

Minutes of Meeting of FAC held on 25.06.2021

Agenda No. 1

File No. 8-93/2013-FC (Pt.)

Sub: Proposal for non-forestry use of 255.3 ha of forest land under Forest (Conservation) Act, 1980 in favour of Dy Director, Achanakmar Tiger Reserve (ATR) for relocation of villages in Mungeli Forest Division from the core area of ATR in Bilaspur District (Chhattisgarh) - reg.

1. The above stated agenda was considered in the FAC meeting on 25.6.2021.
2. The Government of Chhattisgarh vide letter dated 14.10.2020 submitted the instant proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.
3. During examination of the proposal, all information available in the Ministry, as desired by FAC was placed before it and during deliberations FAC observed that:
 - i. The proposal envisages relocation and rehabilitation of three villages namely Tilalibara, Birarpani and Chhirhatta (133 families) from the core area of ATR to Compartment No. 96, 557 and 558 of Lorami Forest Range of Mungeli Forest Division.
 - ii. It involves relocation of total 133 families for which an area of 255.3 ha of forest land has been proposed for rehabilitation of three villages.
 - iii. ATR has an area of 914.017 ha, comprising of 326.195 ha of core area and 287.822 ha of buffer area. As per the Wildlife Census Report, 2014 by the WII, there are 10-12 tigers residing in the ATR.
 - iv. There are total 19 villages located inside the ATR and their relocation, as a part of Tiger Conservation Plan, have been proposed in 4 phases. In the first phase 6 villages have already been relocated, for which Stage-I approval was granted by the Ministry vide letter dated 10.09.2006.
 - v. It may be mentioned here that earlier the FAC considered one proposal involving diversion of 839.50 ha for rehabilitation of 5 villages, including the extant three villages. FAC considered the proposal in its meeting held on 29.01.2014 and after deliberation, it recommended only 706.10 ha of forest land for rehabilitation as the balance area of 133.40 ha had good sal forest. FAC also recommended that State Government may submit fresh proposal for relocation of villages to some other areas (relocation of which was proposed in sal forest area). However, recommendation of FAC could not be processed for approval as compliance of FRA was not submitted along with the proposal. Now the State Government has informed that out of those 5 villages proposed earlier to be relocated from the ATR, extant proposal relates to three villages only while a separate proposal for remaining two villages will be submitted in due course.
 - vi. Vegetation density of the forest area proposed for rehabilitation is 0.4 with 9,862 project affected trees. Proposed area does not form the part of any PA and the nearest distance of proposed rehabilitation site from the buffer and core area of ATR is 200 meters and 10 km respectively.

- vii. Provision of the compensatory afforestation are not applicable in the instant case in view of the fact that area proposed to be vacated will be used for further enhancement of ecosystem goods and services by undertaking appropriate management prescription in the said area.
- viii. No violations of the Forest (Conservation) Act, 1980 have been reported. Authorities in the State Forest Department have recommended the proposal.
- ix. Area of villages proposed to be vacated is 963.775 ha comprising of 457.51 ha of Tilaidabara, 254.95 ha of Birarpani and 251.315 ha of Chhirkhatta villages. Forest area proposed for rehabilitation of these three villages is 255.3 ha.
- x. The IRO of the Ministry has recommended the proposal. Authorities in the State Government and State Forest Department have also recommended the proposal.
- xi. For the DSS analysis of the proposal particularly the relocation site, it was observed that, the forest area where these three villages are to be relocated are very close to the buffer area of ATR.

Decision of FAC:

FAC after thorough deliberation and discussion with the Nodal Officer (FCA), Chief Wild life Warden Chhattisgarh and Regional officer (IRO Raipur), and as the proposed relocation is to take place in an ESZ area, decided to defer the proposal and sought the following information to take a comprehensive view on the proposal.

1. A confirmation letter from the Government of Chhattisgarh that the restrictions related to ESZ within which the villages are to be relocated, have been discussed with the villagers.
2. Comments of CWLW on the issues related to human-animal conflict in the area selected for proposed relocation. The

On receipt of the above information, a view may be taken also considering the details of regulated, prohibited and permitted activities in the ESZ.

