

**Recommendation of Forest Advisory Committee in its meeting held on 15.07.2022**

**Agenda No. 1**

**File No. 8-35/2019-FC**

**Sub: Proposal seeking prior approval of the Central Government under Section -2 (ii) of the Forest (Conservation) Act, 1980 for non-forestry use of 238.373 ha of forest land in favour of M/s South Eastern Coalfields Limited for Baroud Expansion Open cast Coal Mining project (3 MT) in Raigarh District of Chhattisgarh.**

1. The above subject agenda item was considered by FAC in its meeting held on 15.07.2022. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Chhattisgarh also attended the meeting through video conference
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. FAC after through deliberation and discussion observed that:
  - i. The proposal was earlier considered by the Forest Advisory Committee (FAC) in its meeting held on 27.07.2021 and 27.01.2022 wherein FAC desired additional information viz. impact of CBA analysis of increasing the embankment upto 100 meters, detail of important wildlife recorded in the area, available studies on the hydrological regimes of the area, comprehensive Plan on Soil and moisture conservation, detail of NPV paid by the user agency, etc.
  - ii. Nodal officer (Chhattisgarh) informed the Committee that information as per the observation of FAC has been submitted by the State Government. Nodal Officer, with regards to availability of studies on the hydrological regimes, apprised the Committee on the following:
  - iii. There will be no impact on the cost benefit analysis of the project after enhancing the width of embankment and balnk area/no mining zone upto 100 meters from the bank of the river Kurket.
  - iv. Report on the movement of wildlife in the area during the last five years has been prepared and submitted, however, comments of PCCF Wildlife on the same have not been obtained and the same are being obtained and will be submitted to the Ministry soon.
  - v. A detailed hydrological study containing the detail water sources, ground water levels,

water drainage, capacity of underground water resources, etc. has been prepared by the CMPDIL. User agency has submitted an undertaking to comply with all provisions recommended in the said report.

- vi. A soil and Moisture Conservation Plan has also been prepared by the User agency for its implementation in the area.
- vii. An amount of Rs. 1,10,20,580/- and Rs. 9,03,96,420/- has been deposited by the user agency towards the cost of NPV in lieu of diversion of 19.001 ha and 123.899 ha of forest land respectively diverted in the past. NPV in lieu of extant proposal will be paid by the user agency subsequent to Stage-I approval as per revised rates of NPV.
- viii. FAC, after examination of the additional information submitted by the State observed that since the movement of wildlife has been reported in the area, therefore, comments of the CWLW needs to be obtained

4. **Decision of FAC:** The Committee had detailed discussion and deliberation with the Nodal Officer Chhattisgarh and Head, IRO, Raipur. After going through the facts of the proposal, the Committee observed that the comments of CWLW are critical for appropriate analysis of the proposal therefore FAC deferred the proposal till the submission of comments of the CWLW Chhattisgarh on the reported movement of wildlife in the area and mitigating measures, if any, required to be taken for the mitigating the impact of the proposed project on the wildlife.

## Agenda No-2

F. No. 8-537/1988-FC (Pt.)

**Sub: Proposal for non-forestry use of 247.50 ha of forest land out of total lease area of 1936.06 ha in favour of M/s Steel Authority of India Limited (SAIL) for iron ore mining in Kiriburu- Meghahatuburu group of Iron Ore mines located in District West Singhbhum (Jharkhand) – reg.**

1. The above subject agenda item was considered by FAC in its meeting held on 15.07.2022. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Jharkhand also attended the meeting through video conference
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. FAC after through deliberation and discussion observed that:
  - i. Proposal was granted Stage-I approval vide this Ministry's letter dated 18.10.2010

read with letter dated 7.05.2014 subject to fulfilment of certain conditions. Compliance of Stage-I approval was submitted by the State in 2014 however, due to incompleteness of CA and other information, proposal was not considered for Stage-II approval and deficit information was sought from the State. Subsequently, Ministry after receipt of carrying capacity study of Saranda forests prepared a Management Plan for Sustainable Mining (MPSM), which was finally approved in 2018, and pending preparation of MPSM no approval in the area was considered by the Ministry. After the finalization of the MPSM, there has been correspondence with the State on the compliance of Stage-I approval dated 18.10.2010. However, for want of submission of complete information specifically suitable CA land, Stage-II approval was not considered by the Ministry.

