**AGENDA FOR THE MEETING OF FOREST ADVISORY COMMITTEE**
**SCHEDULED TO BE HELD ON 26th October, 2017**

**Sandeep Sharma, AIGF (FC)**

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**Nisheeth Saxena, AIGF (FC)**

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Sandeep Sharma, AIGF (FC)

Agenda No. 1

F. No. 8-45/2016-FC

Sub: Proposal for according permission for use of 3.606 ha of forest land within total Mining lease area of 264.466 ha in Kathpal chromite Mining lease located in Kankadahad Tahasil and Kamakshyanagar (East) Forest Range of Dhenkanal Forest Division in Dhenkanal district for undertaking exploratory drilling of 40 no. of boreholes of 4” dia (40 boreholes @ 0.02 ha each totaling 0.80 ha and 2.806 ha for construction of road) by M/S Odisha mining corporation Ltd. for prospecting of minerals.

1. State Government of Odisha vide their letter No. 10F (Cons) 16/2016/17627/F&E dated 21.09.2016 submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for 40 no. of boreholes of 4” dia (40 boreholes @ 0.02 ha each totaling 0.80 ha and 2.806 ha for construction of road) by M/S Odisha mining corporation Ltd. for prospecting of minerals in Kathpal chromite Mining lease located in Kankadahad Tahasil and Kamakshyanagar (East) Forest Range of Dhenkanal Forest Division in Dhenkanal district, Odisha.

2. The said proposal was placed before FAC in its meeting held on 09.11.2016.

3. The project is located in the Dhenkanal Forest Division, District Dhenkanal, Odisha

4. The legal status of the forest land is birasal reserve forest and revenue forest.

5. It is reported that the proposed land is plane and there is no scope for erosion.

6. The density of vegetation in the area has been estimated to be 0.3. However, for the purpose of prospecting felling of trees is not involved. Hence no tree enumeration report has been provided for this project.

7. Details of wildlife present in and around the forest land includes: Fox, common Langur, Jackal, Sloth Bear, Hyena, Squirrel Mongoose, Ratel, Hare, Pangolin, Peacock, Red Jungle Fowl, Porcupine, Ring Dove, Parakeet, Koel (Indian Wild Lizard), Cobra, Python, Common Indian Krait are found in the area.

8. As per provisions of Ministry's guidelines bearing F. No. 11-96/2009-FC dt. 4.7.2014 prospecting is exempted from the requirement of submission of documentary evidence in support of settlement of rights in accordance with provisions of ST&OTFD (Recognition of Forest Rights) Act, 2006 as stipulated in MoEF circular dt. 3.8.2009.

9. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc

10. No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.

11. No work of in violation of the Forest (Conservation) Act, 1980 has been carried out

12. It is reported that the requirement of land is unavoidable and barest minimum for the Mining purpose.

13. No compensatory afforestation is required for the purpose of forest land to be used for exploratory drilling as per provisions of Guidelines of MoEF&CC, Government of India vide F. No. 11-96/2009-
FC dated 04.07.2014. **However,** the Compensatory Afforestation in Bald hill plantation mode including cost of maintenance of 10 years as per current wage rate of Rs. 200/- per man-day over an area of **2.806 ha of forest land** with a total financial outlay of Rs. 9,64,500/ has been prepared by DFO, Kalahandi (south) Division, which has been technically approved by Addl. PCCF (Forest Division) & Nodal Officer, FC. The CA scheme shall be implemented departmentally at project cost. However, the suitability certificate for CA plantation has not been furnished.

14. The proposal has been recommended for approval by DFO, RCCF, PCCF and State Government.

15. The activities proposed to be undertaken includes drilling of 63 no. of boreholes of 4” dia each with a distance of 200 mts between two boreholes which includes 40 boreholes on forest land and remaining 23 boreholes will be drilled on non-forest land. Out of 40 boreholes proposed to be drilled on forest land, 35 no. of boreholes are in RF land and remaining 5 no. are on Revenue forest land. Each borehole is proposed to be drilled up to a depth of 250 mt. In order to facilitate movement of machinery and equipment for the purpose of prospecting, it has been proposed to construct a road of 5612 mt. length and 5 mts width covering an area of 2.806 ha. 15 personnel are to be deployed for the purpose of prospecting and prospecting activities will be confined between 6AM to 6PM. **The applicant has applied for a time period of 5 years for the purpose of prospecting.** The area of forest land likely to experience temporary change in land use is mentioned as 3.606 ha. within the ML area. which includes 40 no of boreholes of 4” diameter up to a maximum depth of 250 mts @ 0.02 ha. of forest for each of the borehole (total 0.80 ha.) and an area of 2.806 ha. of forest land is likely to experience temporary change for the purpose of construction of a road tor mobility of drilling equipment.

16. The proposed prospecting site does not involve any felling of trees as has been reported by the DFO, Dhenkanal.

17. **Environmental Clearance:** Mineral prospecting is exempted from having environmental clearance.

18. **Cost Benefit Analysis:** Since it is not case of diversion, Cost: Benefit Analysis for this exploration project is not required.

19. **Rehabilitation and Resettlement:** This exploration Project does not involve displacement of human habitation.

20. The NPV is not applicable for the forest land to be used for exploratory drilling as per provision of Gol, MoEF&CC guidelines bearing No. 11-96/2009-FC dt. 4.7.2014. However, forest land proposed to be used for construction of road to the extent of 2.806 ha. is liable for payment of NPY as per observation of MoEF in other prospecting proposals. It is ascertained from the PCCF, Odisha that OMC Ltd. has already deposited NPY for entire forest land of 176.690 ha. That includes 2.806 ha. Of forest land proposed to be used for the purpose of road.

21. The State Govt. of Odisha has recommended this proposal with the following conditions.

   (i) User agency shall seek permission of DFO, Dhenkanal Forest Division before entering into the forest area.
   (ii) Each bore-hole shall be dug with prior permission of the DFO, Dhenkanal Forest Division.
   (iii) Proper plugging of boreholes shall be made after exploration activities are complete.
   (iv) No tree felling, shall be undertaken for exploration activities. Project activities shall be restricted
to clearing of bushes and lopping of tree branches if any for the purpose of site preparation.

(v) Existing path and roads only will be used by the user agency for the purpose of prospecting activities in addition to 2.806 ha of forest land to be used for this purpose in the ML area.

(vi) Drilling of boreholes will be limited to 40 no. with diameter of 4” within forest land.

(vii) No labour camp shall be established on the forest land. No work shall be allowed after sunset.

(viii) No other construction activities shall be done by the user agency on forest land.

(ix) User agency shall report the progress of drilling work to the DFO, Dhenkanal and also furnish detailed report thereof on completion of the project.

(x) Adequate measures shall be taken by the user agency to ensure that prospecting activities do not harm the wildlife in the area. Any damage done in this context, shall be compensated by the user agency as per assessment, by the DFO, Dhenkanal.

(xi) The user agency shall be responsible for any loss to the flora and fauna in the surrounding. Any damage done in this regard shall be compensated by the user agency from the project cost as per assessment of the DFO, Dhenkanal.

(xii) Instant permission of Govt. of India for prospecting in forest area, if accorded, would not confer any rights on the user agency "to obtain diversion of forest land for mining of chromite from this area in future.

(xiii) In case, rights over for-est land proposed to be used for prospecting purpose, has already been settled in favour of eligible claimants as per provisions of the Forest Rights Act, 2006, the claimants shall either be compensated appropriately or location of boreholes be suitably re-located.

(xiv) The OMC Ltd, shall provide information on GPS reading of all the locations of the proposed boreholes to the DFO, Dhenkanal for his reference.

(xv) DFO, Dhenkanal Forest Division may impose any other condition for protection and conservation of the flora and fauna in the forest area. Mining/Prospecting activities within the ML area shall be subject to having valid lease.

(xvi) CA scheme shall be implemented departmentally at project cost.

22. The Para 1.3 (v) of the guidelines issued under the Forest (Conservation) Act, 1980 (provides that “prospecting of any Mineral, done under prospecting license granted under MMRD Act, which requires collection/ removal of samples from the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act, 1980 would be required. However, in case of coal, lignite and metallic ores – test drilling up to 16 boreholes of maximum 6.6 inch dia. per 10 sq km and in case of non-metallic Ore test drilling up to 15 boreholes of maximum 6.6 inch dia. per 10 sq km for prospecting exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be required.”

23. The Ministry’s Guidelines dated 4th July 2014 states that “Keeping in view that only a small fraction of area located within as prospecting block is utilized for exploration activities, site inspection by concerned Regional office of this ministry will be insisted only if the actual area of the forest land proposed to be utilized for construction of new road/paths and for drilling of boreholes/sample collection pits etc. is more than 100 hectares.”

24. Recommendation of FAC held on 09.11.2016. FAC recommended that:
   i. On analysis through DSS, it is observed that some of the land proposed for CA is having vegetation. The user agency shall take additional non-forest land for CA so that total CA could be done over the 3.5 ha in lieu of the diversion of forest land sought.
   ii. On analysis through DSS, it is observed that the proposed area is at 7.5 km from the Similipal-Satkosia tiger corridor. Comments of NTCA shall be sought

25. Ministry vide its letters dated 20.12.2016 (Pg-160 and 161) requested the State Government and NTCA to provide the information/document/comments as per recommendation of FAC.

26. DIGF (NTCA) vide their OM no. 7-2/2017-NTCA dated 26.04.2017 (Pg-162-163/c) has submitted that the mining exploratory lease site is very close to the corridor between Similipal and Satkosia Tiger
Reserves. Development activities in this region will have negative impact on the corridor especially if human impacts of resource bio-extraction or transportation increase.

In this context, while recommending the project under section 38 O (1) (g) of the Wildlife (Protection) Act, 1972, following mitigation measures are proposed for strict compliance:

i. Since tiger corridor is on the northern side of the forest land hence infrastructural development activities viz. civil construction activities etc. associated with mining should not be allowed towards northern end of forestland.

ii. No bio resources should be used from the neighbouring forests.

iii. Labourers should strictly be prohibited from hunting. The mining company should hold responsible & the requisite legal action is to be taken if poaching is reported by its labourers and personnel.

iv. No labour settlements should be allowed in the Forest.

v. No transportation should be permitted to transverse the delineated Similipal-Satkosia corridor.

vi. The mitigation measures suggested by forest and environment department, Government of Odisha vide letter no. 105 (Cons)-16/2016-17627/F&E 21.09.2016 should be strictly adhered to.