Agenda No. 2

File No. 8-67/2002-FC VOL.

Subject: Diversion of 7.448 ha reserved forest land for construction of new coal transportation road from Jayant to Morwa railway sliding in favour of General Manager, Jayant project NCL in Singrouli District, Madhya Pradesh

(Online Proposal No. FP/MP/ROAD/30989/2017) - reg.

The above stated agenda item was considered by the Forest Advisory Committee (FAC) in its meeting held on 25.06.2021. The corresponding agenda note may be perused at www.parivesh.nic.in.

The proposal was deliberated in detail by the FAC and it was observed that:

- i. The proposal is for diversion of 7.448 ha of forest land for the construction of a

- separate coal transportation road from Jayant mine to Morwa Railway siding in favor of General Manager, Jayant Project NCL in Madhya Pradesh.
- ii. Present proposal though a linear diversion proposal is an ancillary to a forest diversion proposal having extent 100 ha; wherein lease renewal approval has already been issued vide letter no. 8-67/2002-FC (Pt.) dated 27.01.2021. The 100 ha forest land for which lease renewal has been granted is part of a leasehold area (3177.171 ha) of Jayant Expansion opencast Project. The total Forest land involved in above leasehold area is 1180.171 ha.
 - iii. Justification for seeking further diversion of forestland for a new road from the mining area to the railway siding where a road already exists has been provided in communications with State Government which is based on account of the existing high level of air/noise pollution due to transportation of coal which passes through habitation as well as now it's alignment is in close proximity with the leasehold/active mining area.
 - iv. During deliberations user agency represented by General Manager, Jayant Coalfields, Northern Coalfields Limited referred to verbal observations of an oversight committee of Hon'ble National Green Tribunal which has advised for construction of separate coal transportation road to ensure by-pass of existing village to ensure improved safety of inhabitants and better air & noise quality levels in nearby habited areas.
 - v. FAC further observed that proposal for new road linking railway siding with mining area away from habitation should have been made part of 'Mining Plan' while processing proposal of 100 ha and this issue needs further confirmation.. If the Mining plan had the provision for a separate road then a holistic proposal containing the instant road should have been submitted. And if, new road was not part of 'Mining Plan' necessary justification/rationale need submission.
 - vi. FAC members further emphasised that possibility of conveyor belt instead of a roadway also be explored to ensure a lesser 'carbon' footprint of the proposal. User Agency informed that the construction of a Coal Handling Plant (CHP) is under consideration viewing enhanced production targets assigned to NCL but implementation of the same is delayed.
 - vii. FAC took cognisance of the fact observed in the agenda note regarding actual requirement of area for the construction of proposed road is 10.598 ha whereas proposed forest diversion entails only 7.448 ha. Communications with the State Government it was revealed that remaining 3.15 ha would be met from already diverted forest land (424.517 ha in extent) to M/s Northern Coalfields Limited for Nigahi Mining Project. It was also observed that 424.517 ha forest land diverted for the Nigahi Project, an area of 18 ha is already under use by the User Agency in Jayanta Project. Referring to such anomalies, FAC observed that mining plans of both 'Jayant' and 'Nigahi' projects shall be checked and necessary corrections, if needed shall be brought to the knowledge of competent authority for further consideration.

Decision of FAC:

The FAC after thorough deliberation and discussion with Nodal Officer Madhya Pradesh, User Agency, IRO and the representatives of the State government,

recommended to defer the proposal and sought following details from the State government for further consideration of the proposal:

- i. A detailed justification for a separate coal transportation road keeping in view the already existing road, possibility of a conveyer belt as an alternative in addition to proposed Coal Handling Plant need submission. The reasons for not submitting a holistic proposal along with the earlier approved proposal of 100 ha be submitted.
- ii. A detailed map and a note containing the details/boundaries of all the mining leases in the leasehold area with specific reference to Nigahiand Jayant Project w.r.t. use of forest lands in these projects for the proposed road.
- iii. The Singrauli colliery area comprises of several coal mines of M/S NCL Ltd. (total area 2201 sq.km). Considering the cumulative impact of these mines on the whole forest area in the region, a comprehensive study needs to be undertaken of the impact of change in both composition of the forest floral and the area impacted, on the health and well-being, including mental health, of the forest-fringe communities. This study should especially assess the impact due to resultant changes in forest-based food, nutrition and drinking water availability/ consumption patterns and the institutions of local governance that ensure conservation of forest resources on the overall human health and well-being including mental health needs of the forest-fringe communities of the area. A multi-disciplinary study shall be commissioned by the User Agency by reputed institutes like AIIMS, New Delhi and ICFRE, Dehradun or IIFM, Bhopal in a collaborative mode within three months of Final (Stage-II) Approval and shall be completed within maximum 3 years. The outcomes of this study should guide the overall planning and management of forests and coal mining respectively by State Forest Department and the User Agency.

Agenda No. 3

File No. 8-04/2020-FC

Sub: Proposal for diversion of 530.85 ha (instead of 505.5 ha) of forest land for Construction of Banda Irrigation project in favour of M/s Water Resources Department in Sagar District, Madhya Pradesh State (Online No. FP/MP/IRRIG/33882/2018) - regarding.

The above stated agenda item was considered by Forest Advisory Committee (FAC) in its meeting held on 25.06.2021. The corresponding agenda note may be seen at www.parivesh.nic.in.

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

- i. The proposal is for diversion of 530.85 ha of forest land for the construction of

Banda irrigation project by Water Resources Department in the State of Madhya Pradesh. The Site inspection of the proposed area was initially conducted by the IRO, Bhopal for an area of 505.5 ha. However, now the extent of area required has been modified by the State Government and the extent is 530.85 ha. for proposed forestland diversion.

- ii. Encroachment of certain patches of proposed forestland for diversion has been noticed as per results of DSS analysis and its overlay on Google Earth imageries. Nodal Officer, FCA, Department of Forest, Madhya Pradesh clarified that the State Government will get these encroachments vacated by initiating appropriate action as per the provisions of Indian Forest Act, 1927.
- iii. An area of 0.6754 ha. has been allotted in recognition of rights under the provisions of The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The State govt. has intimated that the rehabilitation in this case will be done as per prevalent rules/guidelines.
- iv. There are six transmission lines passing through the proposed submergence area of the project and will need shifting due to future submergence after pounding of the reservoir. Shifting of these transmission lines has brought up a *fait accompli* situation where additional forestland having extent of 233.05 ha will be needed. Nodal Officer, FCA, Department of Forest, Madhya Pradesh accepted the fact and submitted that a separate diversion proposal in consultation with all user agencies involved will be framed and requested for delinking the issue of further forestland diversion with the instant proposal.
- v. Proposed Compensatory Afforestation has been proposed over 11 patches of non-forest land which were acquired, in past, and pledged in lieu of proposed forestland diversion for the construction of Beena Irrigation Project. These patches are still in possession of Department of Forest, Madhya Pradesh despite of the fact that the forest land diversion under Beena Irrigation Project was reduced requiring lesser NFL. In order to avoid overlapping of the compensatory afforestation works it was decided to prepare a colour coded map of CA patches delineating compensatory afforestation area.
- vi. Forest land diversion is mainly for the submergence as per submitted land use plan with the forest diversion proposal. It has been noted that due to variance in rainfall and full reservoir level (FRL) designed for a flood frequency 100 years, lot of rim portion land of reservoir remains non-submerged for longer durations and are prone to encroachment for agriculture purposes in most of the irrigation or power projects. The result of such encroachment acts for further siltation of reservoir as well as further encroachment in nearby forest areas. FAC deliberated for working out a mechanism for protecting rim of reservoir along with fringe forest through taking up through afforestation and suitable physical fencing.

