

**RECOMMENDATIONS OF FOREST ADVISORY COMMITTEE IN ITS  
MEETING HELD ON 27<sup>th</sup> JUNE, 2019**

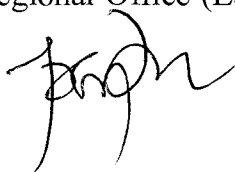
**Agenda No. 1**

**File No. 8-55/2000-FC (pt.)**

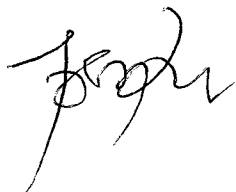
**Sub: Diversion of 865.276 hectares of forest land out of 947.046 ha. of ML area for mining of iron ore in favour of M/s Sarda Mines Pvt. Ltd. in village Sayabali, Balita and Thakurani RF in Keonjhar district of Orissa- Application for permission to carry out mining operations by the user agency over 617.108 hectares of forest land out of 865.276 hectares of already diverted forest land- Approval of changed land use pattern –regarding.**

The above stated agenda item was considered by FAC in its meeting on 27.06.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in). FAC after deliberation observed that

1. Out of total lease area of 947.046 ha, approval for diversion of Forest land of 865.276 ha, under the provision of FCA1980 was given in favour of Sh S. Sarda and Sh. M Sarda and later in the year 2006 the approval was transferred in favour of **M/s Sarda Mines Pvt. Ltd. in village Sayabali, Balita and Thakurani RF in Keonjhar district of Orissa**
2. On 21.06.2001 the approval under the provisions of FCA was given with the condition that 616.0 ha area of forest land is to be preserved as forest in current lease period
3. Later in 2008 user agency proposed to enhance its production from 4 MTPA to 15 MTPA for which it requires additional land. In this regard, it moved an application for change in land use of the approval given in 2001 where by 616 ha land was stipulated to be preserved as Forest. The user agency requested for allowing them to break additional 382.4965 ha of forest land out of 616 ha.
4. The request of user agency as received from the state government, was placed before FAC on 13-14 February 2014.
5. The FAC, after examination of the proposal, recommended for change of land use subject to fulfilment of certain conditions.
6. Approval of Hon'ble MEF&CC was also obtained on the recommendation of the FAC. However, in the meantime Model Code of Conduct came into force and the approval of the Central Government could not be conveyed to the State Government.
7. Meanwhile, a meeting was held under the Chairmanship of the Secretary, Environment and Forests on 23<sup>rd</sup> April 2014 to discuss issues related grant of Environmental Clearance and Forest Clearance to the said mine. In the meeting it was observed that as more than three years elapsed after inspection of the said forest land, there was a possibility that a part of 616.00 hectares of forest land might have been utilised by the user agency for mining and allied activities to increase production of iron ore from 4 MTPA to 15 MTPA. It was, therefore, decided during the meeting that the Regional Office (Eastern Zone) of this Ministry may inspect



- the said forest land once again and submit a report to this Ministry clearly stating whether a part of 616.00 hectares of forest land which, as per the approval dated 21<sup>st</sup> June 2001 has been utilised for mining or any other non-forest purpose, or not?
8. Mean while Impact assessment division of MoEF&CC on dated 28.05.2014 also informed FC division that the 2<sup>nd</sup> report of Shah Commission on illegal iron and manganese ore mining in Odisha has brought out a number of FC violations by the user agency and requested the FC Division to re-verify as to whether FAC has taken into account the observations of Shah Commission in its second report relating to this mine project while considering their case and making recommendations in its meeting on 13- 14 February, 2014. Act.
  9. In the mean time regional office Eastern Zone again conducted Site inspection and submitted that majority of the forest land has been kept intact. However, some non-forest activities have been noticed in the forest land, out of which some have been dismantled /demolished.
  10. After the above Model Code of Conduct was no more in force, the file along with recommendation of FAC (13-14 Feb 2014) was deliberated in FC division of MoEF&CC and it was observed that there had been very specific observation of CEC related to this project.
  11. The CEC observed in its Report (final) dated 16<sup>th</sup> October, 2014 in W.P. (Civil) No. 114/2014, W.P. (C) NO. 194/2014 and IA Nos. 2746-2748, 3629 and connected I.A.s in W.P. (C) No. 202/1995 as under  
*161. The CEC further is of the view that it may be appropriate that the State Government is asked to reconsider, after considering all the relevant information including the nature of the virgin forest land and the earlier instances of violation of the Forest (Conservation) Act, 1980 by the lessee, its decision for seeking approval under the Forest (Conservation) Act, 1980 for diversion of the above said 367.832 ha of virgin forest for expansion of the mining operations by SMPL. ”*
  12. Before taking any decision, it was decided to seek comments of State government on the observation of CEC.
  13. In its report the state government informed that Mining activities in violation of approved land use plan has been carried out in the virgin forest land specifically in violation of condition No. 3(v) of the final approval. It is reported that user agency had used 1.265 ha of virgin forest(616ha). It was further reported that as per measurement done by DGPS it has been found that the actual area of lease comes to 936.950 and not 947.046 ha. There is gap of 10.096 ha. Besides, 7 ha land of the present user agency lease area is in dispute with adjoining mining lease. As per intervention of Steel and Mine Department of the state the said land has been marked as ‘No Man’s land’.
  14. As per latest calculation the exact area is 597.639 ha, rather than 616 ha of virgin forest.
  15. State government had further reported that it has taken action, for different violations committed by the user agency, as per the law.
  16. Further CEC had very specific mention to this particular mine in its report at paras 138, 156 and 168. It was referred that this mines had some issue related to lease period and ownership.