- ii. Subsequently with regards to non-compliance of certain conditions and changes affected in the lease area, the proposal was placed before the FAC in its meeting held on 16.08.2021 and the FAC, deferred the proposal and desired additional information on certain points from the State Government. The same was conveyed to State Government vide Ministry's letter dated 02.09.2021. **IRO, Ranchi was also requested to submit an inspection report as per the observation of Ministry.**
  - iii. The FAC observed that information as per the observation of the FAC has been submitted by the State and the IRO, Ranchi of the MoEF&CC. FAC, after examination of the additional information observed certain facts viz. occurrence of permanent structure in the lease area, encroachment in the lease area of the user agency, likely change in the ground reality on account of lapse of considerable time of 12 years, change in the number of trees, etc. The Committee observed that report of the IRO should be more exhaustive providing detail on parameters enabling the Committee to take an informed decision in the matter.
4. **Decision of FAC:** The Committee had detailed discussion and deliberation with the Nodal Officer Jharkhand and Head, IRO, Ranchi. After going through the facts of the proposal, the Committee deferred the proposal and desired that Integrated Regional Office of the Ministry shall revisit the area and prepare a detailed report on the following for the consideration of the Committee:
- i. Detail of permanent structures observed in the mining leases of the user agency in relation with the violation of provisions of FC Act, 1980, if any, committed in the construction of said structures.
  - ii. Status of change in the scope of the project, if any, affected by the user agency during the lapse of a considerable period of almost 12 years from the date of grant of Stage-I approval on 18.10.2010. A factual situation of the ground reality may be documented and submitted to the Ministry.
  - iii. As the considerable time has been elapsed, the project affected trees may be re-

enumerated and abstract details of the project affected trees, along with change in their number needs to be intimated in consultation with State Forest Department. Moreover, detail of CA land which has been proposed over degraded forest land may also be verified with by the IRO in terms of suitability by visiting the areas proposed.

- iv. Unambiguous information with supporting details relating to status of reclamation and land handed over back to the State Forest Department. IRO may furnish its clear recommendation on the claim of the user agency to hand over 172.2 ha of forest area after receiving the Stage-II approval after detailed analysis of the reclamation measures adopted by the user agency and technical or administrative constraints, if any involved.
- v. Any other information that IRO may deem worth considering by the FAC.

**Agenda No: - 3**

**F. No. 8-21/2020-FC**

**Sub: Proposal for diversion of 64.86 hectare of forest land (60.66 ha. for mining + 4.2 ha. for approach road) in Swamimalai (SM) Block Forest, near Dharmapura village, Sandur Taluk, Ballari District for Narsimha Iron Ore Mine ML No.2148 [an auctioned C-category mine] erstwhile Lessee Sri H.G. Rangangouda] in favour of M/s MSPL Limited, Hosapete, Ballari District (LoI holder). - regarding (Online Proposal No.FP/KA/MIN/39986/2019).**

1. The above subject agenda item was considered by FAC in its meeting held on 15.07.2022. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. Nodal Officer (FCA), Karnataka and Regional Officer, Bangalore also attended the meeting through video conference
3. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
4. FAC after through deliberation and discussion observed that:
  - i. The proposal was considered by FAC in its meeting held on 23.12.2021.
  - ii. The proposal in the subject line is an auctioned C-Category mine and involves 64.86 hectare of forest land (60.66 ha. for mining + 4.2 ha. for approach road).
  - iii. The previous mining lease for ML No. 2148 was renewed under the MMDR Act, 1957 by

Govt. of Karnataka for 20 years from 21-07-1992 to 20-07-2012.

iv. As per the directions and orders by the Hon'ble Supreme Court in WP No. 562/2009, the Central Empowered Committee (CEC) carried out joint survey and digitization of the lease area and arrived at the actual mining lease extent as 60.66 hectare only. There was encroachment/illegal mining outside the approved lease area, to an extent of 21.61 ha. Based on the findings and violations caused by the lessee, the mining lease was categorised by the CEC as 'C' Category mine and was subsequently cancelled as per the order of Hon'ble Supreme Court dated 18-04-2013. The mining lease having forest area of 60.66 ha, was e-auctioned thereafter by the Department of Mines & Geology. The instant User Agency (*M/s MSPL Limited, Hosapet*) was the successful bidder, who has also been issued the Letter of intent (LoI) vide o. *DMG-17012/812018/2019-20* dated 23-12-2019 for an extent of 60.66 hectare.

v. The FAC on its meeting held on 23.12.2021 recommended the proposal for the in-principle approval, subject to the general, standard and following specific conditions:

- a. 4.2 ha of non-forest land contiguous to notified forest land (in respect of diversion of 4.2 ha of forest land for approach road) shall be identified, mutated in the name of State Forest Department and notified as RF/PF. UA shall also pay the cost of CA to be taken up on this land.
- b. NPV shall be paid for 60.66 ha, if same was not paid by the previous lessee. For the 4.2 ha, NPV shall be paid as per admissibility.
- c. The encroachment made on 21.61 ha outside the lease area by the previous lessee shall be dealt as per provisions under the Indian Forest Act 1927 or the State Forest Act, and/or the guidelines given by Hon'ble Supreme Court.
- d. The State Government shall comply with the directions of the Hon'ble Court given in their order dated:13-04-2012 in the WP (Criminal) 562 of 2009.
- e. The approval under the provisions of FCA 1980 is subject to the valid letter of intent to the user agency.
- f. Safety zone shall be maintained all along the proposed mining area as per the present guidelines.

vi. Meanwhile based on the amendments in MMDR Act, the division issued two guidelines with respect to amendments of MMDR Act. The FC Division has issued guidelines dt 07.07.2021 and 27.04.2022. The applicability of the guidelines issued on C- category mines were under active deliberation with Ministry of Mines and within the Ministry.

vii. Vide guideline dt 07.07.2021 the Ministry decided that: -

*In light of the above provisions of the MMDR Amendment Act 2021, the matter related to the validity of the approvals granted under Forest (Conservation) Act, 1980*

*(FCA-1980) was examined in the Ministry, and with a view to align the provisions under the two Acts, it has been decided that transfer of approval under FCA-1980 in such mining leases may be considered subject to the certain conditions.*

viii. Vide guideline dt 27.04.2022 the Ministry decided that: -

*FC proposals of the new lessee, in respect of cancelled leases which are currently under consideration in the State and Central Government, may be dealt as a transfer of lease case, at Ministry level at New Delhi, with condition as applicable or reported by the State Government.*

*Guidelines dated 7.07.2021 issued by the Ministry stands modified to the above extent.*

ix. Further MSPL vide representation dt 11.05.2022 has requested to consider this proposal under the category of transfer of lease quoting this Ministry guideline dt 27.04.2022.

x. The proposal is once again before FAC to decided whether this proposal may be treated under the category of transfer of leases instead of fresh FC clearance as per the guidelines issued dt 27.04.22.

xi. It was informed by the Nodal Officer and IRO that the earlier identified CA land which was mutated in the name of Forest department is found to be Reserve land.

xii. The FAC has sought the detail report and action taken report wrt the CA land which is a reserve forest land but earlier it was identified for CA purpose stating that it is a Non-Forest land.

ix. It was also noted that since the earlier identified CA land was a reserve forest this proposal is to be considered as a fresh case for FC Clearance.

**5. Decision of FAC:** The Committee had detailed discussion and deliberation with the Nodal Officer Karnataka and Regional Officer, IRO, Bangalore and it was decided that the proposal will be considered as fresh case for FC clearance since as informed by State Govt. and IRO, Bangalore the CA land provided by the User Agency has been found to be Reserve Forest. Therefore, the proposal in present preposition cannot be treated as lease transfer and therefore, the proposal as treated earlier as fresh proposal will continue to exist. However, the proposal is deferred in want of CA land.

- i. The State Government will provide the detailed report in regard of CA land provided earlier.
- ii. The State Government to identify new CA land and submit the proposal.
- iii. State Government to submit timeline for implementation of R&R plan of leased area in question.

**Agenda No: - 4**

**File No. 8-37/2017-FC**

**Subject: Proposal for diversion of 426.763 ha of forest land in favour of Water Resources Department, Panna District for construction of Majhagaon Medium Irrigation Project Panna district in the State of Madhya Pradesh (Online no. FP/MP/IRRI/7121/2014) - reg.**