Decision of FAC:

The FAC after thorough deliberation and discussion with Nodal Officer Madhya Pradesh, User Agency, IRO and the representatives of state government, recommended the proposal with general, standard and following specific conditions:

- i. In order to minimize the extent of forest land diversion arising out of the fact due to shifting of transmission lines, the State Govt. will ensure that either all the transmission lines are merged into a single line or the same tower is used for mounting all lines, thereby reducing the total requirement of forest land. State Government will also ensure that the '*fait accompli*' diversion proposal for shifting of transmission lines should not be passing over the non-forest land (NFL) pledged for Compensatory Afforestation.
- ii. Details of transmission line 'Shifting Plan' of the transmission line shall be as per the consensus of all the user agency and will be submitted prior to 'final' approval.
- iii. Complete details of Non-Forest Land acquired for the Beena Irrigation Project along with a comprehensive map indicating the total number of patches acquired will be submitted by the State Government. The patches proposed against different projects shall be coded in different colors. A single kml file indicating the area used/proposed against different projects in different colors shall also be submitted.
- iv. In order to prevent encroachment in the fringe forest areas of the rim of the reservoir and to reduce siltation of reservoir, the user agency with State Forest Department work out a mechanism of protection which will include appropriate afforestation of species which can tolerate water inundation in the fringe areas of the reservoir.
- v. The user agency under guidance of Department of Forest, Madhya Pradesh shall take up adequate steps for the plantation of bamboos and development of Agroforestry in the villages surrounding the reservoir. Funds under the schemes of MoAFW, Govt of India may be utilised for the purpose.
- vi. User agency shall ensure water discharge in downstream of the project to maintain minimum 'environmental flow'.

Agenda No. 4

Policy Issue No.1

F. No. 11-238/2019-FC

Sub: Coal Mining leases involving forest and non-forest land; Commencement of mining operations in non-forest land before obtaining prior approval under the Forest (Conservation) Act, 1980 for the forest area within the lease – reg.

1. The above stated policy issue was deliberated in the FAC on 25.6.2021.
2. Coal India Limited, vide their letter dated 14.07.2020 and M/o Coal vide their letter dated 14.08.2020 have, *inter-alia*, requested the MoEF&CC to allow commencement of mining operations where Stage-I approval and environment clearance has been obtained and to relax the quorum of Gram Sabha prescribed for ensuring compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Subsequently, a reference was also received from the Secretary (Coal) wherein issued highlighted by the coal have been re-iterated.
3. Issue related to commencement of mining operations in the non-forest land after obtaining Stage-I approval and deposition of compensatory levies into

the account of CAMPA was examined in the FC Division and followings were revealed:

- i. As per Forest (Conservation) Rules, 2003, prior approval of the Central Government is obtained in two stages i.e. Stage-I and Stage-II. Stage-I approval is 'in-principle' approval of the Central Government, wherein certain conditions are stipulated, to be complied with by the State/User Agency. After having satisfied with the compliance of conditions stipulated in the Stage-I approval, Stage-II approval is granted by the Central Government under the FC Act, 1980.
 - ii. Further, with a view to avoid situations where investment made for commencing mining operations become infructuous in case approval under FC Act is finally denied, the MoEF&CC vide its guidelines, as incorporated at para 1.14 of the Handbook, has provided that work on non-forest land should not be started till the final approval (Stage-II approval) of the Central Government under the FC Act 1980 is obtained for forest land.
 - iii. Hon'ble Supreme Court in Lafarge Judgment (06.07.2011) has directed not to create *fait accompli* situations. Hon'ble Court in Common Cause Judgement dated 2.09.2017, citing report dated 26.04.2010 highlighted the following:
"(b) Even otherwise the Rule 24-A(6), MCR, 1960 does not authorize the lessee to operate a mine without the statutory clearances/approvals. Therefore, in respect of a mine covered under the 'deemed extension' clause, the mining operations should be permitted to be undertaken in the non forest area of the mining lease only if (i) it has the requisite environmental clearance; it has the consent to operate from the State Pollution Control Board under the Air and Water Acts; (iii) Mining Plan is duly approved by the competent authority; and (iv) the NPV for the entire forest falling within the mining lease is deposited in the Compensatory Afforestation Fund.