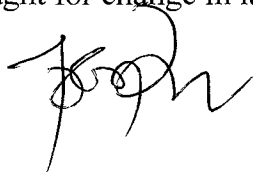


17. On the observation of MoEF&CC letter dated 4.12.2014 state government submitted its reply on 27.06.15 with request that, *“MoEF&CC may kindly take all aspects in this case into consideration including the observation of CEC made before Hon’ble Supreme Court and stand taken by Steel and Mines Department in various court of Law referred above and take decision in the matter on its own merit and convey their orders for further follow up action at this end”*
18. From the different correspondence with the state it was observed that state government has not clearly conveyed the recommendation to Government of India rather asked MoEF&CC to take action on merits.
19. In absence of clear recommendation on the case from the state Government, number of litigations at state level, violations committed by user agency, observations of Shah Commission and CEC, and involvement of Steel and mines department of the state, MoEF&CC tried to get clarity on the issue vide different communications since 2016 till date.
20. It was observed that there has been many development in the status of the facts discussed in FAC in 2014 when the project was recommended. At present it is learnt that the mining in the area has been discontinued stopped since 2014. Many new facts related to court cases and area has come to the light. In this backdrop it is prudent to analyse the proposal by taking all additional facts and take decision accordingly.

#### **Decision of FAC:**

FAC after thorough deliberation and discussion with ADG(C) Eastern zone regional office Bhubaneswar, Nodal officer Odisha and representatives of user agency observed that present proposal was recommended by FAC on 13-14 Feb 2014 which was further approved by competent authority but the approval letter for change in land use could not be issued. This administrative delay occurred due declaration of general election and subsequent imposition of Code of conduct. FAC further observed that during the period between 2014 and 2019, many new amendments in Mining laws and judicial interventions have come into force. There has been observations of CEC and Shah commission. Besides, MoEF&CC had also evolved its system of evaluations of project proposal by DGPS maps and DSS, which was not available in 2014. From the discussion and facts produced, it is learnt that the user agency had stopped mining since 2014 for want of valid environment clearance. As per reports and DSS analysis it is clear that major forest area within the mining lease area is intact and under dense vegetation. It is therefore proposed that the recommendation of FAC dated 13-14 Feb 2014 need to be revisited and analysed afresh based on latest facts and clear recommendation of the state government. After thorough deliberation and discussions, **the proposal was deferred with following directions;**

1. State government shall submit clear recommendation after analysing the status and direction of various court cases, CEC and Shah commission observations related to the project.
2. The detail of NPV paid by user agency till date may be submitted. It is further requested that the state government shall clearly convey its opinion about payment of NPV for the forest area sought for change in land use.



3. State government shall submit KML/Shape file of the area. The DGPS maps showing the different land use shall be furnished.
4. As per proposed land use plan, user agency has proposed 42.8750 ha under infrastructure. State government shall further explore possibility to minimise diversion of forest land in this category. State government shall submit detail land use plan.
5. State government's stand on duration of validity of lease period in the light of MMDR (Amendment) Act 2015 shall be conveyed.
6. State government shall submit status of compliance of stipulations imposed in approval granted to user agency on 21.06.2001.

