemented at the cost of the User Agency.
- VI. It is reported that a number of seasonal nalas (streams) originate in the area proposed for forest diversion. A CAT Plan duly approved by the Principal Chief Conservator of Forests & HoFF, Karnataka shall be implemented at the cost of the user agency.
- VII. Road side plantation of local species and bamboo shall be raised along the approach road to the mine at the cost of the user agency.
- VIII. The State Government shall prepare a time-bound plan for return of those forest areas in 'A', 'B' and 'C' category mines in Bellary district which could not be auctioned on account of non-viability, to the State Forest Department after proper Rehabilitation and Resettlement as per directions of the Hon'ble Supreme Court, and submit the Plan to the Govt. of India within six months. It is clarified that this condition is not linked to the instant proposal of forest land diversion, but the same shall be one of the issues for consideration for any

forest land diversion in Karnataka State in the future, i.e. after six months.

\*\*\*\*\*

**AGENDA No: 5**

**File No 8-27/2016-FC Vol.**

**Sub: Proposal for non-forestry use of 7.518 ha of forest land under Section 2 of Forest (Conservation) Act, 1980 for use as road for transportation of ore from Gandhamardan Block-A & Block-B Iron Ore mining lease of M/s OMC Ltd. to NH-49 in the village limits of Daonra, Suakati and Tentuli in Keonjhar Forest Division under Banspal Tahasil of Keonjhar District, Odisha – reg.**

1. The above stated agenda was discussed in the FAC meeting on 31.5. 2021. The details of the proposal can be seen on <http://parivesh.nic.in/>
2. During the deliberations, FAC observed that:
  - i. The proposal for construction of new road has been proposed to evacuate iron ore from the existing mining leases of Gandhamrdhan A& B of M/s OMC Limited as the existing road passing through the residential area is inadequate to cater to the increased traffic load of proposed expansion of production capacity from these mining leases. OMC has future plans to enhance production from existing 3 MTPA to 12 MTPA.
  - ii. Legal status of the land proposed for road is Revenue Forest. Vegetation density of 0.3 with 317 project affected trees has been reported by the State.
  - iii. Compensatory afforestation (CA) has been proposed over equivalent non-forest land in Kalahandi District.
  - iv. The area does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. However, occasional visit of elephants is reported. The area falls under Elephant Habitat Zone-2 and Schedule-I species like bear, barking deer, hyena are often noticed in the area.
  - v. State government has reported that three alternatives have been explored for construction of roads and other two alternatives were discarded as they involved higher gradients, undulating topography, larger area, higher number of trees and acquisition of agricultural land.
  - vi. No violation of Forest (Conservation) Act, 1980 has been reported by the State.
  - vii. Authorities in the State Government and Forest Department have recommended the proposal.
  - viii. As per DSS analysis, the proposed area does not fall into the High Conservation Value Zone and non-forest land identified for CA also appears to be suitable.

3. FAC further observed that it is a large mining area that requires adequate infrastructure for reaching optimum mining levels for utilisation of available mineral resources. It accepted the justification that the existing road is not sufficient to accommodate the requisite vehicle load required to extract the enhanced production of ore from the mine.

**Decision of FAC:**

After thorough deliberation and discussion with Nodal officer (FAC) of the State Government, Regional Officer and the representative of the user agency, FAC recommended the proposal for construction of new road subject to General, Standard and following Specific conditions:

- I. The area is prone to erosion. State government shall ensure that a plan for appropriate soil conservation and stabilisation measures has been formulated for construction of the road, and implemented at the cost of the user agency.
- II. The user agency shall bear the proportionate cost of the Regional Wild life Management Plan and the cost of site specific wild life plan for conservation and management of wild fauna prevalent in Anjar and Suakati RF as per the existing norms in the State.
- III. To further ensure that the road sides are protected, a plan for bamboo plantation along the road shall be prepared and implemented at the cost of the user agency on government land. On private lands along the road and at other nearby suitable sites, assistance under National Bamboo Mission may be taken for planting of bamboo.

\*\*\*\*\*

**Agenda No-6**

**Policy Issue No. 1**

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

1. The above stated agenda was discussed as a policy issue in the FAC meeting on 31.5. 2021.
2. The Ministry vide letter dt 28.03.2019 issued a handbook of guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980 in which chapter 1 para 1.21 deals with the provision made under Acts/rules to impose Penalty such as:

**"(i)** *In cases where the proposal under FC Act has not been submitted and forest land is diverted without FC.*

**a.** *The 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 and other State Acts dealing with the conservation of Forests by the State government concerned. The land in question will not be considered as diverted under FCA1980 and the status of the land shall continue to be forest.*

**b.** *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 3 A and /or 3 B 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.*

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

**a.** *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 deposit is made.*

**b.** *In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (a) above.*

**c.** *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.*

**d.** *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."*

3. At times, penal CA is also imposed over the additional Non-Forest Land to be provided by the user agency as compensation against violation of provisions of the Act.

4. It was also brought before FAC that, in most of the cases some or other official (s) or Authorities of the State Govts./UTs is/are party to violation and penalty recovered also credited to State CAMPA for the use of the same States/UTs. To discourage occurrences of violations, it was discussed in the Ministry whether the amounts recovered as Penal NPV can be retained in the National CAMPA and also the Penal CA can be taken up in a State/UT other than the State/UT where violation caused.