27. Government of Odisha vide their letter no. 10F (Cons) 16/2016/17533/F&E dated 22.08.2017 has submitted their reply on the observation of this Ministry’s letter dated 20.12.2016. In their reply Government of Odisha has informed that the Addl. PCCF (FC) & Nodal Officer, FCA in his letter No. 17677 dt. 4.8.2017 has furnished a revised CA scheme over 3.5 ha duly approved by him with a estimated cost of Rs. 13,76,900/- at current wage rate of Rs. 200/- per manday including cost of maintenance of 10 years. The CA scheme has been formulated/approved for undertaking bald hill plantation @ 1600 plants per ha over 3.5 ha of non-forest land in Khata no. 51, plot no. 732, Kisam-Dangar of village Kerpai under Thuamul Rampur Tahasil of Kalahandi district, Odisha. The CA scheme has provision of planting indigenous species like Neem, Karanja, Amla, Harada, Bahada, Sissoo, Gambhari, Chakunda, Salia Bamboo, Mahul, Teak, Mango, Arjuna etc. Identified non-forest land for CA is certified to be suitable for bald hill plantation (Pg-173-174/c). Non-forest land identified for CA has been delineated in the SoI, Topomap no. E44F3 of 1:50000 scale (Pg-181/c). The approved CA scheme has also GPS reading of area of CA and the cadastral map of village Kerpai showing the CA land. The soft copy of shape file of CA area is also provided.

28. DSS analysis Report: The shape file as provided has been analysed by DSS cell and their comprehensive report may kindly be seen at F/R-1. The major observation stated in the report are as follows:

(i) Compensatory afforestation has been proposed over Non- forest land, equal in extent to the forest land being diverted. Legal status of the land can't ascertained through DSS due to unavailability of the recorded forest boundary of Odisha State.

(ii) CA land has been provided in Single compact patch falling in the Kalahandi district.

(iii) Total area of proposed Compensatory afforestation land is found correct as per the requirement.

(iv) As per the DSS analysis, Proposed CA patch is covered with the canopy density of open forest in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014 and on simultaneously visualization through Satellite Imagery, no tree canopy density is depicted inside the proposed CA patch.

The facts related to the above proposal may be placed before FAC in its meeting to be held on 26.10.2017 for their examination and appropriate recommendation.

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Agenda No. 2

Sub: Proposal for prior approval under section 2 (iii) of forest (Conservation) Act, 1980 for 229.00 ha forest land for Limestone mining at village Naokari-Kusumbi, Dist. Chandrapur in favour of M/s Manikgarh Cement Ltd.

3. The project is located in the Central Chanda Forest Division, District Chandrapur, Maharashtra.
4. The legal status of the forest land is Reserved Forest.
5. The area falls under Eco-class 3 and the vegetation density is 0.4.
6. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
7. No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
8. No work of in violation of the Forest (Conservation) Act, 1980 has been carried out.
9. Complete Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not given.
10. It is also mentioned that the Stage-II approval was accorded for diversion for 247.96 ha in favour Manikgarh Cement Limited under Section 2 (ii) of Forest (Conservation) Act, 1980 vide this Ministry’s letter no. 8-64/2001-FC dated 28.11.2001.
11. Nodal Officer has recommended the proposal subject to certain conditions.
12. State Government of Maharashtra has recommended the proposal.
13. Further, Ministry vide its letter no. 5-01/2017-FC dated 08.02.2017 was requested the State Governments to provide a list of existing mining leases executed on or before 11.1.2017/ status of validity of all mining leases which had been saved under the provisions of MMDR Act, 2015, and pending in this Ministry for consideration under Section 2 (iii) of Forest (Conservation) Act, 1980.
14. The State Government of Maharashtra vide their letter no. FLD-2017/CR-80/F-10 dated 24.03.2017 has provided the status of various pending proposals including the present status of M/s Manikgarh Cement - “The initial LOI for 643.62 ha was issued by the State Government vide letter dt. 30.4.1979. The first Mining lease for 643.62 ha was executed on 3.11.1981. Out of 643.62 ha 150.62 ha forest area was surrendered vide Government of Maharashtra letter dt. 27.8.1987. Out of the balance 493 ha forest land formal approval to the project for 264 ha was granted by Government of India vide letter dt. 3.2.1986. The proposal for remaining 229 (190.42 ha + 38.58 ha Jivati area) forest land under Section 2 (iii) of FCA, 1980 is under consideration at Government of India level. The matter is sub-judice in the Hon’ble Bombay High Court, Nagpur Bench”.
15. Forest Advisory Committee (FAC) in its meeting held on 25.04.2017 recommended the proposal for approval under section 2 (iii) of Forest (Conservation) Act 1980 subject to certain conditions including specific conditions.
and the final decision of Hon’ble high court of Bombay. Further, it was observed that the matter is sub-judice and involves the interpretation of section 10-A (2)(C) of MMDR Act and LoI is not valid till the finality of the applicability of sub rule (4) of rule 8 which stipulates that where the lease has not been executed and registered before 11th January 2017, the right of the applicants (LoI holders) under clause (C) of sub section 10A for grant of a mining lease shall be forfeited and it would not be mandatory for the State Government to issue any order in this regard. In this regards considering FCA guidelines 2.1 (vi) vide which State Government are advised not consider/process cases, which are pending in various courts or sub-judice to avoid all sort of administrative and legal complications. In this backdrop in the absence of the valid LoI after 11th January 2017, the FAC should not recommend permission under section 2 (iii) of the FC Act to execute the mining lease till the final order of the Hon’ble High Court and clarification regarding the applicability of provisions of section 10-A (2) (C) of MMDR Act and validity of LoI issued by the Government in favour of the user agency is clarified from the Ministry of mines and the State Government. In the light of facts stated above, The said guidelines was brought to the notice of FAC and do not recommend such cases till the final orders of Hon’ble High Court in this matter is received.

16. The file was processed and placed before competent authority for approval. The competent authority observed as follows:

"Have we received any new document after the FAC meeting? Better such issues are resolved at FAC level itself. Since there are two different opinions about LoI in this case, call the concerned for a meeting at DGF&SS level and obtain the facts. Also please keep in view the order of the Hon’ble High Court, Nagpur”.

17. Accordingly, the facts was placed before FAC in its meeting held on 20.07.2017 and FAC observed that the State Government had reported that the matter related to validity of letter of intent is sub-judice. Representative of the user agency apprised that the matter is listed in the Hon’ble high court on 2nd August 2017. In this regard, the Forest (Conservation) Act guidelines 2.1 (vi) was perused. It clearly says that “State Government are advised not to consider/process cases, which are pending in various courts or sub-judice to avoid all sort of administrative and legal complications”. FAC inter alia recommended that:

“Considering the fact placed before the FAC, it recommended not to grant permission to the state Government under section 2(iii) of FC Act till the final orders of the Hon’ble High Court on applicability of provisions of section 10-A (2) (c) of MMDR Act,2015 are passed”.

18. Ministry vide its letter dated 19.09.2017 communicated the State Government that the approval of competent authority for not to grant prior approval for 229.00 ha forest land for Limestone mining at village Naokari-Kusumbi, Dist. Chandrapur in favour of M/s Manikgarh Cement Ltd under section 2 (iii) of Forest (Conservation) Act, 1980 till the final order of the Hon’ble High Court.


The matter is heard and is being disposed of in the backdrop of orders passed in Writ Petition No. 126/2017. Here, the petitioner got first Mining lease on 17/08/1981 for period of 20 years. Steps for its renewal were initiated and Environmental Clearance was already given on 24.10.2007. When the provisions of Amended Act, 2015 came into force, the issue regarding Forest Clearance was already pending.
The Forest Advisory Committee in the meeting conducted on 25.04.2017 has recommended the proposal for approval under section 2 (iii) of the Forest (Conservation) Act, 1980. The proceeding of Meeting of Forest Advisory Committee held on 20th July, 2017 reveal that because of Guideline 2.1 (VI), the positive recommendation has not been accepted due to pendency of the present writ petition. This fact of case at hand and in Judgements/orders (supra) are identical. Hence, with similar observations and same directions, we partly allow the writ petition and dispose it of No order as to costs.

20. The Hon’ble Court directed in Writ Petition No. 126/2017 that:

“……..it is apparent that the favourable recommendation to the Forest Advisory Committee dated 25.04.2017 needs to be looked into on merits by respondent No. 1 and pendency of petition before this court cannot be a ground to postpone it. Accordingly, we direct respondent No. 1 to consider that recommendation on merits, within a period of three months from today.”

The above facts may be placed before FAC in its next meeting to be held on 26.10.2017 for appropriate decision.