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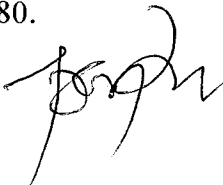
### Agenda No. 2

F. No. 8-01/2019-FC

**Sub: Proposal for diversion of balance forest of 80.826 ha (16.566 ha of forest land and 64.260 ha of non-forest land recorded as forest as on 25.10.1980) including 3.916 ha of forest land in safety zone and 1.129 ha of forest land in green belt in addition to 52.348 ha of forest land already diverted (total forest land of 133.174 ha in ML) within the total mining lease area over 169.00 ha of Tiringpahar Iron & Manganese Mines of M/s. Tata Steel Ltd. in Keonjhar District, Odisha during extended ML period as per MMDR (Amendment) Act, 2015.**

The above stated agenda item was considered by FAC in its meeting on 27.06.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in).

1. It is observed that initial mining lease was originally granted in favour of M/s TISCO Ltd. by the Maharaja of Keonjhar for 30 years with effect from 1.03.1930 to 29.02.1960.
2. The 1<sup>st</sup> Renewal of Mining lease was granted by Govt. of Odisha on 18.02.1982.
3. The 2<sup>nd</sup> Renewal of Mining Lease (RML) over an area of 643.71 ha. of land in Favour of M/s TISCO Ltd. for 20 years i.e. from 01.03.1980 to 29.02.2000 spread over 3 Block i.e. Guruda, Joruri and Tiringpahar in Barbil Tahasil of Keonjhar District.
4. For 3<sup>rd</sup> RML period the user agency applied for a lease over only 169 ha. Out of it, the lessee had applied for diversion of 52.348 ha. of-forest land out of total 68.91 ha. of forest land leaving aside 1.958 ha. of forest land coming within safety zone and 14.608 ha. of forest land kept for future expansion.
5. On. 28.03.2007 the user agency was accorded Stage-II forest clearance for diversion of 52.348 ha. of forest land in this mining lease.
6. At present the lease area is having 133.174 ha of forest land out of which user agency is having approval under FCA for 58.348 ha, The balance area need to be diverted under FCA 1980.



7. Out of 133.174 ha, 64.260 ha forest area was treated as non forest at the time of lease due to hal record in odisha.
8. The site inspection was done by Sh R.K Samal DIG(Central) and recommended the project with ceratin conditions.

**Decision of FAC:**

After thorough deliberation and discussion with ADG(C) Eastern zone regionl office Bhubaneshwar, Nodal officer Odisha and representatives of user agency, **FAC recommended the proposal** with general, standard and following specific conditions:

- 1 State government shall submit detail status of reclamation done by the user agency till date. State government may also see if the user agency had resorted to any violation in respect of any condition stipulated in reclamation plan approved by IBM.
- 2 State government shall ensure that 46 ha out of the 80.826 ha un-diverted forest land having vegetation density of more than 0.4, is maintained as green cover, till a comparable area is reclaimed and vegetated.

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**Agenda No. 3**

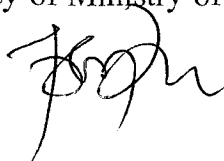
**F. No. 8-10/2019-FC**

**Sub.: Proposal seeking prior approval of the Central Government under Section-2(iii) of FC Act, 1980, towards grant of Petroleum Mining Lease (PML) for contract area “AA/ONDSF/KHEREM/2016” measuring 200 ha. of forest land (out of 1645 ha) in kherem area in Changlang District of Arunachal Pradesh in favour of M/s Hindustan Oil Exploration Company Limited-reg.**

The above stated agenda item was considered by FAC in its meeting on 27.06.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in).

**Decision of FAC:**

FAC after thorough deliberation and discussion with DIG (C) Regional office shillong, Nodal officer Arunanchal Pradesh, (through VC) and representative of user agency observed that the present proposal is for execution of PML (Petroleum Mining lease) over forest land. It is informed that total proposed lease area is named “Kheerem block” and was awarded by Ministry of Petroleum and Natural Gas, Govt. of India, under Discovered Small Field and Revenue Sharing Contract (RSC). The present JV Consortium consists of M/s Hindustan Oil Exploration Company Limited (HOEC) (40% Operator), M/s Oil India Limited (OIL) (40%) and M/s Price Petroleum Company Limited (PPCL) (20% Joint Operator), under Marginal Field Policy of Ministry of Petroleum and Natural Gas, Govt.



of India. It is reported by state Government as well as Regional office that out of the PML area of 1645 ha, an area of 200 ha falls under Koriapani Reserve Forest and remaining 1445 ha. is non-forest land