5. The matter was placed before the FAC in its meeting held on 17.02.2021 wherein FAC recommended the following:

*The Penal levies (NPV, CA monies, etc) for the 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 the prior approval of Central government has not been taken under the FC Act,1980, shall be deposited, in full, in the National CAMPA fund. It is clarified that it is only the penal levies (NPV, CA amount etc.) that shall be deposited in National CAMPA fund; the normal NPV, CA etc shall be continued to be deposited in the State CAMPA Fund as per the provisions of the CAF Act 2016 and rules made there under and the same (normal levies) shall be distributed in 90:10 ratio in the State fund and National Fund as per the extant provisions. It was 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 FC Act, 1980 has been attributed to solely to the User Agency.*

6. During the examination of the recommendation of the FAC, the competent authority observed as under:

- i. This may be agreed to. The state governments cannot be allowed to benefit from a violation to which it has been party to. If a violation has occurred with the knowledge of forest authority / active connivance of state authority/ carelessness and lack of identification of violation for long time, state shall not be entitled to get penal levies. State shall get penal levies only if violation is caused without their participation, knowledge and has been detected within short time.
- ii. There is also need to rationalize the amount of penalty. Quite a few times, violation takes place without the user agency being aware of the land being



Forest land or being misguided into believing it to be non-forest land, particularly in the absence of proper and accurate record in public domain. In such cases penalty need to be less compared to cases where PP knowingly encroached upon forest land with / without knowledge of state authority.

- iii. Then there are cases when a particular state / PP may not be able to get 5 times the violated forest land in that state. In such cases, PP may be given an option of either giving penal land (up-to 5 times, may be less when violation occurred unknowingly) along-with penal CA amount in other states or in the absence of penal land, give up-to 10 times penal CA amount for afforestation in degraded forest in same/ other state.

### **Decision of FAC:**

After thorough deliberation and discussion FAC observed that an analytical note highlighting different scenario of violation recorded by Ministry shall be prepared. It should include the type and extent of violations done by user agency and State authorities which are in the knowledge of Ministry and regarding which different communications have been made with the State Governments. These violation details should also include all the cases in which Regional offices have taken cognizance. The detail note may be placed before FAC for further deliberations.

\*\*\*\*

### **Policy Issue No. 2**

**F. No. 11-76/2020-FC**

**Sub: Agro-Forestry convergence for promotion of Sericulture in India – reg.**

1. The above stated agenda was discussed as a policy issue in the FAC meeting on 31.5. 2021
2. The Secretary, Ministry of Textile, Government of India, vide his D.O. letter No. 14012/01/2020-Silk dated 16.03.2020 has forwarded a concept note on promotion of sericulture in forest areas. Subsequent to this, different meetings with the officials of the Mainistry and Central Silk board (CSB) were held and following issues have been highlighted to be resolved.
  - A. Inclusion of following tree species (host plants) in the guidelines of Ministry dated 7.06.2010.
    - i. For Tropical Tasar: *Lagerstroemia speciosa* (Jarul)
    - ii. For Muga: *Litseasalicyfora* (Dighloti)
    - iii. For Eri: *Litseacubeba* (Mejankari):
    - iv. Inclusion of *Morusalba* and *Morusmulticaulis* (Mulberry) as part of mixed forestry crops.
    - v. In addition to above, correction in the existing guidelines have also been

suggested by the CSB as under:

<b><i>Existing</i></b>	<b><i>Corrections required</i></b>
<i>Ailanthus grandis (Gulanha)</i>	<i>Ailanthus grandis (Borpat)</i>
<i>Ailanthus altissima (Barkesseru)</i>	<i>Ailanthus excels (Borkesseru)</i>

- B. Inclusion of Sericulture based activities in the prescription of Working Plan;  
 C. Financial support for cultivation of silk in forest areas.
3. The concept notes on promotion of sericulture in forest areas from the Secretary, Ministry of Textiles, was discussed in a meeting held between IGF(FC) and Joint Secretary, M/o Textiles on 2<sup>nd</sup> June 2020. Officials from the Central Silk Board (CSB) also attended the said meeting. Following decisions were taken in the said meeting:
- i. CSB will submit a detailed proposal with valid and cogent justification for inclusion of the proposed species in the guidelines issued for promotion of Tusser cultivation on the country. The same will be considered by the Ministry on its merits.
  - ii. CSB may work out the on the following aspects for the tusser cultivation to ensure their effective utilization under the provisions of FC Act:
    - a. List of potential districts for vanya silkworm rearing
    - b. Forest working plan prescription for treatment of Forest areas having tusar host plants (arjun, asan, *L. speciosa* etc.) for inclusion in working plan of the identified Forest Divisions
  - iii. CSB may develop their proposal in tandem with the authorities of the State matching to the priorities as prescribed in the CAF Rules for utilization of CAMPA funds. CSB, if so desires, may also formulate a proposal to seek financial support from the National CAMPA in consultation with MoEF&CC, Govt. of India.
4. As per the provisions (Para 1.18 (ii) (a)) provided in the revised Handbook of Forest (Conservation) Act, 1980 notified on 28.03.2019, cultivation of silkworm in forest area using indigenous species as host plant, has been regarded as forestry activity.

### **Decision of FAC**

FAC after thorough deliberation and discussion, observed that sericulture practices which involves local forestry species, is a forestry activity and may be promoted to complement the biodiversity conservation efforts of Central and State Governments. FAC recommended the inclusion and alteration of the species as proposed in the concept note.

On the issue of financial support for sericultural activities in the working plan prescription, FAC noted that these issues are not part of the provisions of FCA

1980. Moreover, they are administrative issues under CAF Act and National working plan code. These issues shall be analysed appropriately by the concerned authorities independently.

\*\*\*\*

**(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 Soumitra Dasgupta)*

Additional Director General of  
Forests

**(Confirmed through email)**

*Additional Commissioner (Soil  
Conservation)*

Ministry Agriculture (Member)

**(Approved)**

*(Dr. Sanjay Kumar)*

Director General of Forests & Special Secretary