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**Agenda No. 3**

F. No. 8-61/2016-FC


3. The project is located in the bhamragarh (Gadchiroli) forest, District Gadchiroli, Maharashtra.
4. The legal status of the forest land is Reserved Forest (153.09ha).
5. The area falls under Eco-class- 3 and the vegetation density is 0.4.
6. It is reported that the herbivorous and Carnivorous animals seen rarely in this area (1) Cheetal (Axis) 2 hare (Lepus ruficaudatus) 3 Wolf (Canis lupus pallipes)
7. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
8. No protected archaeological/ heritage site/defense establishment or any other important monuments is located in the area.
9. No work of in violation of the Forest (Conservation) Act, 1980 has been carried out.
10. The compliance on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is pending.
11. As per information available on FC website, no proposal for this Mining Lease has been submitted for approval under section 2 (ii) of Forest (Conservation) Act, 1980.
12. Nodal Officer has recommended the proposal.
13. State Government of Maharashtra has recommended the proposal.
14. Further, Ministry vide its letter no. 5-01/2017-FC dated 08.02.2017 was requested the State Governments to provide a list of existing mining leases executed on or before 11.1.2017/ status of validity of all mining leases which had been saved under the provisions of MMDR Act, 2015, and pending in this Ministry for consideration under Section 2 (iii) of Forest (Conservation) Act, 1980.
15. The State Government of Maharashtra vide their letter no. FLD-2017/CR-80/F-10 dated 24.03.2017 has provided the status of various pending proposals including the present status of M/s Gopani Iron &

16. Forest Advisory Committee (FAC) in its meeting held on 25.04.2017 recommended the proposal for approval under section 2 (iii) of Forest (Conservation) Act 1980 subject to certain conditions including specific conditions and the final decision of Hon’ble high court of Bombay. Further, it was observed that the matter is sub-judice and involves the interpretation of section 10-A (2)(C) of MMDR Act and LOI is not valid till the finality of the applicability of sub rule (4) of rule 8 which stipulates that where the lease has not been executed and registered before 11th January 2017, the right of the applicants (LOI holders) under clause (C) of sub section 10A for grant of a mining lease shall be forfeited and it would not be mandatory for the State Government to issue any order in this regard. In this regard considering FCA guidelines 2.1 (vi) vide which State Government are advised not consider/process cases, which are pending in various courts or sub-judice to avoid all sort of administrative and legal complications. In this backdrop in the absence of the valid LOI after 11th January 2017, the FAC should not recommend permission under section 2 (iii) of the FC Act to execute the mining lease till the final order of the Hon’ble High Court and clarification regarding the applicability of provisions of section 10-A (2) (C) of MMDR Act and validity of LOI issued by the Government in favour of the user agency is clarified from the Ministry of mines and the State Government. In the light of facts stated above, The said guidelines was brought to the notice of FAC and do not recommend such cases till the final orders of Hon’ble High Court in this matter is received.

17. The file was processed and placed before competent authority for approval. The competent authority observed as follows:

“Have we received any new document after the FAC meeting? Better such issues are resolved at FAC level itself. Since there are two different opinions about LOI in this case, call the concerned for a meeting at DGF&SS level and obtain the facts. Also please keep in view the order of the Hon’ble High Court, Nagpur”.

18. Accordingly, the facts was placed before FAC in its meeting held on 20.07.2017 and FAC observed that the State Government had reported that the matter related to validity of letter of intent is sub-judice. Representative of the user agency apprised that the matter is listed in the Hon’ble high court on 2nd August 2017. In this regard, the Forest (Conservation) Act guidelines 2.1 (vi) was perused. It clearly says that “State Government are advised not to consider/process cases, which are pending in various courts or sub-judice to avoid all sort of administrative and legal complications”. FAC inter alia recommended that:

“Considering the fact placed before the FAC, it recommended not to grant permission to the state Government under section 2(ii) of FC Act till the final orders of the Hon’ble High Court on applicability of provisions of section 10-A (2) (c) of MMDR Act.2015 are passed”.


21. Hon’ble Bombay High Court (Nagpur Branch) in order dated 12.09.2017 passed order that:

“........it is apparent that the favourable recommendation to the Forest Advisory Committee dated 25.04.2017 needs to be looked into on merits by respondent No. 1 and pendency of petition before this court cannot be a ground to postpone it.”
Accordingly, we direct respondent No. 1 to consider that recommendation on merits, within a period of three months from today.”

The above facts may be placed before FAC in its next meeting to be held on 26.10.2017 for appropriate decision.

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**Agenda No. 4**

F. No. 8-46/2017-FC

**Sub:** Proposal for prospecting of 1745.883 ha of forest land of Kente Extention Coal Block in favour of Rajasthan Rajya Vidyut Utpadan Nigam Limited for exploration of coal reserves by undertaking 153 boreholes of 4” Dia in Suguja District in the State of Chhattisgarh-reg.


2. This Ministry vide their letter dated 27.07.2017 was requested to Regional Office, Nagpur of this Ministry to carry out site inspection of the proposal area. Regional Office, Nagpur vide their letter no. FC-Misc-158/RON/2017-NGP/2301 dated 23.08.2017 has informed that examination of the proposal of the prospecting for coal mining in the Regional office revealed that actual area proposed for temporary change in land use is 6.12125 ha comprised of 6.12 ha drilling of 153 bore holes (0.04 ha.per bore hole) and 0.00125 ha for sumps. No forest land has been proposed to be used for construction of road paths, etc. Total area proposed for temporary change in land use is less than 100 ha. In this connection, it is to inform that as per the provision of the guidelines dated 04.07.2014, wherein inter-alia it is stated that site inspection by the Regional Office concerned of this Ministry will be insisted only if the actual area of forest land proposed to be utilized for construction of new road/paths and for drilling of bore holes/sample collection pits etc. is more than 100 ha.

3. The facts of the proposal was placed before FAC in its meeting held on 30th August, 2017 for examination and appropriate recommendation please.

4. FAC after thorough deliberation and discussion with User agency, representative of Regional Office, Nagpur observed that the user agency is already working in the area adjoining to the proposed area before taking any decision on the instant proposal and the FAC recommended that:

   (i) Regional Office Nagpur shall inspect the area and consider all facts in light of the decision of NGT, and Hon’ble Supreme court order in Civil Appeal No. 4395 of 2014 in the matter of Rajasthan Rajya Vidyut Nigam Ltd. Vs. Sudeep Shrivastava.

   (ii) Regional office shall also submit its report on compliance of the conditions imposed by MOEF and CC in the approval granted to the same user agency for Parsa East and Kete Basan captive coal block open cast mining project in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in South Surguja Forest Division in Surguja District of Chhattisgarh. vide this Ministry’s letter no. F. No. 8-31/2010 dated 15.03.2012.

   (iii) State government shall submit complete compliance of the conditions imposed by MOEF and CC in the approval granted to the same user agency for Parsa East and Kete Basan captive coal block open cast mining project in favour of M/s Rajasthan Rajya Vidyut Utpadan Nigam Limited in South Surguja Forest Division in Surguja District of Chhattisgarh vide this Ministry’s letter no. F. No. 8-31/2010 dated 15.03.2012.

5. Accordingly, the State Govt. and Regional Office were requested to submit the compliance as sought vide this Ministry’s letter dated 13.09.2017 on the recommendation of FAC held on 30.08.2017.

6. With regard to para 4 (i) & (ii) above the Regional Office vide their letter no. FC-Misc-158/RON/2017-NGP/2502 dated 18.09.2017 (F/X) has submitted their report and the same is reproduced below:
BACKGROUND

(i) The Forest Advisory Committee (FAC) in its meeting held on 30.08.2017 has inter-alia recommended following:

a. Regional Office, Nagpur shall inspect the area and consider all facts in light of the decision of NGT and Hon’ble Supreme Court order in Civil Appeal No. 4395 of 2014 in the matter of Rajasthan Rajya Vidyut Utpadan Nigam Limited Vs. Sudeip Srivastava.

b. The Regional Office shall also submit its report on the compliance of the conditions imposed by the MoEF&CC in approval granted to the same User Agency for Parsa East and Kete Basan Captive Coal Block Open Cast Mining project in South Surguja Forest Division vide Ministry’s letter no. 8-31/2010-FC dated 15.03.2012.

(ii) Hon’ble NGT, pursuant of diversion order dated 28.03.2012 passed by the State Government of Chhattisgarh in favour of the User Agency, vide its order dated 24.03.2014 Appeal No. 73 of 2012, set aside the orders dated 23.06.2011 passed by the then Hon’ble MEF&CC rejecting the advice of the FAC and order dated 28.03.2012 of the State Government. The Hon’ble NGT in the said order also directed the MoEF&CC to seek fresh advice of the FAC on the following:

“(i) What type of flora and fauna in terms of bio-diversity and forest cover existed as on the date of the proposal in PEKB Coal Blocks in question. (ii) is/ was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna. (iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need. (iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies. (v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora (vi) What is their opinion about the Wildlife Management plan finally prescribed. (vii) What conditions and restriction do they propose on the mining in question, if they favour such mining? Liberty is granted to the FAC to seek advice/opinion/specialised knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.

(iii) Pursuant to the recommendation of the FAC and also on light of observations of the Hon’ble NGT, an inspection of the area was undertaken by the Regional Office on 13.09.2017. Following was revealed during inspection:

1. OBSERVATIONS OF THE HON’BLE NGT:

(i) Status of flora and fauna in terms of biodiversity and forest cover

As per discussion held during the inspection, it is revealed that so far, no extensive study has been conducted in the area for the assessment of floral and faunal diversity. Discussion with the officials/staff of the State Forest Department revealed that the forest type of the area includes Moist peninsular Low Level Sal Forest, Southern Moist Mixed Deciduous Forest and Dry peninsular Sal Forest. Vegetation density of most of the forest cover varies from 0.4 to 0.7. Major vegetation composition of the area is Shorea robusta, Terminalia tomentosa, Pterocarpus marsupium, Adina cordifolia, Anogeissus latifolia, Bauhinia spp., Ficus, spp., Dalbergia latifolia, Holoptelia interifolia, Gmelina arborea, Hardwickia binnata, Lagerstromia parviflora, Tectona grantis, Terminalia spp. and other miscellaneous species. Similarly, with respect to the faunal diversion, species like Elephant, Sloth bear, Hyena, leopard, jackal and wild boar have been reported by the State Forest Department based on the data maintained by them on human-wildlife conflicts. Details pertaining to the floral and faunal diversity in the area has been retrieved from secondary sources such as Working Plan of the Forest Division, no project area specific study on the assessment of floral and faunal diversity has been conducted for far in the area.

It was also informed by the User Agency that as per recent study conducted in May, 2017 by the India-Business & Biodiversity Initiatives (IBBI), CII-ITC Center of Excellence, Gurgaon it has been reported that there are 97 plant species have been reported in the area, comprising of 44 trees, 16 shrubs, 35 herbs and 2 fungi species. Similarly, in the Wildlife Management Plan prepared for the Parsa East and Kete Basen Coal
Block, there are 86 tree species, 38 shrubs species, 19 herbs, 17 climbers species, and 12 species of grass have been reported in the area.

Further, with regards to faunal diversity also no study establishing the faunal biodiversity in the area is available. As per the Wildlife Movement Plan, there are 18 species of mammals, 23 species of reptiles and 82 species of birds reported in the area. Detail pertaining to the other faunal diversity of vertebrates viz. amphibian and aquatic and invertebrates diversity is not available for the area.