After thorough deliberation and discussion, **FAC recommended the proposal** with General, Standard and following specific conditions;

1. No physical breaking of land will be allowed.
2. Permission granted under section 2(iii) of FCA for execution of PML shall not in any manner be construed to be right to get permission under section 2(ii) of FCA 1980. Permission under section 2(iii) will be granted on merits.
3. State government shall take credible action to remove encroachment form the forest areas.
4. State government had reported the area as Reserved forest. From DSS analysis it reveals that it is an area with very sparse vegetation. Specific comments of state in this regard may be submittted.
5. User agency shall pay NPV as per Hon'ble Supreme court order dated 8.8.2014 in I.A. No. 3627 in W.P. (C) No. 202/1995.

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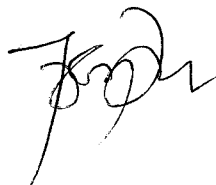
#### **Agenda No. 4**

**F. No. 8-118/2006 –FC (Vol.I)**

**Sub: Proposal for seeking prior approval of the Central Government under Section – 2(iii) of the Forest (Conservation) Act, 1980 for grant of petroleum mining lease (PML) over 75.0 sq Km (7,500 ha) of forest land in favour of Chief Engineer, Oil India Limited, Duliajan in Ningru extension Block, Changlang District in the State of Arunachal Pradesh – regarding**

The above stated agenda item was considered by FAC in its meeting on 27.06.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in).

**Decision of FAC:** FAC after thorough deliberation and discussion with DIG (C) Regional office shillong, Nodal officer Arunanchal Pradesh (Through VC) and representative of user agency observed that this proposal was considered in earlier FAC on 31.12.2015 and 03.05.2016. State government had reported that no PML (Petroleum Mining Lease) has been executed for Ningru Extention PML block. From the discussion with nodal officer, representative of user agency and latest letter from state Government, it was learnt that the area over which the PML is proposed is not a forest land. In this regard, **FAC deferred the proposal with following direction;**



1. State Government shall give the exact forest area (as per definition of 'forest' defined in Hon'ble Supreme Court order dated 12.12.1996) proposed to be a part of this PML.

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**Agenda No. 5**

**F. No. 8-11/2019-FC**

**Sub: Diversion of 425.5 Ha. Forest land of USF area in New Umrangshu Village, Dima Hasao Dist. (North Cachar Hills) for opencast mining of limestone in favour of M/s Calcom Cement India Ltd.**

The above stated agenda item was considered by FAC in its meeting on 27.06.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in).

FAC observed that this proposal was considered in its earlier meeting on 23.04.2019 whereby the proposal was deferred with direction that the Regional Office shall visit the area and analyse the conservation value of the whole landscape taking all the layers of DSS into consideration and submit the report with specific recommendations.

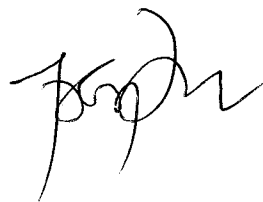
Accordingly, the Regional office has again done ground truthing of the area, recommended the proposal and conveyed that the area is unclassified state forest and prone to further depletion of forest cover due to Jhum cultivation practice and do not have high conservation value.

**Decision of FAC:**

After thorough deliberation and discussion with DIG (C) Regional office shillong and representative of user agency, **FAC recommended the proposal** with general, standard and following Specific conditions;

1. 11 ha of moderately dense forest as identified by Regional office in its Site inspection report to be maintained as green belt. User agency shall submit KML/shape file of the proposed green belt area.
2. User agency shall submit detail land use plan. In the present land use plan, 417.5 ha forest area has been proposed for mining activity.
3. No residential or labour colony shall be constructed over forest land.

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## Agenda No. 6

F. No. 8-20/2019-FC

**Sub: Proposal for diversion of 45.278 ha. of forest land for construction of Tendua Nalla Dam Scheme Project, in favour of Water Resources Department, Chhatarpur District Madhya Pradesh State. -regarding.**

The above stated agenda item was considered by FAC in its meeting on 27.06.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in).

### **Decision of FAC:**

After thorough deliberation and discussion with Nodal office Madhya Pradesh (through VC) and representatives of user agency observed that the CA land has been proposed over non forest land of 45.278 ha. On analysis over DSS it is found that the proposed area is falling within protected forests. The digitised layers need to be verified on ground. **FAC deferred the proposal** and desired following information to be furnished for appropriate analysis;

- 1 State government shall verify if the proposed CA area (45.278 ha) is protected forest or non forest area. The DSS report in this regard may also be submitted with status of the land.
- 2 Detailed land use plan shall be submitted.