The mining in the forest land included in the mining lease should be permissible only if, in addition to the above, the approval under the FC Act/TWP has been obtained;"
 - iv. MoEF&CC vide its guidelines dated 10.11.2015, incorporated at para 7.3 (v) of the Handbook of FC Act with a view to allow commencement of mining operations in the mining leases involving forest as well as non-forest land, has made provisions that: the State Government, if so desires, may execute a separate mining lease for the whole or part of non-forest land falling in such mining lease, once stage-I approval under the Forest (Conservation) Act, 1980 for the entire forest land falling in such mining lease is obtained. The Government, in such cases, shall take all measures to ensure that no violations of the Forest (Conservation) Act, 1980 occurs on the forest land.
4. The proposal of M/o Coal and Coal India Limited was earlier considered by the FAC in its meeting held on 25.11.2020, wherein, after detailed deliberations it had observed that agreeing to the request as such may create *fait accompli* situations and cannot be agreed as a general principle. For specific cases in which the forest land/non forest land is already broken within an area having approved mining plan, permission for commencement of mining operation in non-forest area may be considered by the State government after obtaining

Stage I approval, subject to compliance of the following conditions:

- i. All the compensatory levies stipulated in Stage I approval have been deposited.
 - ii. Environment clearances for the total area have been obtained.
 - iii. Such permission in the non-forest area shall not create any obligation of fait accompli with regard to Stage II clearance for the proposed forest area
5. The competent authority in the Ministry, after examination of the recommendation of the FAC, desired to seek legal opinion in the matter from the Ministry of Law & Justice.
 6. The Ministry of Law & Justice in their opinion furnished in light of information contained in Lafarge Judgement concluded the following: -
"From the above, it is very much clear that what may constitute a fait accompli situation is a question of fact and not the question of law and therefore, the administrative Ministry is advised to look into all aspects of a project and while granting clearances of Stage-I or Stage-II take all necessary measures that requires to be taken to avoid a fait accompli situation."
 7. From the above it may be ascertained that as per norms while considering the Stage-I and Stage -II approvals, necessary measures should be taken to avoid fait accompli situation. Extant proposal pertains to commencement of mining operation in respect of brownfield mining projects in non-forest land after obtaining Stage-I approval, environment clearance and deposition of compensatory levies into the account of CAMPA. Grant of Stage-I approval and Environment Clearance (EC) by the ministry to such projects imply that facts relating to fait accompli situations have already been considered by the statutory bodies as well as Central Government. Therefore, considering commencement of mining operations in respect of brownfield mining projects after grant of Stage-I approval and deposition of compensatory levies and Environment Clearance (EC) under the EIA Notification, 2006 may not result into fait accompli situation as the some already given due consideration by the statutory bodies constituted under the Forest (Conservation) Act and Environment (Protection) Act, 1980.
 8. The legal advice tendered by the MoL&J was also deliberated in the FC Division and after deliberations, it was observed that since the MoL&J has opined that matter is administrative in nature i.e. it is question of facts and not question of law, Ministry may take decision as per the recommendation of the FAC and accordingly, file may be submitted for the approval of the competent authority.
 9. From the opinion of the M/o L&J, it may be ascertained that decision on the commencement of mining operation in non-forest land (in respect of existing mining leases) after obtaining Stage-I approval, environment clearance and deposition of compensatory levies into CAMPA account, is an administrative decision to be taken by adequately addressing the factor which may create fait accompli situations. Cases where such dispensation is proposed, Stage-I clearance and environment clearance already stand obtained by the concerned State/User Agency, i.e. well informed decision/inclination of the Central Government already taken, implies that factor attributing to fait accompli situations, if any, have been taken care off/addressed.

10. In view of the above, the file was submitted for soliciting the approval of Hon'ble Minister, EF&CC to accept the recommendation of the FAC and to amend the para 1.1.4 of the Handbook of the Forest (Conservation) Act, 1980 to consider commencement of mining operations in non-forest land in specific cases having forest land/non forest land already broken up within an area having approved mining plan and in which Stage-I approval has been obtained as under:

"1.14. Projects involving both forest and non-forest lands: Some projects involve use of forest land as well as non-forest land. State Governments/project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the project. Though the provisions of the FC Act may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may prove to be infructuous if diversion of forest lands involved is not approved. Therefore, if a project involves forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for use of forest land under the Act has been obtained unless and to the extent permitted by the FC Rules or guidelines issued there under.