Given the large track of forests and life forms in the area, it seems that diversity in these studies may be taken as indicative of biodiversity in the area. Therefore, to assess the exact biodiversity, extensive study through some organization of repute such as Indian Council of Forestry Research and Education, Dehradun should be conducted.

**ii) is/was the PEKB Coal Blocks habitat to endemic or endangered species of flora and fauna.**

As mentioned in the preceding para, it cannot be ascertained from the available data on floral and faunal diversity, if coal block of PEKB and Kete Basen are habitats to endemic species or otherwise. Further, analysis of the available data on flora and fauna revealed that certain endangered plant species and schedule-I species exist in the area. However, for want of credible study on the complete inventory of the floral and faunal diversity, it is difficult to assess the exact number of critical, endangered and vulnerable species. As per the existing Wildlife Management Plan, there are 18 plants species which have been reported as threatened in the area under question.

**(iii) Whether the migratory route/corridor of any wild animal particularly, elephant passes through the area in question and, if yes, its need.**

As per the discussion held with the Divisional Forest Officer, Surguja, and other officials of the State Forest Department, it was gathered that so far, there is no notified corridor of the elephants in the State. However, movements of elephants in Chhattisgarh occurs form Jharkhand and Odisha regularly along their existing corridors. The DFO, Surguja informed that elephants migrate to Chhattisgarh from Jharkhand and Odisha and the movements mainly occurs in Surguja, Korba, Jashpur, Raigarh and Korea Districts. It was also informed that no mapping of the corridors of the elephant’s movements has been done so far. It was further elaborated during the discussion with the officials/staff of the Forest Department that based on the reporting of elephants movements in the area, following three tentative migratory routes are undertaken by the elephants:

**Route-I**

Elephants enter the State of Chhattisgarh from Jharkhand in the North in Jashpur District, passes through the forest area and reaches to Tamorpingla and Samersot Wildlife Sanctuary in Balrampur and Surajpur District, respectively. From these two sanctuaries stray movement of elephants occurs in nearby forest area like Mainpat.

**Route-II**

Elephants enter Chhattisgarh from Odisha in the east in Raigarh District take route through the forests of Dharamjaigarh and reaches to Korba. The dense forests of Lemru in Korba serves as temporary habitat of elephants. During the course of temporary stay the elephants make stray movements to the nearby forest areas.

**Route-III**

Elephants enter Chhattisgarh from Odisha in the east in Raigarh District, traverse through the forests of Dharamjaigarh, Pathalgaon/Jaspur, Sitapur, Lakhanpur/Surguja and then reaches to Tamor Pingla WLS in Surajpur District.

It was further informed by the officials/staff of the Forest Department that during the course of their movements along the above corridors, stray movements of elephants occurs to the nearby forest areas and during such movements, human-wildlife conflicts occurs. It was further reported that no regular movements of elephants has been reported in the PEKB and Kete Coal Block. The nearest stray movement of the elephants was recorded in Patkura village which is located a distance of approximately 20 Km from the mine of the User Agency.
It was further revealed during discussion that area in question does not form the migratory route/corridor of any wild animals particularly, elephant. The officials/staff of the Forest Department further advertizing to the record pertaining to the human-wildlife conflicts revealed that during the last period of 4 years and current year, intensity of human-wildlife conflicts, in respect of leopard has been reported high in Forest Ranges of Lundra, Sitapur, Ambikapur, and Udaipur. A list containing detail of human-wildlife conflicts is enclosed as Annexure-I (Pg. 316-317/c).

(iv) Whether the area of PEKB Block has that significant conservation/protection value so much so that the area cannot be compromised for coal mining with appropriate conservation/management strategies

The area under question showcases rich Sal forests. Vegetation density associated with forest ranges from open forest to moderately dense and very dense forests. Further, biotic pressure in the form of grazing, lopping and illicit felling was also observed during the inspection. Further, as narrated in preceding para, no extensive study has been conducted in the area for the assessment of floral and faunal diversity and for want of any credible study on the complete inventory of the floral and faunal diversity; it is difficult to comment on likely conservation/protection value associated with the forests. Further, it is also pertinent to mention here that mining in the area under question is already going on the strength of Hon’ble Supreme Court order dated 28.04.2014 passed in Civil Appeal No (s). 4395 of 2014, and so far, the User Agency has carried out mining over an area of 384.0 ha, comprised of 234.0 ha of forest land and 150.0 ha of tenancy land. Therefore, in light of fact that mining operations and conservation strategies in the same area cannot go hand in hand and also for want of credible inventory on floral and faunal diversity, it is difficult to associate conservation/protection value to the area under question. However, if the credible information on the surrounding forest area is generated through extensive surveys by reputed organizations, conservation/protection values can be ascertained fairly.

(v) What is their opinion about opening the PEKB Coal Blocks for mining as per the sequential mining and reclamation method proposed as well as the efficacy of the translocation of the tree vis-a-vis the gestation period for regeneration of the flora.

It is observed during the inspection so far mining is being carried out by the User Agency within the area of 762 ha approved for first phase of mining for a period of 15 years. So far, the User Agency has carried out mining over an area of 384.0 ha, comprised of 234.0 ha of forest land and 150.0 ha of tenancy land. Further, with regards to the efficacy of the reclamation methods, it is observed that User Agency has been undertaking progressive reclamation work with the advancement of mining operations. An area of 70.35 ha has been reclaimed biologically by the User Agency. A detail of technical and biological reclamation undertaken by the User Agency is enclosed as Annexure-II (321/c). Further, it is also imperative to mention here that so far the User Agency has translocated 5,989 trees of 60 cm girth of sal and other species within their lease area such as on the sides of haul roads, blanks areas in the safety zone, etc. A survival percentage of 85-90% has been reported. In view of the foregoing submissions, the further view may be taken at the MoEF&CC level regarding efficacy of the sequential mining, reclamation method and translocation of trees.

(vi) What is their opinion about the Wildlife Management plan finally prescribed.

A Wildlife Management Plan involving financial provision of Rs. 22.0 Crores, concurred by the Wildlife Institute of India, Dehradun, has been proposed to be implemented in the core area and buffer area over a period of 15 years. The provisions to implement in the Wildlife Management Plan include general protection of the core area and protection and conservation of the buffer zone ecosystem by carrying out various activities like fire protection, protection from grazing, illicit felling and plantation, empowerment of people for protection, soil and moisture conservation works, etc. The Wildlife Management Plan has been proposed to mitigate the impact of the mining operations on the wildlife in area, including providing for safe movement of elephants. However, it is observed that though the said plan has been approved for its implementation by the PCCF (Wildlife) on 6.03.2013, till date no provisions of the Wildlife Management have been implemented by the State Forest Department. On being asked for reasons in exorbitant delay in the implementation of the Wildlife Management Plan, the DFO concerned has cited the administrative constraints for non-implementation of the provisions of the Wildlife Management Plan. The Divisional Forest Office on 13.09.2017 has submitted a proposal (APO) for the approval of the Steering Committee, CAMPA, Chhattisgarh to incur an amount of Rs. 3.53 crores towards the implementation of the provisions of the Wildlife Management Plan in the area under question. Certainly, the provisions of the
Wildlife Management Plan aims to mitigate the impact however, delay in their implementation jeopardize its spirit.

(vii) What conditions and restriction do they propose on the mining in question, if they favour such mining?

Liberty is granted to the FAC to seek advice/opinion/specialized knowledge from any authoritative source such as Indian Council of Forestry Research and Education Dehradun or Wildlife Institute of India including the sources indicated in the present case by the parties.

As stated in the previous para mining in the area already going on in the area under question. Contention of Hon’ble NGT in the above observation appears to holistically examine the all dimensions of environmental, ecological and social impacts of mining and based on the outcome permission or denial for mining may be decided and if permitted what would be restrictions. MoEF&CC, New Delhi while according approval under the Forest (Conservation) Act, 1980, has stipulated certain set of conditions which needs to be complied with the User Agency throughout their mining lease period. A compliance report on the status of conditions stipulated in the approval accorded by the Central Government is also enclosed herewith. Most of the conditions stipulate in the approval are being complied with by the State Government/User Agency, except Wildlife Management Plan.

2. Status of compliance of conditions stipulated in the approval accorded by the Central Government in the approval dated 15.03.2012

The Central Government vide its letter dated 15.03.2012 accorded approval subject to fulfilment of certain conditions prescribed therein. A detailed report on the status of compliance of conditions stipulated in the Stage-I approval is enclosed at Annexure-III (Pg.322-327/e). From the examination of the monitoring of conditions stipulated in the Stage-II approval dated 15.03.2012, following is revealed:

Condition complied with Partially by the State Government/User Agency

(i) Condition no. 2 - As per details made available by the office of the DFO, Surguja, so far, compensatory afforestation has been carried out over an area of 3737 ha against the stipulated area of 3796.656 ha. An area of 59.656 ha is yet to be undertaken for compensatory afforestation. Further, no detail pertaining to year wise plantation undertaken and survival percentage thereof could be retrieved from the office of the DFO, Surguja as the same was not available readily. With regards to the digitized map of the area, it was informed that same is under process and it will be made available in due course.

(ii) Condition no. 8 - It is observed that reclamation works are carried out by the User Agency. The user agency has informed that mining/reclamation schedule is being implemented as per Environmental Management Plan / phased reclamation programme. However, no annual report about the progress of reclamation is being submitted to Regional Office, Nagpur.

Condition not complied with by the State Government/User Agency

(i) Condition no. 20 - Wildlife Management Plan has not been implemented so far.

(ii) Condition no. 23- No provision for appropriate financial outlay for the establishment of Rescue and Rehabilitation team to mitigate human-wildlife conflicts have been observed to be made by the User Agency. However, to support their claim the User Agency has informed that provisions have been incorporated in the Wildlife Management Plan and accordingly, the same have not been implemented separately by them.

(iii) Condition no. 24 - It is observed that though the said plan has been approved for its implementation by the PCCF (Wildlife) on 6.03.2013, till date no provisions of the Wildlife Management have been implemented by the State Forest Department.