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## Agenda No. 7

### **Policy Issues: 1**

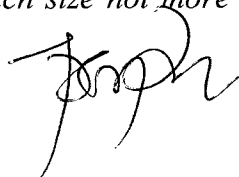
#### **Issues related to the State of Maharashtra**

The above stated agenda item was considered by FAC in its meeting on 27.06.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in).

1. FAC discussed the facts as per agenda item and observed that The State Government of Maharashtra vide their letter dated 3<sup>rd</sup> June, 2019 has requested this Ministry to extend general approval granted under Section-2 of the Forest (Conservation) Act, 1980 for laying of aerial optical Fiber Lines and erection of poles. .It has justified its request with reasons
2. As per guidelines issued under FCA 1980 para 4.2 reads as

***Laying of Under Ground Optical Fiber Cables (OFC), telephone lines, drinking water supply pipelines, electricity cables, CNG/PNG and Slurry pipelines.***

*General approval is accorded for the above listed projects along the roads within existing RoWs (trench size not more than two meter in depth and one*





meter in width) not falling in National Parks and Wildlife Sanctuaries' without felling of trees. Approval, in addition to general conditions mentioned above under para 4.1, is subject to the following specific conditions:

- No tree felling is involved for the proposed work
- After completion of the project the area under RoW should be reclaimed suitably.
- UA agrees to make good any loss to Forest/Environment.
- The UA will seek permission from the local FD for carrying out any maintenance.
- In case, the proposed area falls in the RoW of the road passing through National Parks and Wildlife Sanctuaries, General Approval is subject to requisite permissions from the State Board for Wildlife shall be obtained. In case, the proposed area falls in the RoW of the road passing through Tiger Reserves, General Approval is subject to requisite permissions from the National Board for Wildlife/NTCA shall be obtained

### **Recommendation of FAC:**

FAC after thorough deliberation and discussion with Nodal officer Maharashtra observed that the general approval referred by the state has been given only if the work is to be carried out underground over ROW of the existing road. Nodal officer Maharashtra apprised the committee that state government is categorically requesting general approval for laying of aerial optical fiber cable and erection of poles along the ROW of existing road on the similar line as it has been accorded vide FCA guideline 4.2. **FAC requested for following clarification from State** government of Maharashtra before any decision on the matter.

- 1 State government shall submit detail proposal highlighting the dimension of poles, distance between poles, height of poles and sagging of cables, in case the OFC is laid over ground within the ROW of existing roads. It was further requested that the state government shall furnish a comparative statement of financial implications of laying OFC overground and underground. Detail proposal may also contain other considerations which state government may deem fit to bring to the knowledge of FAC.

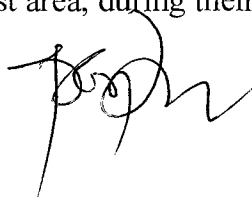
### **Policy Issues: 2**

#### **Removal of silt from the forest ponds/tanks outside the forest area**

The above stated agenda item was considered by FAC in its meeting on 27.06.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in).

#### **FAC observed that:**

1. The State Government of Maharashtra submitted a request that silt removed from the forest ponds and tanks outside the forest area, during their de-silting, should be allowed to



be used by the local villagers and accordingly, the Ministry has been requested to issue necessary instruction in this regard.

### **Recommendation of FAC:**

FAC after thorough deliberation and discussion with Nodal officer Maharashtra, observed that desilting of ponds, constructed in the forest area for management and conservation of forest, is not a non forestry activity and does not come under the purview of FCA 1980. However, it further observed that such for the purpose of meeting the fertile soil requirement of farmers fields, tantamount to extraction of soil from the forest area and will be considered as non forestry activity, which is akin to open cast mining activity. Considering such request of state government may lead to misuse of approval as it would be difficult to monitor such approvals. It was decided that no such approval can be recommended in general, but proposals can be considered on case to case basis on merit, as and when applied by the state government.

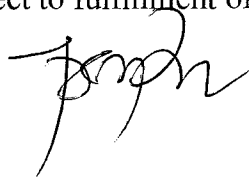
### **Policy Issues: 3**

#### **Black topping and bituminous work of roads covered under Mukhyamantri Gram Sadak Yojana**

The above stated agenda item was considered by FAC in its meeting on 27.06.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in).