1. This proposal was considered by FAC in its meeting held on 15th July, 2022. The details of the proposal may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, were presented by Member Secretary before the FAC for examination and analysis.
3. The Nodal Officer (FCA), Government of Madhya Pradesh and DDG (Central), IRO, Bhopal attended the meeting through video conference.
4. While deliberating on the proposal, FAC observed that:
  - i. The Government of Maharashtra vide their letter No. F-3/45/2014/10-11/5/1049 dated 22.04.2017 submitted the above proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.
  - ii. The instant proposal was discussed in FAC in its meeting held on 23.02.2018 wherein the Committee recommended the proposal for Stage-I approval with certain specific conditions.
  - iii. The Ministry vide letter of even no. dated 03.05.2018 issued Stage-I/In-principle approval subject to certain conditions prescribed therein.
  - iv. The Government of Madhya Pradesh vide their letter no. F-3/45/2014/10-11/5/2758 Bhopal dated 28.08.2020 submitted a report on compliance of conditions stipulated in the Stage-I approval.
  - v. From the examination of the compliance report submitted by the State Government certain shortfalls were observed and the same were communicated to the State Government vide Ministry's letter of even no. dated 09.09.2020, dated 27.05.2021 and dated 22.11.2021
  - vi. In this reference, the State Government vide letter no. F-3/45/2014/10-11/5/2028 dated 08.06.2022 and letter no. F-3/45/2014/10-11/5/2313 dated 29.06.2022 has requested for modification of following conditions imposed in Stage-I/In-principle approval:

<b>Condition no.</b>	<b>Condition stipulated in Stage-I approval</b>
(ii)	The proposed dam is 8 km long & C-shaped earthen dam at Panna District. In 2016 monsoon there were two (2) dam burst cases at Panna. Looking in to length of dam, shape of dam, earthen dam, pre 2015 design and act of violation is also reported. So a study from reputed national institute for required structural

	approval shall be undertaken and the recommendations be implemented by the user agency to avoid any possible unforced conditions
(ix)	Penal CA shall be raised over 426 ha of the degraded forest land forest land since work has been done in violation of FC
(x)	Penal NPV will be imposed as per the guideline of the ministry as applicable in this case
(xi)	The area under diversion should be measured again using Total station method as area proposed found to be more (661.54 ha.) through DSS as compared to proposed
(xiv)	The quantum of penalty of violations committed by user agency shall be arrived in accordance with guidelines issued by this Ministry vide no.11-42/2017-FC dated 29 th January, 2018
(xvi)	It has been reported that the District Collector, Panna, Madhya Pradesh has issued certificate dated 21.09.2015 for diversion of 426.763 ha of forest land in favour of Water Resources Department, Panna District for construction of Majhagaon Medium Irrigation project Panna district in the State of Madhya Pradesh without approval under FC Act. The matter should be investigated under section 3A/3B of the FC Act by the Regional office and reported along with the action taken report against erring officials (those involved in non-forestry use of forest land) already initiated by the State Government

vii. In terms of condition no. (ii) the State Government has informed that the structure of the dam has been designed by an institution/organization named "Bodhi". Further, the Bodhi has designed big dams like Ban Sagar, Bargi whose capacity is more than 500 million cubic meters. The capacity of Majhagaon dam is only 120 million cubic meters. It was also observed that it is for the State Government to ensure the safety and stability of the structural design.

viii. In terms of condition no. (ix), (x), (xiv) and (xvi), the State Government has informed that the land which was required for the dam is revenue land as per the revenue records. This land was leased to private persons and these persons are cultivating this land even before it was declared as a Protected forest. However, as soon as the work was started by the Water Resources Department, it was stopped by the Forest Department. Breaking up of land in the instant case has taken place in an area of less



than 2 ha, for which the action has been taken as per the provisions of Indian Forest Act,1927.

- ix. The FAC observed that since the area under consideration was recorded as revenue land in the revenue record, therefore there may not any wilful violation by the authorities concerned in granting permission to the Water Resources Department to work on this land. However, it cannot be denied that the work has been started in violation of the provisions of Forest (Conservation), Act 1980. Keeping this in view, the conditions imposed for penal CA and penal NPV in the stage-1 approval cannot be relaxed.
- x. In terms of condition no. (xi), the State Government has informed that the correct area for diversion is 426.763 ha. Only. However, the forest land is interspersed with private land in between, due to which it is not possible to prepare KML file of entire 426.763 hectares forest land by doing total station survey.
- xi. The FAC further observed that the State Government has not explicitly stated as to how the proposed area could not be entered in the revenue record, how the provisions of Section 34 of IFA,1927 were invoked in certain areas and why some areas under cultivation were declared as Protected Forest. In order to address such ambiguities, it is important that the entire area under submergence including the revenue land be notified as forest to avoid any confusion in future.
5. **Decision of FAC:** The FAC after thorough deliberation and discussion as above recommended to delete the condition given at Sr no (xvi) of the Stage-1 approval dated 03.05.2018 and modify the conditions at Sr no. (ii) and (xi) as under:
- (ii) The State Government shall ensure the safety and structural stability of the proposed dam and submit a certificate in this regard.
- (xi) The entire area proposed to be included in the submergence zone, including the non-forest land, shall be notified as PF/RF under IFA,1927 or State Specific laws prior to the issuing of Stage-II/ Final approval.