(iv) Condition no. 25 – No mitigative measures as prescribed in the Wildlife Management Plan for reducing the dependency of cattle and people on the surrounding forest area have been implemented by the User Agency. However, to support their claim the User Agency has informed that provisions have been incorporated in the Wildlife Management Plan and accordingly, the same have not been implemented separately by them.

(v) Condition no. 27- No annual compliance report in respect of the conditions stipulated in the approval accorded under the FC Act, are being submitted to the Regional Office, Nagpur.
AREA OF 1745.883 HA OF FOREST LAND PROPOSED FOR PROSPECTING OF COAL IN KETE EXTENSION COAL BLOCK (KECB)

(i) The Ministry of Coal, Government of India, vide its letter no. 13016/26/2004-CA-I/CA-III(Pt.) (Vol. II) dated 31.03.2015, allotted the KECB to User Agency i.e. Rajyasthan Rajya Vidyut Utpadan Nigam Limited for captive purpose. A copy of the letter dated 31.03.2015 is enclosed at Annexure – VII (Pg. 355-357/c). The KECB is contiguous to Parsa East and Kete Basen Coal Block (PEKB). All three coal blocks are located in outer fringe areas of Hasdeo Arand Coalfields. The User Agency has proposed prospecting in the KECB to assess the coal reserve and subsequently to carry out captive mining to meet coal requirement for their Super Critical and other Thermal Power Plants located in the State of Rajasthan.

(ii) The proposal of the User Agency envisages drilling of 153 boreholes of 4” Dia over an area of 1745.883 to assess the pattern of distribution of coal seams in the KECB and to estimate the proven reserve base in the coal block.

(iii) The legal status of the forest land proposed for prospecting is Protected Forest. As per information furnished in Part-II submitted online, average density has been reported to be 0.6. During the inspection also, it was observed that density of forest area proposed for prospecting ranges between 0.4 to 0.7. The forest types of the area falls into the category of Moist peninsular Low Level Sal Forest, Southern Moist Mixed Deciduous Forest and Dry peninsular Sal Forest. Forests of the area are maintained under SCI and IWC Working Circles and the DCF concerned has reported adequate regeneration in the area.

(iv) It was observed during the inspection that forest area of KECB has mostly flat terrain with sal as dominant species. The area was also observed to have cart roads which are currently used by the villagers for their movements and by the Forest Department for various forest management related activities. The User Agency has proposed to use such cart roads during the prospecting and no construction of new roads has been proposed. The representative from the User Agency have also informed that in case the location of bore hole is not approachable by cart roads, the rigs/machines will be dismantled and transported manually to the location of bore hole.

(v) Important wildlife reported in the area sloth bear, Hyena, Jackal, wild boar, etc. In addition to these movement of elephants and leopard has also been reported in area. However, examination of the proposed area using DSS tools revealed the sloth bear as an important species in the area and area does not form part of any tiger corridors, tiger reserve, PAs. Further examination of the area revealed that no remnant Forest Type are found in the area. It was also gathered during the inspection that area of the KECB does not form the part of elephant corridors, however, stray movement of elephants has been reported in the area. Similarly, leopards, based on the human-wildlife conflicts records maintained by the State Forest Department, have also been reported in the forests of the area. Area does not form part of any PAs and Eco-sensitive Zone. Nearest PAs areas are Samarsot Wildlife Sanctuary, Tamorpingla Sanctuary and Badalkhol Sanctuary which and they are situated at an approximate distance of 150 Km, 80 Km, and 156 Km, respectively from the area under question.

(vi) Biotic pressure in the form of grazing, lopping and illicit felling was also observed during the inspection. It was informed that there are total 50 villages falling in the core and buffer areas (10 Km) of the forest land proposed for coal mining. Out of the total 50 villages 7 villages fall in the core zone while 43 villages falls in the buffer zone. It was informed by the User Agency 2 villages have been reported to be directly affected by the mining. Rehabilitation of these 2 villages has been proposed by the user Agency. Villagers in these villages have been reported to dependent on forest to meet their requirement like fuelwood, grazings and other livelihood needs (Annexure-VIII) (Pg.358-359/c).

(vii) No violation of the Forest (Conservation) Act, 1980 were observed in the area proposed for diversion. The authorities in the State Forest Department and State Government have recommended the proposal for prospecting without any specific condition.

(viii) Examination of the proposed area using DSS tools revealed that as per Decision Rule No. 2, the area falls into the category of pristine forests.
Other information

(i) The Rajasthan Rajya Vidyut Nigam Limited (RVUNL) has been allotted three coal blocks in the area by the Ministry of Coal. Currently, mining is undertaken in Parsa East and Kete Basen Coal Block. The two coal block viz. KECB and Parsa Coal Block have been allotted by the Ministry of Coal to the RVUNL vide its letter dated 31.03.2015 and 8.09.2015, respectively. All three coal blocks have been allotted for captive use of the coal.

(ii) During the inspection it was also gathered that the User Agency has RVUNL has 6 Thermal Power Plants (TPP) in the State of Rajasthan having total power generation capacity of 7,580 MW and total annual coal requirement of 35.12 MT. It was further informed that out of the total 6 TPP, 2 TPP are Super Critical TPP requiring 11.06 MTPA of coal. Out of 2 Super Critical TPP, Chhabra SCTPP is currently operation while 2nd SCTPP will be fully operational by January, 2018. The remaining TPP of the User Agency have been reported to be operational. Current coal linkages for aforementioned TPP, are with SECL and PEKB, KECB and Parsa Coal Blocks. The PEKB coal has total coal reserve of 452 MT, out of which 23 MT have been mined out so far at an annual production capacity of 10 MTPA. At an enhanced production of 15 MTPA, the life of the mine will be 34 years. The User Agency has further informed that estimated coal reserves in Parsa and Kete Extension Coal Block area has coal reserves of 150 MT and 200 MT respectively. An annual production of 12 MTPA (5 MTPA-Parsa CB; 7 MTPA KECB) will be realized from these two coal blocks in near future to meet the coal requirement of TPPs of the User Agency. Details of TPP and their coal requirement, as made available by the User Agency, is enclosed at Annexure –IX.

(iii) It was also informed by the User Agency that proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of 860 ha of forest land for coal mining in Parsa Coal Block has been submitted to the authorities in the State Forest Department and the same is under consideration in the Divisional Forest Office, Surguja.

7. Comments and Recommendations of the Additional Principal Chief Conservator of Forests (Central), Regional Office Nagpur,

The detailed observations on the proposal have already been made in the inspection report. Form the observations recorded in the inspection report, it can be ascertained that area is rich in vegetation, particularly Sal species and movement of wildlife has also been reported. Three coal block i.e. PEKB, Parsa Coal Block and KECB are contiguous in the area and currently, mining operation are undertaken in the PEKB. So far, the User Agency, out of total 2388.525 ha of lease area, has carried out mining over an area of 384.0 ha comprised of 234.0 ha of forest land and 150.0 ha of tenancy land. Captive mining in the new area has been proposed by the User Agency to meet the demand of coal. Had it been on a standalone case of mining, given the density of forest, it would not deserve consideration for approval under the FCA, 1980. However, as the proposed area is one of the 3 coal blocks, out of which mining is already going on in coal block contiguous to this area, the proposal may be considered.

8. With regard to para 4 (iii) above the State Govt. vide their letter no. Bhuparbandh/Khnij/331-228/2898 dated 20.09.2017 (F/Y) has submitted the point wise compliance report as below:

<table>
<thead>
<tr>
<th>Sr.</th>
<th>Conditions</th>
<th>Compliance status as on 31.08.2017 as reported by UA</th>
<th>Compliance reported by Nodal Officer (FCA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Legal Status of forest land shall remain unchanged</td>
<td>An amount of Rs. 58.41 crore has been deposited in CAMPA for compensatory afforestation over total area of 3797 ha of degraded orange forest.</td>
<td>The compensatory afforestation over an area of 3737 ha has been done so far from the funds of Rs. 58.41 Crore provided in the account of Ad-hoc CAMPA.</td>
</tr>
<tr>
<td></td>
<td>A</td>
<td>Compensatory afforestation shall be raised and maintained by the State Forest Department over degraded orange forest land proposed to be diverted at the project cost.</td>
<td>Fencing, protection and regeneration work of safety zone for first phase of the project has been completed. Native species of saplings have been planted along with transplantation of important species like SAL.</td>
</tr>
<tr>
<td></td>
<td>B</td>
<td>Fencing protection and regeneration of the safety zone area shall be done at the project cost. Besides this, afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under</td>
<td></td>
</tr>
</tbody>
</table>

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(Majority) and other trees in safety zone area.

An amount of Rs. 29,00,435/- has been deposited in CAMPA of Forest Department for compensatory afforestation over 1.5 times of safety zone area over degraded forest land on 03.10.2011 & 24.03.2014.

Wherever possible and technically feasible, the User Agency shall undertake afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, in consultation with the State Forest Department at the project cost.

A total of 1,77,000 numbers trees has been planted in external over burden dumps, mine reclaimed areas and infrastructure areas till August 2017. In addition to this approximately 4500 numbers of trees have also been planted along roads, and other area outside the lease area of the coal block as per advice of District Forest Dept.

*Plantation details is enclosed as Annexure-I*

The project proponent has been directed to prepare annual afforestation plan.