However, for specific cases in which the forest land/non forest land is already broken within an area having approved mining plan, permission for commencement of mining operation only in non-forest area may be considered by the State government after Stage 1 approval, subject to compliance of the following conditions:

- i. All the compensatory levies stipulated in Stage I approval have been deposited.
- ii. Environment clearances for the total area have been obtained.
- iii. Such permission in the non-forest area shall not create any obligation of *faitaccompli* with regard to Stage II clearance for the proposed forest area

11. Secretary, EF&CC, after examination of the matter, observed as under:

I don't agree with recommendation of FAC. Even though lease area may include forest area, we are under no obligation to grant Forest clearance. There can be no fait-accompli. If PP undertakes mining operation in non-forest area, it is none of our business to stop it and certainly casts no obligation on us to grant FC. If some expenditure of PP becomes infructuous, so be it. He is taking that risk. We have absolutely no jurisdiction over non-forest land and shall not indulge in over-reach. We shall restrict ourselves to just what SC order says, nothing beyond it. We shall permit any operations in non-forest area as long as it does not involve use of forest area. Please reconsider it in FAC again.

Decision of FAC:

FAC after thorough deliberation and discussion with the Nodal Officer Madhya Pradesh, Regional officer IRO Bhopal, IRO Nagpur observed that for reaching a conclusive stand on keeping non-forest area out of consideration of FC proposals it is essential that holistic information is available before FAC so that it could make appropriate recommendation so that it doesn't create a fait-accompli situation

underlined by Hon'ble Supreme Court. Therefore, the FAC decided that IRO, Bhopal will prepare a comprehensive briefing paper on all-India basis comprising of following information:-

- i. In such mining plans that comprise both forest and non-forest areas, the typology of such inter-dependency.
- ii. In case there is inter-dependency, and the user agency is ready to take the risk of confining mining only in non-forest area till the terminal date of the lease, which safeguards are necessary, for different types of inter-dependencies, to confine mining only to non-forest area to the extent that adverse impacts of mining in non-forest area is not extended to forest area and which form of suitable guarantee need to be furnished by the user agency?
- iii. From an analysis of the issue at (i) above, if no inter dependency of mining in forest and non-forest area is found as per the mining plan, then which form of suitable guarantee needs to be furnished/implemented by the User Agency.

The above analysis is important in view of rule 7(4)(e) (vi) which States that

e) The Committee shall have due regard to all or any of the following matters while tendering its advice on the proposals referred to it under clause (d), namely

vi) Whether the State Government or the Union territory Administration, as the case may be, before making their recommendation has considered all issues having direct and indirect impact of the diversion of forest land on forest, wildlife and environment.

The IRO Bhopal may collate information from different parts of the country with regard to both mining and other projects. All other IROs will provide information on a priority basis to IRO Bhopal. The DDG IRO, Bhopal may undertake field inspection also of some of such projects to have firsthand experience. The report shall be submitted to MoEF and CC within 45 days.

Policy Issue No.2

Subject: Proposal seeking diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980 - Special dispensation in compensatory afforestation -regarding.

1. The above stated policy issue was deliberated in the FAC on 25.6.21.
2. Delhi Development Authority vide their letter No. PC(Pers./Hort./LS)/2021/DDA/110 dated 31.05.2021 requested this Ministry to clarify that in case degraded forest land is not available within the same State (in respect of proposals of Central Government and CPSUs), if Compensatory Afforestation (CA) as per the provisions of Para 2.5 (i)(f) of comprehensive guidelines can be taken up on degraded forest land available in an adjoining State.
3. With regard to land for CA, Para 2.3 (i)of the Handbook of the guidelines

issued under FCA,1980 specified that normally CA is to be raised on suitable non-forest land, equivalent to the area proposed for diversion, at the cost of the User Agency. Further para 2.3(v) states that in exceptional cases where non-forest land for CA is not available in the same State/UT in which the diversion of forest land is proposed, land for CA can be identified in any other State/UTs, preferably in neighbouring State/UTs. This para permits for carrying out CA only on non-forest land in adjoining state in exceptional case.