#### **FAC observed that:**

1. The State Government of Maharashtra, vide their letter No. FLD-2018/C.R.334/F-10 dated 6<sup>th</sup> May, 2019 has requested the Ministry to extend the general approval accorded by the Central Government for black topping and bituminous work of roads which have been brought under Pradhan Mantri Gram Sadak Yojana (PMSGY) to the roads in the State of Maharashtra brought under the Mukhyamantri Gram Sadak Yojana (MMGSY).
2. The State Government in its letter dated 6<sup>th</sup> May, 2019 has mentioned that roads which have not been covered under the PMSGY are being taken up under MMGSY.
3. The State Government has further mentioned that nature of PMSGY and MMGSY is similar, however, as the approval of Central Government is limited to PMSGY roads only, the State Forest Department is unable to permit construction of black topped roads, covered under MMGSY in the forest areas. In view of the aforementioned roads, the State Government of Maharashtra has requested to extend the approval of Central Government conveyed to the PMSGY roads to the roads covered under the MMGSY.
4. Approval of the Central Government under the provisions of the Forest (Conservation) Act, 1980 for black topping and bituminous work of those forest management roads which have been brought under PMSGY has been conveyed vide letter dated 17.01.2011 subject to fulfillment of following conditions:



- a. Bitumen cold mix for black topping should be prepared outside the forest or at an approved site by DFO.
- b. The project proponent shall maintain the curves of roads inside the forest and will not straighten the same.
- c. The project proponent shall install speed breakers and speed control signages at regular intervals to avoid accidents with wild animals.
- d. The project proponent shall try to maintain the road surface as rough as possible to act as regular speed governor, even if it means going below the standard prescribed for the particular class of roads, the intention being only to make it an all-weather road.
- e. The project proponent shall provide side drains for proper drainage

#### **Recommendation of FAC:**

FAC after thorough deliberation and discussion with Nodal officer Maharashtra observed that state government shall submit the detail criteria and conditions by which the forest roads are proposed to be considered under Mukyamantri Gram Sadak Yojana.

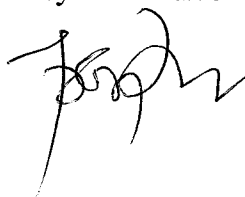
#### **Policy Issues: 4**

#### **Exclusion of Ropeway Projects from the ambit of the Forest (Conservation) Act, 1980 and payment of NPV**

The above stated agenda item was considered by FAC in its meeting on 27.06.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in).

#### **FAC observed that:**

- (i) Shri Jairam Thakur, Chief Minister, Himachal Pradesh vide his D.O. No. FFE-B-F(10)2/2018 dated 20<sup>th</sup> April, 2019, addressed to Hon'ble Minister, EF&CC has made the following submissions:
- (ii) It is mentioned that in the State of Himachal Pradesh, being a mountainous State, connectivity is a big challenge and passenger ropeways are extremely useful for improving the connectivity and are an eco-friendly alternative. Forest land is invariably required in most of the infrastructure related projects as two third of the State area is categorized as forest land. In the case of Ropeways, about 10 meters wide strip of forest land falling in the alignment is included for diversion under Forest (Conservation) Act, 1980 without actually needing it as the vehicle (Passenger cable) moves sufficiently above tree height with a minimum clearance of about 5 meters. Thus, tree cover falling in the alignment of Ropeway remains intact and undisturbed. It is not reasonable to include entire forest land falling in the alignment for diversion. It is an example of bad optics as it appears that huge forest land is needed whereas it is actually used only for construction of Terminal Stations and Line Towers etc. Levying of full NPV costs for entire forest land falling in the alignment would render the Ropeway project(s) financially unviable and discourages to opt for this eco-friendly alternative.



In view of the above submissions, the Hon'ble Chief Minister, Government of Himachal Pradesh has requested the Ministry to relax the provisions of FCA guidelines for construction Passenger Ropeway and exemption from diversion of forest land coming in the alignment where no felling is involved and no NPV costs be charged.

### **Recommendation of FAC:**

After thorough deliberation and discussion with nodal officer, Himachal Pradesh, FAC accepted the justification provided by the state government. It was understood that the ropeway projects are eco friendly mode of connectivity and contribute to conservation if they are constructed at least 5 meters above the tree line and without felling of trees along the alignment of the cable way. Hilly terrains are more prone to erosion and landslides. Constuction of roads auguments the process of erosion and leads to ample distruction of natural reources whereas construction of ropeways is an alternate mode of connectivity with minimum distruction and without fragmentation of habitats. In this backdrop FAC recommended to accept the request of Governemnt of Himachal Pradesh with following specific conditions.