### 2. Following activities undertaken by the project proponent under the supervision of the State Forest Department at the project cost:

<table>
<thead>
<tr>
<th>i.</th>
<th>Proper mitigative measures to minimize soil erosion and choking of streams shall be prepared and implemented.</th>
<th>Mitigative measures such as construction of drainage system, settling ponds, construction of bunds along completed dumps, geo-textiling over the dump slopes and showing of grass seeds on dump slopes for stabilization, plantation of trees on slopes have been undertaken to minimize soil erosion and choking of streams.</th>
<th>This condition is being complied by the project proponent.</th>
</tr>
</thead>
<tbody>
<tr>
<td>ii.</td>
<td>Planting of adequate drought hardy plant species and sowing of seeds to arrest soil erosion.</td>
<td>Sowing of grass seeds and plantation of drought hardy species has been done over slopes of completed dumps.</td>
<td>Neem, Sal species etc. are being planted to avoid soil erosion.</td>
</tr>
<tr>
<td>iii.</td>
<td>Construction of check dams, retention / toe walls to arrest sliding down of the excavated material along the contour.</td>
<td>Check dams, retention / toe walls have been constructed to arrest sliding down of the excavated material along the contour.</td>
<td>This condition is being complied by the project proponent.</td>
</tr>
<tr>
<td>iv.</td>
<td>The areas shall be reclaimed keeping in view the international practice of stabilizing the dumps by grading / benching so that angles of repose (normally less than 28 at any given place) are maintained.</td>
<td>Reclamation of internal &amp; external over dumps are being done through proper grading and benching thus making the dumps stable and the ultimate slope of all the dumps is less than 28°.</td>
<td>This condition is being complied with. The project proponent has been directed to prepare year wise target plan.</td>
</tr>
<tr>
<td>V.</td>
<td>No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.</td>
<td>No damage is being done to the top soil. Top soil generated during mining activities is being stored in separate top soil dump as per top soil management plan and same is being re-used in reclamation area. Drainage system has been constructed along top-soil dump. Soil grass seeds are also being used to maintain fertility of soil and to control erosion.</td>
<td>This condition is being complied by the project proponent.</td>
</tr>
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<td></td>
<td>Details of top soil management plan is enclosed as Annexure-III</td>
<td>Environment Clearance for the project has been granted by Ministry of Environment &amp; Forests vide letter no. – 11015/03/2008-IA.II(M) dated 21.12.2011</td>
<td>This condition is being complied by the project proponent.</td>
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<tr>
<td>3</td>
<td>The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (protection) Act, 1986 and any other Acts/Regulation/Rules.</td>
<td>Period of the Mining lease is 30 years</td>
<td>This condition is being complied by the project proponent.</td>
</tr>
<tr>
<td>4</td>
<td>The period of the diversion of the said forest land under this approval shall be for a period co-terminus with the period of the mining lease proposed to be granted under the Mines and Minerals (Development &amp; Regulating) Act, 1957, or Rules framed there under, subject to a maximum period of 30 years.</td>
<td>The under taking has been given for the same.</td>
<td>The under taking has been given by the project proponent.</td>
</tr>
<tr>
<td>5</td>
<td>The user agency shall furnish an undertaking to pay the additional NPV, if so determined, as per the final decision of Hon’ble Supreme Court of India.</td>
<td>Demarcation of mining lease area has been completed using 4 feet high reinforced cement concrete pillars with Geographical co-ordinates, serial numbers and distance from pillar to pillar.</td>
<td>The project proponent has demarcated lease boundary by using 4 feet high reinforced cement concrete pillars.</td>
</tr>
<tr>
<td>6</td>
<td>Demarcation of mining lease area will be done on the ground at project cost using four feet high reinforced cement concrete pillars with serial numbers, forward and back bearings and distance from pillar to pillar.</td>
<td>Progress of Mining/Reclamation work will be submitted annually to CCF (Central), Regional Office, Nagpur.</td>
<td>The project proponent has been directed to prepare year-wise Mining/reclamation plan.</td>
</tr>
<tr>
<td>7</td>
<td>Mining/reclamation schedule shall be implemented by the user agency at their cost as per Environmental Management Plan / Phased reclamation programme. The annual report about the progress of reclamation should be submitted to the CCF (Central), Regional (C) office, Bhopal.</td>
<td>OB dumping and phase-wise rehabilitation and afforestation of the used / mined out pits/ voids as per the approved plan under the supervision of the State Forest Department.</td>
<td>The project proponent has agreed to this condition.</td>
</tr>
<tr>
<td>8</td>
<td>The mining shall be done in two phases.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i.</td>
<td>During phases-I, Covering 15 years, the mining shall be restricted to 762.00 ha of forest land.</td>
<td>Presently mining activities are being done in the Phase –I area of 762 ha only.</td>
<td>The project proponent has agreed to this condition.</td>
</tr>
<tr>
<td>ii.</td>
<td>During phase – II the mining permission over remaining 1136.0 ha will be linked to their forestation and biodiversity management in phase-I</td>
<td>Agreed.</td>
<td>The project proponent has agreed to this condition.</td>
</tr>
<tr>
<td>iii.</td>
<td>The project proponent will submit the application for permission for mining in phase-II along with compliance report of phase-I</td>
<td>Agreed.</td>
<td>The project proponent has agreed to this condition.</td>
</tr>
<tr>
<td>9</td>
<td>The user agency will ensure the dumping of OB and phase wise rehabilitation and afforestation of the used / mined out pits/ voids as per the approved plan under the supervision of the State Forest Department.</td>
<td>OB dumping and phase-wise rehabilitation and afforestation is being done in mined out pits under supervision of Forest Department.</td>
<td>The project proponent has agreed to this condition.</td>
</tr>
<tr>
<td></td>
<td>Statement</td>
<td>Details</td>
<td>Project Proponent's Agreement</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>10.</td>
<td>The user agency will make arrangement for free supply of alternate fuels to labourers and staff working on the project site so as to avoid any pressure on the adjacent forest areas.</td>
<td>Free supply of alternate fuel such as LPG has been made for labourers and staff working on the project site which has ensured that there is no pressure on the adjacent forest areas for availability of fuel.</td>
<td>The project proponent has agreed to this condition.</td>
</tr>
<tr>
<td>11.</td>
<td>The forest land shall not be used for any purpose other than that specified in the proposal.</td>
<td>Forest land is being used only for specified purpose.</td>
<td>So far, forest land has not been used for other purpose.</td>
</tr>
<tr>
<td>12.</td>
<td>Any tree felling shall be done only when it is unavoidable and under strict supervision of the State Forest Department.</td>
<td>Tree felling is being done only when it is required to be done under supervision of the State Forest Department.</td>
<td>The project proponent has agreed to this condition.</td>
</tr>
<tr>
<td>13.</td>
<td>No damage to the flora and fauna of the area shall be caused.</td>
<td>No damage to the flora and fauna of the surrounding areas.</td>
<td>The project proponent has agreed to this condition.</td>
</tr>
<tr>
<td>14.</td>
<td>No labour camps shall be set up inside the forest area.</td>
<td>No labour camps have been established inside the forest area.</td>
<td>The project proponent has agreed to this condition.</td>
</tr>
<tr>
<td>15.</td>
<td>The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.</td>
<td>Diverted forest land has not been transferred to any other agency, Department or person.</td>
<td>The project proponent has agreed to this condition.</td>
</tr>
<tr>
<td>16.</td>
<td>The user agency will implement the Resettlement and Rehabilitation Plans per the R&amp;R Policy of State Government.</td>
<td>Resettlement and Rehabilitation plan has been prepared as per Adarsh Punarwas Yojna of the State Government and same has been implemented as per approved plan.</td>
<td>The project proponent is being complied R&amp;R policy.</td>
</tr>
<tr>
<td>17.</td>
<td>The user agency will undertake transplantation of important tree species under 60 cm girth under the supervision of State Forest Department.</td>
<td>Transplantation of important tree species under 60 cm girths is being done through transplanting equipment under the supervision of State Forest Department. 5989 number of trees has been transplanted as on 31.08.2017.</td>
<td>This work has been done by the project proponent.</td>
</tr>
<tr>
<td>18.</td>
<td>The State Government will not come up for opening up of the main hasdeo-Arand area.</td>
<td>Matter is related to the State Govt.</td>
<td>Matter is related to the State Govt.</td>
</tr>
<tr>
<td>19.</td>
<td>The user agency will ensure proper implementation of wildlife Management Plan prepared by the State Govt.</td>
<td>An amount of 22 Crore has been deposited in CAMPA by user agency for implementation of the approved wild implementation of the approved wildlife Management plan.</td>
<td>Wild life management plant at cost of Rs.22 crore has been approved by PCCF wildlife on 06.03.2013 this plan has been prepared on the existing wage rate in 2012-2013 and there is probability to increase the said cost of plan for which the user agency agreed for payment. Rs. 22 lakh has been recommended for 1st year of implementation of wildlife plan (Pg. 301/e)</td>
</tr>
<tr>
<td>20.</td>
<td>The user agency will assist the State Government in conservation and preservation of the Flora and Fauna of the area.</td>
<td>The user agency has been assisting the State Govt. in conservation and preservation of the flora and fauna of the areas as and when advised by the forest Deptt. 1. An amount of 2 Cr. Has been deposit in State Govt. for Harihar Chhattishgarh”</td>
<td>The project proponent has agreed to this condition.</td>
</tr>
<tr>
<td><strong>21.</strong></td>
<td>The State Government will suitably incorporate the comments, as suggested by the WII, Dehradun, into the Wildlife Management Plan prepared for the area. The project proponent has deposited an amount of Rs. 22 Crores towards cost of implementation of the Wildlife management Plan. Increased costs, if any, due to incorporation of the suggestions of WII, Dehradun will be borne by the user agency. Final copy of the Wildlife management Plan will be submitted to this Ministry and the Regional office, Bhopal within a period of three months for the purpose of monitoring. A soft copy in PDF format will also be submitted to the Ministry.</td>
<td>The suggestions put forward by the WII Dehradun were incorporated by the State Govt. in the Wild Life Management Plan which has a financial assurance of Rs. 22 Crores. The revised WLMP has been submitted to all Offices including the Regional Office of MoEF&amp;CC.</td>
<td>The suggestion given by WII have been incorporated in the approved Wild life management plan of Rs. 22 Crore.</td>
</tr>
<tr>
<td><strong>22.</strong></td>
<td>The user agency will make provision for appropriate financial outlay for the establishment of Rescue and Rehabilitation team to mitigate human-wildlife conflicts.</td>
<td>A financial outlay has been made for establishment of the Rescue &amp; Rehabilitation of Human-wildlife conflicts in the approved Wildlife life management Plan.</td>
<td>It is incorporated wildlife management plan.</td>
</tr>
<tr>
<td><strong>23.</strong></td>
<td>The Wildlife management Plan will be implemented by the State Government and independent institutions like the nature Conservation Foundation, Wildlife Trust of India and the Center for Ecological Studies at the Indian institute of Science apart from the Wildlife Institute of India may be involved in implementation of the Plan. In order to ensure proper implementation of the wildlife Management Plan the State Government shall make necessary provisions for carrying out the monitoring and evaluation of the pln. It would be appropriate to include Chief Wildlife Warden of the State in monitoring the implementation of the Plan.</td>
<td>Related to State Govt.</td>
<td>Wildlife management plan will be implemented as per stipulated condition.</td>
</tr>
<tr>
<td><strong>24.</strong></td>
<td>The user agency will undertake and implement suitable mitigative measures as prescribed in the Wildlife Management Plan for reducing the dependency of cattle and people on the surrounding forest area.</td>
<td>Financial budget has been provided to undertake necessary steps for reducing dependency of cattle and people on the surrounding forest areas in the approved Wildlife Management Plan.</td>
<td>In this regard the project proponent has been directed</td>
</tr>
<tr>
<td><strong>25.</strong></td>
<td>Any other condition that the Chief conservator of Forest (Central),</td>
<td>Undertaking</td>
<td>The project proponent has agreed to this condition.</td>
</tr>
</tbody>
</table>
Regional Office, Bhopal may impose from time to time in the interest of conservation, protection or development of forest.