4. The Para 2.5 (i)(f) of the Handbook of the guidelines issued under FCA,1980 on 28.03.2019 states the following:

2.5 Special provisions for CA for certain categories of projects:

(f) CA can be raised and maintained at the cost of the user agency on degraded forest land twice in extent of the forest area diverted in the cases of the projects implemented by the Central Government/PSUs, excluding Central Govt./Central PSUs Projects implemented by/through State Government and State Sector Projects implemented by the Central Government/PSUs.

5. The above referred guidelines does not contain any clause related to permission for carrying out CA outside the state, however, the Para (a) of guideline issued on 22.05.2019 further clarified that:

The States/UTs having forest land of more than 75% of their respective total geographical area, shall not be insisted upon providing non-forest land (for subsequently notifying into RF/PF) equal to the forest area diverted for non-forest purposes in the same state/UT. However, the same may be taken up in any other state/UT having deficient forest land/cover and having land bank for CA.

6. Delhi has 195.44 Sq. Km. which is 13.18% of the State's geographical area of 1483 Sq.Km. and therefore it is not covered in the guidelines mentioned at para (4) above for carryout CA on degraded forest land.

Decision of FAC.

FAC after thorough deliberation and discussion with the PCCF (NCT of Delhi), Regional officer, IRO Lucknow observed that Compensatory afforestation is the most important condition in any permission for use of forest land for non-forestry purpose under FCA 1980. The intention of this condition is to ensure stability in the total forest area of the country and thereby contributing to the stability of the ecosystem at regional levels. This is critical in view of large demand of forest land for different developmental projects. It is envisaged that the loss of forest area and tree cover should be compensated in the nearest possible area, particularly if the area where diversion has been proposed is in a forest-poor area/state.

Delhi has a peculiar situation. It is different from any other metropolitan city of the country. Unlike others, it is a City state where there is enormous demand for forest land on the one hand and on the other hand, very less degraded or non forest land within its jurisdiction, to compensate the loss of forest land as per CA guidelines of Government of India. Before considering the request of Delhi

Development Authority, as endorsed by Forest department of GNCTD, FAC desired to have the following additional information. While seeking such information, the FAC has been conscious that any relaxation in the Compensatory Afforestation norms will ultimately lead to reduction in forest cover of Delhi which is not a desirable situation for residents of Delhi in the present and in the future.

- i. Development and Conservation in Delhi has to be seen in the light of objectives of urban planning. It is imperative to understand what the sustainable habitat goals for Delhi are? DDA and Delhi Forest department may provide detailed information on the comparative average percentage of green cover in major cities elsewhere in the world and in Delhi.
- ii. Provision and projection of green cover as contemplated in the Draft Master Plan of Delhi and the draft Blue Green Policy and how will the proposal of GNCTD on relaxation of Compensatory Afforestation norms affect this plan/policy.
- iii. Whether there is any study or analysis regarding minimum forest cover/area necessary for Delhi to ensure healthy environment and a sustainable habitat to its population.

The above information may be furnished by the GNCTD at the earliest. Further the GNCTD and the DDA shall also get a study conducted by a multi-disciplinary team of experts from reputed institutions like IIT Delhi, SPA, Delhi, TERI etc. to explore the extent to which Compensatory Afforestation land will be available in the immediately adjoining States that would provide as much ecological services to Delhi had the CA been done within the geographical limits of Delhi State. The study should provide detailed map and the description of the area, and the study findings may be discussed with NCRPB as to the possibility of sequencing future CAs/Land banks amongst the States adjoining Delhi State. The Study Report alongwith recommendations of NCRPB in the above regard may be shared with MoEF&CC for deliberations of FAC in its meeting.

(Not Present)

(Sh S. D. Vora)

Member

(Confirmed)

(Sh A. K. Mohanty)

Inspector General of Forests (FC)

(Confirmed through email)

(Sh Anmol Kumar)

Member

(Not Present)

(Dr Sanjay Deshmukh)

Member

(Not Present)

(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