1. The dispensation shall be allowed for construction of public utility ropeways.
2. The lowest point of the proposed ropeway shall be atleast 5 meters above the tree line. The forest area under ropeway passage shall not be included in the total area requested for diversion for the project under the provisons of FCA 1980.
3. The forest area under the terminal stations and intermediate line towers shall be considered for diversion under the provisions of FCA 1980.
4. The user agency will have no claim on the forest land under the ropeway.
5. Permission of laying the ropeway above 5 meter of tree line do not give any right to the user agency to use the forest land, under the ropeway, for any non forestry purpose in future without approval under Forest (Conservation) Act, 1980.

### **Policy Issues: 5**

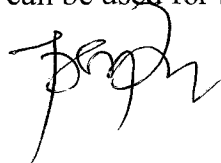
#### **A. Issues related to the State Government of Karnataka**

##### **Clarification regarding permissibility of use of Linear Infrastructure before Stage-II approval**

The above stated agenda item was considered by FAC in its meeting on 27.06.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in)

FAC observed that Government of Karnataka had sought clarification on following points from Government of India:

- (a) Whether the special provision in Para 11.2 of FCA Guidelines communicated by Government of India vide letter F. No. 5-2/2017-FC dated 28-03-2019 for Stage-I approved 'Linear Proposals' can be used for the period of one year only?




- (b) Can such permission in Stage-I approved Linear Proposals' be issued / extended beyond one year, if the User Agency is not able to complete the work within one year of the 'Work Permission'?
- (c) Whether the User Agency can be permitted to utilize the infrastructure so established before Stage-II approval? if YES, whether such use has to be restricted to one year only in case Stage-II approval is not obtained within one year.
- (d) Whether the Conveyor Belt Proposals in mining projects are to be considered 'Linear' or 'Nonlinear'?

After thorough deliberation and discussion with nodal officer Karnataka, FAC observed that transportation of minerals by conveyer belt is an eco friendly option compare to roads therefore they should be preferred over transportation through road. This will lower the dust, air and noise pollution and moreover this can operate round the clock for quick evacuation of the minerals. The relevant guidelines referred by the Government of Karnataka has special provision granted by Government of India to allow the state government for tree cutting and commencement of work involved in linear projects after payment of compensatory levies. This permission is valid for one year. It is observed that this permission was given to the user agency to facilitate and speed up the work related to construction of linear projects such as laying of new roads, widening of existing highways, transmission lines, water supply lines, optic fiber cabling, railway lines etc. In case the user agency is not able to submit complete compliance of the stipulations imposed in Stage-I approval, the said permission can be extended for one more year if state government is satisfied that user agency had made serious efforts to comply with the stipulations in Stage-I approval.

Conveyer belts and roads in mining lease area and connecting lease area with the loading or dumping sites are part of mining projects and shall invariably be included as land use in comprehensive proposal. However, if a user agency performs evacuation by use of conveyer belt for an already working/existing mine, the project including the loading point/ unloading point and conveyer belt will be dealt as a linear project. In case such a proposal is conceived at a later date, that can be considered as a "linear project" and shall be dealt in the same office in which original proposal of corresponding mining proposal was considered.

**Recommendation of FAC:**

1. The special provision granted by Government of India under the concerned guidelines under FCA, 1980, to allow the state government for tree cutting and commencement of work involved in linear projects after payment of compensatory levies, can be extended for a further period of one more year if state government is satisfied that user agency had made serious efforts to comply with the stipulations in Stage-I approval.
2. The proposal for laying of conveyer belt for an already working/existing mines, including the loading point/ unloading point, may be considered as a linear project and dealt in the same office in which original proposal of corresponding mining proposal was considered, for the purpose of diversion under Fc Act, 1980.



## **Policy Issues: 6**

### **Inclusion of guidelines related to Tripartite Agreement,**

FAC discussed the issue with nodal officer Maharashtra and observed that in previous Handbook of Forest (Conservation) Act 1980, Forest (Conservation) Rules 2003 and guidelines & clarifications issued by MoEF&CC on 31<sup>st</sup> May 2004, had a reference on “*guidelines for participation of private sector through involvement of NGOs & Forest department in afforestation and rehabilitation of degraded*” forests at annexure VIII. Nodal officer, Maharashtra informed that the said provision has not been incorporated in the latest guidelines and requested to incorporate the same

### **Recommendation of FAC:**

After thorough deliberation and discussion, FAC recommended to incorporate Annexure VIII (*Guidelines for participation of private sector through involvement of NGOs & Forest department in afforestation and/rehabilitation of degraded forest*) of previous handbook into the latest handbook of comprehensive guidelines.