26. The user agency shall submit the annual compliance report in respect of the above conditions to the State Govt. and to the Regional Office, Bhopal regularly. Annual compliance Report is being regularly submitted to the State Govt. and Regional office MoEF, Bhopal/ Nagpur. This condition is being complied.

In view of above, the above facts may be placed before FAC in its meeting scheduled to be held on 26.10.2017 for examination and appropriate recommendation please.

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Agenda No. 5

F. No. 8-02/1995-FC (Vol.)


The Regional Office, Bangalore vide their letter No. FCA/11.3/71/KAR/601 dated 06.09.2017 forwarded a proposal for diversion of 9.12 ha of forest land for approach road in ML. No. 2547 in RM Block, Sandur Range in faovur of M/s Zeenath Transport Co., Bellary, District Karnataka, as received from Govt. of Karnataka vide their letter no. FEE 35 FPM 2017 dated 07.08.2017. The part of this proposal was earlier approved by the FC division of this Ministry for Mining vide letter no. 8-02/1995-FC dated 05.01.2004.

Facts related to the proposal as contained in the State Government’s letter dated 07.08.2017 is summarized below in form of a factsheet:

FACT SHEET

<table>
<thead>
<tr>
<th>1. Name of the Proposal</th>
<th>Diversion of 9.12 ha of forest land for approach road in ML. No. 2547 in RM Block, Sandur Range in faovur of M/s Zeenath Transport Co., Bellary, District Karnataka</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Location</td>
<td>Karnataka</td>
</tr>
<tr>
<td>(i) State</td>
<td>Bellary</td>
</tr>
<tr>
<td>(ii) District</td>
<td></td>
</tr>
<tr>
<td>3. Particulars of Forests:</td>
<td>Bellary Forest Division 9.12 ha</td>
</tr>
<tr>
<td>(i) Name of Forest Division and Forest area involved.</td>
<td>Ramgad Forest Block, Section-4 Notified area vide Notification No. FFD-29, FAF-84; Dated 28.02.1985</td>
</tr>
<tr>
<td>(ii) Legal status/Sy.No.</td>
<td>DGPS Map - Pg. 211/c</td>
</tr>
<tr>
<td>(iii) Map</td>
<td>Topsheet Map - Pg. 207/c.</td>
</tr>
<tr>
<td>4. Topography of the area</td>
<td></td>
</tr>
<tr>
<td>(i) Geology</td>
<td></td>
</tr>
<tr>
<td>(ii) Vulnerability to erosion</td>
<td>No such vulnerability</td>
</tr>
</tbody>
</table>
### Species-wise (Scientific names) and diameter class-wise enumeration of trees in unbroken area.

5. **No. of trees to be felled**
   - Eco-class III & Dense forest.
   - 260 trees are to be felt. *(pg. 7/c)*

The diversion area is existing old road. However, in few stretch the alignment is changed and taken outside the mining lease boundary of M.L. No. 2296, in order to avoid the safety zone of M.L. 2296 being utilized for the approach road. The cutting of trees if required in this stretch marked on Map as points:

1. B to C – 0.36 ha
2. D to E – 0.97 ha
3. F to G – 0.85 ha
4. I to J – 0.05 ha
5. J to K - 0.31 ha

The number of trees to be cut is 260 in above mentioned stretch.

The enumeration list is placed in file at **Pg. 50-54/c**.

### Approximate distance of proposed site for diversion from boundary.

6. The proposed area passes through the forest area not located on boundary.

### Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden)

7. No

### Whether any rare/endoangered unique species of flora and fauna found in the area-if so details thereof.

8. Nil

### Whether any protected archaeological/heritage site/defense establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.

9. Nil

### Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area item-wise with details of alternatives examined.

10. The mining lease area sanctioned under MMDR and FC. The CEC categorized this lease as A. The approach road is essential to transport the mineral.

### Whether any work of in violation of the Forest (Conservation) Act, 1980 has been carried out (Yes/No). If yes details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.

11. Without the prior approval of the MoEF, Govt. of India, the road is utilized by the user agency for transportation of iron ore.

### Cost benefit ratio

12. Not given

### Cost benefit analysis

13. Not given
### 14. Compensatory Afforestation

| (i) | Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches. | The UA has identified non-forest land in Sy. No. 152/P of Ammerahalli over an extent of (8.57 acres), 3.46 ha and in Sy. No. 11 of Vakkaleri over extent of 28.00 acres) 11.34 ha for raising CA. The said area has been mutated and transferred to Forest Department. |
| (ii) | Map showing non-forest/degraded forest area identified for CA and adjoining Forest boundaries. | Map is placed in file (Pg. 209/c) |
| (iii) | Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc. | CAMPA Scheme guidelines will be implanted |
| (iv) | Total financial outlay for CA | 255000x9.12= Rs. 2325600 lakhs |
| (v) | Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view. | It is reported that suitability certificate for identified CA is given but not attached with the proposal. |

### 15. Employment to be generated

| | Permanent Employment : 100 |
| | Temporary Employment : 500 |

### 16. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006

| | FRA certificates for an area of 9.40 ha. (pg.18/c) is given. However, the other supporting evidences, minutes of SDLC/Gram Sabha resolution are given in local language attached with the proposal. Thus, the complete compliance on FRA is awaited. |

### 17. Specific recommendations of the DCF for acceptance or otherwise of the proposal with reasons.

| | The diversion of forest land is required for existing approach road for transportation of mineral from mining head. Therefore, the diversion may be approved after imposing penalty for delay in obtaining FC clearance for existing approach road. The proposal is recommended for approval. |

### 18. Recommendation

| | Yes (pg.39-41/c) |
| | Recommended with suitable penalty (pg. 42-43/c) |
| | Yes, Recommended with condition as given in the noting at para (5) below (pg. 14/c). |
| iv SG | Yes, (pg. 13/c) |

### 19. District Profile

| (i) | Total Geographical area of the district | 8420 Sq. Km |
| (ii) | Total Forest area/Divisional Forest area | 1349.53 Sq. Km |
| (iii) | Total area diverted since 1980 | The total forest area diverted since 1980 is 6476.58 ha (91 cases) |
| (iv) | Total CA stipulated since 1980 (Forest land) | 2342.49 Ha |
| | Forest land including penal CA: Non –Forest land: | 4131.92 Ha |
3. With regard to CA, the State Govt. in their forwarding letter dated 07.08.2017 (pg.8/c) stated that M/s Zeenath Transport Co., Ballari has identified Non-Forest CA land in Sy. No. 152 P1 of Ammerahalli village Kolar Taluk, Kasaba Hobli, Kolar district over an extent of 41.15 Acres (16.46 ha) and the same has been mutated in favour of Karnataka Forest Department in which 14.80 ha has been earmarked in favour of M/s Zeenath Transport Co. as recorded in column No. 11 of RTC. The Chief Conservator of Forests, Bengaluru Circle vide his letter dated 14.09.2015 has reported that 40% (16.00 Acres or 6.40 ha) in the said Sy. No. and 26.00 Acres (10.50 ha) in Sy. No. 111 of Nagalpura village, Vakkalei Hobli, Kolar Taluk and District is suitable for compensatory afforestation in respect of M/s Zeenath Transport Co. Both the above extent of land i.e. 41.15 acres and 92.31 Acres has been mutated in favour of Karnataka Forest Department. The suitable land required for this project is 9.12 ha and 5.40 ha for another proposal of the same lessee which amounts to 14.52 ha. As per the report of Chief Conservator of Forests, Bengaluru Circle, the suitable land for CA is 16.00 Acres +26.00 Acres = 42.00 Acres or 17.00 ha which is more than the requirement (14.52 ha) of this lessee. Therefore, the same may be considered for raising compensatory afforestation.

4. It is mentioned in the SIR carried out by Chief Conservator of Forests, Bellary he inspected the ML No. 2547 pertains to M/s Zeenath Transport company, Ballari which is located in R.M.Forest Block of Sandur Range on 22-06-2006 and verified the forest land over an extent of 9.40 ha of old existing approach road, which was earlier recommended by the Deputy Conservator of Forests, Ballari in his letter dated 02.06.2016. During the course of my inspection it is found that the diversion of 9.40 ha of forest land for formation of approach road is not an existing road in many places. Further, it was also seen that new roads have to be formed which involves tree cutting. Hence, in order to avert tree cutting Deputy Conservator of Forests, Bellary was instructed to resubmit the proposal duly effecting the required and suitable modifications.

Accordingly, the Deputy Conservator of Forests, Ballary has once again inspected the said forest area and reduced from 9.40 to 9.12 ha duly deleting the area of 1.03 ha (893 mtrs of length which passes through the lease area of Ramrao Poal, bearing ML. No. 2621 which has been categorized as ‘C’ category of mines).

Further, the above user agency is using the above existing approach road without the concurrence of the Central government, as required under section 2 of Forest (Conservation) Act, 1980. Hence, this violation may be regularized duly imposing suitable penalty. The said existing road is very much essential for transportation of e-auctioned ore. Hence, the road proposal over an extent of 9.12 ha may be considered as per the section 2 of Forest (Conservation) Act, 1980.