The remaining conditions imposed in the Stage-1 approval shall remain unchanged.

### **Policy Issue**

**Sub: Clarification on guidelines for use of forest land for within the RoW of roads in respect of laying of Under Ground Optical Fiber Cables (OFCs), drinking water supply pipelines, above ground OFCs -reg.**

1. The above stated agenda item was considered by FAC in its meeting on 15.07.2022. FAC after through deliberation and discussion observed that:

- i. Para 4.2 of Chapter – 4 of the Handbook of the Forest (Conservation) Act, 1980 provides for grant of approval for laying of underground optical fiber cables, drinking water pipelines, electric lines telecommunication lines, CNG/PNG Pipelines, slurry pipe lines along the roads within existing Right of Way not falling in National Parks and Wildlife Sanctuaries, without felling of trees, where maximum size of the trench is not more than 2.0 -meter depth and 1.0 meter wide. Recently Ministry, vide letter dated 21.10.2021 has allowed to increase the size of trench for laying of slurry pipe lines by 2m x 2m.
  - ii. Said approval under para 4.2 has been granted to facilitate development of public utility infrastructure and to streamline and simplify the process of approval under the FC Act, 1980 in respect of such forest areas which have already been allowed or acquired for non-forestry use.
  - iii. Recently, references have been received from the Ministry of Jal Shakti, Department of Telecommunication, Cellular Association Operator of India (COAI), State Government of Madhya Pradesh and State Government of Maharashtra to further streamline the said guidelines of the Ministry on the following points:
    - a. To simplify the Forms for submission of the application for laying of OFCs in the RoW of roads.
    - b. The earlier system of according approvals may be reverted to by delegating the approving authority to the respective DCFs.
    - c. To consider bringing out a new GR permitting Overhead / Aerial OFC laying/ grant permission to lay Overhead cable.
    - d. to enhance the dimension of trench allowed in the RoW of roads for laying of drinking water pipe line from existing 1 m x 2 m to 2m x 2m to streamline the implementation of Jal Jeevan Mission in the State.
    - e. To exempt the projects payment of NPV located in the Protected Areas
2. FAC, after considering the issues in their entirety observed as under:
- i. As per procedure stipulated in the Handbook, application for a re-diversion proposal for laying of Under Ground Optical Fiber Cables (OFCs), telephone lines, drinking water supply pipelines, electricity cables, CNG/PNG, etc. is submitted in the Form-A i.e. entire process as stipulated for seeking fresh diversion, is repeated consuming considerable time and resources.
  - ii. FAC was further apprised that before PARIVESH such proposal were used to be submitted physically with simple application supported with maps, alignment and undertaking from the new agency to abide by the conditions of prior approval. Based on such simple application, the approval was used to be considered by the concerned authorities. However, the process has become cumbersome after the same was made online as Form-A was prescribed for submission of application. Committee was also

apprised about the revised simple form for submission of such re-diversion proposal being developed by the Forest Conservation Division for submission of such application online.

- iii. Committee further observed that by allowing laying of such utilities within the RoW of roads, it was intended to curtail to time for the obtaining permission for such public utilities projects. However, the purpose of dispensation is defeated as the user agency has to be repeat the entire process causing delayed implementation of the project which could otherwise has been implemented expeditiously provided the process of submission of application and its approval is simplified. FAC opined that in such cases process which used to be followed in physical mode should be adopted in the online mode also and necessary online form to this effect may be developed and notified by the Ministry. The Ministry should carryout necessary amendment in the existing module for online submission of the proposal and the same should be made live for submission of re-diversion proposals.
- iv. On the issues raised by the Government of Maharashtra, the Committee observed that General Approval of the Central Government is a prior approval of the Central Government under Section -2 of the Forest (Conservation) Act, 1980 with a view to curtail delays in the implementation of the public utility projects, including black topping of roads constructed prior to 1980.
- v. The Committee was also apprised that Ministry on 5.02.2019 denied the request of the State Government to delegate power of General approval to the Nodal officer of the State citing the fact that General approval cannot be further delegated. In the instant case, delegation of power are merely limited to grant of permission for re-diversion for which permission for non-forestry use has already been granted i.e. no fresh approval or fresh permission for non-forestry use is required to be granted. Committee further observed that as per Forest (Conservation) Rules, 2022, the Nodal Officer (FCA) has been assigned the responsibility of chairman of Project Screening Committee to scrutinize the various proposal. Therefore, it will be appropriate to authorize Nodal Officer (FCA), to consider permissions for re-diversion for laying of OFCs falling within in the RoW of roads located outside the Protected Areas.
- vi. Committee also noted that Ministry has already granted General approval for laying of underground OFCs and now the Government of Maharashtra has requested for laying of OFC overhead on the existing poles on the roadsides without causing any damage to the trees. Committee opined that laying of overhead OFCs on the existing poles is least damaging, as it does not involves erection of fresh poles and damage to trees.
- vii. With regards to increasing the size of trench from 1m x 2m to 2m x 2m for laying of drinking water pipelines under the Jal Jeevan Mission (JJM), the Committee observed that JJM is envisioned to provide safe and adequate drinking water through individual