## **Policy Issues: 7**

### **CA lands for the Central Government projects implemented through the State Government**

This issue will be dealt as per decision taken in agenda related to modification in comprehensive guidelines.

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## **Agenda No. 8**

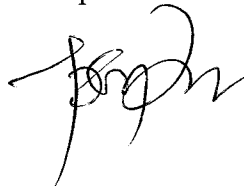
**File No. 5-02/2017-FC**

**Sub: Modification in comprehensive guidelines.**

The above stated agenda item was considered by FAC in its meeting on 27.06.2019. The corresponding agenda note may be seen at [parivesh.nic.in](http://parivesh.nic.in).

FAC observed that

- A. Comprehensive guidelines related to Forest (Conservation) Act 1980 was approved and uploaded on [parivesh.nic.in](http://parivesh.nic.in) on 08.03.2019.



- B. In due course MoEF&CC had received many representations from regional offices and states which highlighted certain anomalies in the documents. These are either contradictory, or have some possible grammatical/syntax errors. These need to be appropriately incorporated in the document after proper correction. Besides MoEF&CC is receiving representation to incorporate certain old guidelines pertaining to some special subject and which had not been incorporated in the latest guidelines.

After thorough deliberation and discussion FAC observed that some of the modifications were also discussed in FAC meeting on 23.4.2019. It was observed in the meeting that *“there are many grammatical and technical mistakes which need to be rectified by FC division as and when it comes to the knowledge. It is difficult for FAC to go through each and every guideline. FAC also observed that it is difficult to finalise accurate guideline in one go. Correction is a regular process. IG (FC) may look into the issue and correct the minor mistakes as and when it comes to his knowledge. IG (FC) may also correct the list of stipulations, in part C, if he finds the stipulations are not in consonance with the Act, rules and Guidelines. It is also seen that MoEF&CC had constituted a committee for finalisation of the different stipulations to be imposed in Stage I and stage II approvals. These conditions were finalised well before the comprehensive guidelines were issued, so there are certain mistakes pertaining to references of past guidelines and dates which may be rectified as per latest directions, guidelines and referencess.”*

### **Recommendation of FAC**

In the present meeting state governments through Nodal officers pointed that along with certain technical anomalies, there are certain guidelines which were specific to particular category of proposals. It was recommended that FC Division of the Ministry may prepare the list of such incorporations and take approval of competent authority before incorporating those suitably in the Guidelines accordingly. However, some of such anomalies as discussed in the meeting are as follows:

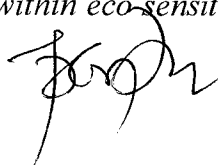
#### **1. CA lands for the Central Government projects implemented through the State Government:**

The guideline 2.5(i)(f) as incorporated in comprehensive guideline shall be read as:

The projects implemented by the Central Govt./Central PSUs and in which the user agency for application under the provisions of FCA, 1980 is Central Government/ Central PSUs.

#### **2. Guideline 12.5 which read as**

*Prior recommendation of Standing Committee of NBWL under the provisions of Wildlife (Protection) Act, 1972 is also required for taking developmental activities in/over an area falling within eco-sensitive zones around notified PAs*



*in addition to prior approval of diversion of forest land for non-forest purposes if such area involved is "Forests" as defined by Hon'ble Supreme Court in their order of 12.12.96*

**Shall be replaced as**

*Prior recommendation of Standing Committee of NBWL under the provisions of Wildlife (Protection) Act, 1972 shall be obtained, if required, for taking developmental activities in/over an area falling within eco sensitive zones around notified PAs in addition to prior approval of diversion of forest land for non-forest purposes, if such area involved is "Forests" as defined by Hon'ble Supreme Court in their order of 12.12.96.*

*Confirmed through mail*

(S. D. Vora)  
Member



(A. K. Mohanty)  
Inspector General of Forests (FC)

*Confirmed through mail*

(Dr Sanjay Deshmukh)  
Member

*Confirmed through mail*


(Sh Anmol Kumar)  
Member

*not present*

(Saibal Dasgupta)  
Addl. Director General of Forests (FC)

*not present*

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

  
(Siddhanta Das)

Director General of Forests & Special Secretary

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