household tap connections to all households in rural India. The programme will also implement source sustainability measures as mandatory elements, such as recharge and reuse through grey water management, water conservation, rain water harvesting.

- viii. Committee was apprised that given the large size of pipeline, it is difficult to lay the same with the existing dimension of 1m wide x 2m deep as space for temporarily storing the mud is inadequate and accordingly, additional width is required to store the mud and refill it back into the trench. Committee was further apprised that for the purpose of laying of the pipeline, disturbance caused in forest area is for quite a limited period and after laying the pipeline the area is restored back to its original state.
- ix. Committee also observed that proposed Mission besides providing the safe drinking water to the rural communities will also reduce the biotic pressure on local water resources. Committee opined that since the activity is least detrimental to the forest without felling of trees and outside the Protected Area, the request of increasing the dimension of trench 2m x 2m may be considered by the Ministry.
- x. With regards to exemption from the payment of NPV, the Committee observed that in terms of Hon'ble Supreme Court order dated 28.03.2008 read with order dated 9.05.2008 the MoEF&CC is not authorized to provide exemption from the payment of NPV. Accordingly, Committee opined that seeking the desired exemption prior permission of Hon'ble Supreme Court is required to be obtained by the concerned agency.

3. **Decision of FAC:** The Committee had detailed discussion and deliberation with the Head, IROs and Nodal Officers present during the meeting. After going through the facts of the proposal, the Committee recommended the following:

- i. To facilitate and streamline the process of re-diversion involving proposals covered under para 4.2 of the Handbook of the Forest (Conservation) Act, 1980, necessary amendment in the existing module for online submission of such re-diversion should be made and necessary online form to this effect may be developed and notified by the Ministry.
- ii. As per the provisions of Forest (Conservation) Rules, 2022, the Nodal Officer (FCA) has been designated as chairman of the Project Screening Committee to scrutinize the various proposal. The State Government, therefore, shall authorize Nodal Officer (FCA), to consider permissions for re-diversion for laying of OFCs falling within in the RoW of roads located outside the Protected Areas.
- iii. Ministry may consider extending the General Approval covered under para 4.2 of the Handbook for laying of underground OFCs to overhead laying of OFCs on the existing poles within the ROWs without causing any damage to the trees.
- iv. Keeping in view the importance of Jal Jeevan Mission in terms of safe drinking water,

reduced biotic pressure on local water resources, grey water management, Ministry may consider the enhancement in the dimension of the trench 2m x 2m subject to such conditions as already specified by the Ministry.

- v. Ministry is not authorized to provide any exemption to projects located in the Protected Areas from the payment of NPV, as applicable, in terms of Hon'ble Supreme Court order dated 28.03.2008 read with order dated 9.05.2008.

\*\*\*\*\*

**(Confirmed through email)**

*(Sh S. D. Vora)*

Non-official Member

**(Confirmed through email)**

*(Dr Sanjay Deshmukh)*

Non-official Member

**(Confirmed through email)**

*(Sh Anmol Kumar)*

Non-official Member

**(Confirmed through email)**

*(Sh Om Prakash Sharma)*

Member

**(Confirmed)**

*(Sh S.P. Yadav)*

Additional Director General of Forests (FC)

Member

**(Not present)**

*(Sh Bivash Ranjan)*

Additional Director General of Forests (WL)

Member

**(Confirmed)**

*(Sh Ramesh Kumar Pandey)*

Inspector General of Forests (FC)

Member-Secretary

**(Approved)**

*(Sh. C.P. Goyal)*

Director General of Forests & Special Secretary

Chairperson