5. The PCCF/Nodal Officer recommended the proposal with the following conditions:
   a. The legal status of Forest land shall remain unchanged and it shall continue to be as forest land.
   b. The lessee shall pay lease rent as fixed by the Govt. From time to time.
   c. The lease period shall be co-terminus with lease granted under MMRD (Amendment) Act 2015 i.e. up to 26.04.2057.
   d. The leased out area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within one year or when it is no longer needed for the stipulated purpose, the area should be resumed to the Forest Department under Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forests / Deputy Conservator of Forests are authorized to take necessary action in his regard.
   e. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
f. The User Agency shall ensure that there should be not damage to the available fauna and flora in the project area.
g. No crushing/breaking of stones shall be allowed inside forest area. Ready made material shall be used for improvement of such road.
h. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
i. The road shall be used for transportation of ore from 6.00 AM to 6.00 PM in the interest of wildlife.
j. The user agency shall also abide by all the conditions imposed upon by Government of India, the Government of Karnataka and Principal Chief Conservator of Forest.

The facts related to the above proposal may be placed before FAC in its next meeting to be held on 26.10.2017 for their examination and appropriate recommendation.

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Agenda No. 6

F. No. 11-371/2016-FC

Sub: To Exempt the Government of Maharashtra from paying Net Present Value for diversion proposals of Zudpi Jungle under Forest (Conservation) Act, 1980.

1. It is with reference of letter no. FLD-3416/CR-201/F-10 dated 03.01.2017 and FLD-2013/CR-243/part 1/F-10 DATED 16 FEB 2017 received from the State Government of Maharashtra to Exempt the Government of Maharashtra from paying Net Present Value for diversion proposals of Zudpi Jungle under Forest (Conservation) Act, 1980.

2. It refers to the request of state government of Maharashtra for exemption of NPV for the diversion proposals for 84,409 ha of zudpi land.

3. As per the agreement related to zudpi land diversion in Maharashtra MOEF and CC had simplified the process of diversion. This had been conveyed to government of Maharashtra vide this office letter no 8-3382001-FC dated 04.03.2014 (F1)

4. Vide this agreement the NPV amount was required to be charged from the state government before diversion of Zudpi land (F1) Further it is clarified that if state government desires any exemption regarding NPV, the state government is at liberty to approach the Hon’ble supreme court. (F1)

5. The issue relating to Zudpi Jungle in Vidarbha Region of Maharashtra has been a subject matter of protected correspondence between the Government of Maharashtra and this Ministry for more than two decades.

6. This Ministry, taking cognizance of the fact that said land is described in the revenue record as “Zudpi Jungle”, took a stand that is will attract the provisions of the Forest (Conservation) Act, 1980 and it was further reinforced in light of the order dated 12.12.1996 passed by the Hon’ble Supreme Court of India.

7. After the clarification, the Govt. of Maharashtra had started sending proposals under Forest (Conservation) Act, 1980 for the use this Zudpi Jungle for non forestry purposes.
8. Village lands commonly known as Zudpi Jungle in the five districts (Bhandara, Chandrapur, Gadchiroli, Nagpur, Wardha) of Vidarbha region in Maharashtra have traditionally been used for various purposes by the villagers both for their communal needs and Nistar Rights.

9. A controversy however arose during 1985-86 regarding the applicability of the Forest (Conservation) Act, 1980 (hereinafter referred to as the FC Act, 1980) to these lands.


12. In year 1991, Government of Maharashtra instituted Mahajan Committee to sort out the issue. The report is flagged at F/A.

13. A clarification was given by the Government of India in 1992 that Zudpi Jungle will attract the provisions of the Forest (Conservation) Act, 1980.


15. In 1996 Government of India vide letter No. 4-8/87/FC, dt. 20/2/96 constituted a Committee under Shri. V.B Joshi Regional Conservator of Forests. To sort out the issue related to Zudpi land Recommendations of Joshi Committee are flagged F/B.

16. In 1996: Supreme Court vide its Interim Order in Petition No. 202/95 dated 12/12/96 clarified that “for the purpose of section 2(I) of Forest (Conservation) Act, 1980, the term “Forest land” Occurring in section 2, will not only include ”Forest: as understood in the dictionary sense, but also any area recorded as forest in Government Record irrespective of the ownership.”

17. It was reported that the above stated clarification gave a severe jolt to the cultivators and villagers of the above five districts of Vidarbha. This interpretation not only slowed down the process of development (since it required clearance from Government of India for using the Zudpi Jungle land) but also restricted to some extent the Nistar Rights of the cultivators and villagers.

18. The above issue has been discussed at different forums. Various cross sections of people including the elected representative have expressed their anguish over the unnecessary permission required under the Forest (Conservation) Act, 1980 involving Zudpi Jungle.

19. In order to take a holistic view, the Ministry of Environment & Forests vide its notification No. 4-8/87-FC dt. 21.9.98 constituted a High Powered Committee (HPC) under the chairmanship of Shri M.K. Sharma, Additional Inspector General of Forests to identify and sort out the problems of Zupdi Jungles area in Maharashtra for their future management. Report is placed as F(X).

20. It is reported that the term “Zudpi “ has not been defined specifically in the Maharashtra land Revenue Code, it is in use in Vidarbha area of ex-Madhya Pradesh State since 1954-55 indicating the
classification of land owned by and normally covered by scrub (bush growth) and not by big trees. The meaning is obvious since “Zudpi”, a Marathi word means bushy growth in “inferior type of lands or unoccupied lands in a village.

21. After the abolition of malguzari system in 1951 by the then Government of Madhya Pradesh, lands reforms measures were carried out on scientific lines by appointing Nistar Officers for all the talukas in the then Madhya Pradesh during 1954-56. Nistar Officers after touring and inspecting the village lands in consultation with the villagers and the Gram Panchayats classified the lands in 2 categories, viz. Zudpi Jungle and Big Tree Forest.

22. Nistar enquires conducted by the then Government of Madhya Pradesh and subsequently by the Government of Maharashtra, form 1956 to 1980 resulted in transferring most of the areas of big tree forest lands owned by the Revenue Department to forest department as protected/reserved forest after following the procedure laid down under the Indian Forest Act, 1927.

23. Following the above survey and demarcation, 6,55,619 Ha. of land was notified as protected/reserved forest during 1955-59 out of total of 9,23,913 Ha. of Zudpi Jungle.

24. The left over area of 268294 ha was left as Zudpi jungle in revenue record to be managed by revenue department.

25. Since the term Zudpi Jungle does not have a precise definition, both the Governments of India and Maharashtra have tried during the last 20 years to resolve the problems arising out of the different interpretations.

26. During 1993-94, Government of Maharashtra surveyed and demarcated the Zudpi Jungle land admeasuring 268293.56 ha. Identified by the Inter-Disciplinary Committee. The officers of Forests, Revenue and land Records departments did joint measurements. The above work in five districts in nearly completed and the details are given below:-

   i. Total Zudpi Jungle 268293.56 ha.

   ii. Zudpi Jungle land already diverted to Non-Forestry purpose 89768.39 ha.

   iii. Net Zudpi Jungle offered by Revenue Department 178525.17ha.

   iv. Area already notified (out of Col. 3) 16309.99 ha

   v. Area in fragmented holdings and unsuited for management (out of Col. 3) 32229.81 ha.

   vi. Land under encroachment (out of Col. 3) 27507.34 ha.

   vii. Land under various other non-forest use 26672.13 ha.
27. High powered committee headed by Sh M.K Sharma observed as below:

(i) Application of the provisions of the Forest (Conservation) Act, 1980 to Zudpi Jungle has given a severe jolt to the cultivations and villagers in Vidarbha in meeting their communal and day to day needs.

It was felt by the HPC that Zudpi Jungle lands cater to the communal and day to day needs of the villagers and were complimentary to agriculture, dairy, cottage & small-scale industries in the villages. This was in consonance with the developmental policies of the Government which emphasized that the villagers should not be required to go outside their villages for their needs of fodder, firewood, minor minerals, clay, murrum, boulders, wood etc.

However the sudden interpretation covering these communal village land under the Forest (Conservation) Act, 1980 adversely affected the cultivators and the villagers in the 5 districts of Vidarbha area where Forest Department started refusing permission for non forest uses of these lands which were guaranteed by the Government since 1954-55 under the Nistar Patraks framed under the Madhya Pradesh Land Revenue Code, 1955 and Maharashtra Land Revenue Code, 1966.

Unfortunately the legal provisions already in force guaranteeing rights of grazing, firewood, minor minerals etc. to cultivators and landless labours from “Zudpi Jungle” land in the vicinity of the villages has been unceremoniously withdrawn without amending the provisions under the Maharashtra land revenue code.

Major problems faced by the villagers and various Central/State Government departments in implementing the development schemes/ works in the villages are primarily due to the above impediments created in respect of “Zudpi Jungle”. In fact the entire issue has been made so sensitive that the implementing agencies are being prosecuted if they remove minor minerals like murrum, small stones etc, and MSEB or Telephone Department fix a pole even.

(ii) The procedure envisaged under the Forest (Conservation) Act has led to slowing down of development projects including even those requiring minimal Zudpi Jungle land like school buildings, laying of electrical poles, pipe lines etc.

(iii) Since Zudpi Jungle lands have traditionally been used for communal and day to day needs by the villagers, they should have been kept out of the purview of the Forest (Conservation) Act, 1980. The application of the Forest (Conservation) Act tends to negate the benefits, which were flowing and were intended to flow in future also to the community and the villagers.

(iv) It was felt, that these lands though referred to as “Jungle” Should not have been treated as forest under the Forest Conservation Act, since the term was used very loosely since early 1900 when there was no idea of the Forest (Conservation) Act, 1980. In fact such lands are not known as Jungle in other parts of Maharashtra at all. Instead they are known as gairon, parampok, etc. Therefore it would be desirable that the Forest (Conservation) Act is not made applicable to such lands though known as Zudpi Jungle.
(v) It may not be possible to take Zudpi Jungle out of purview of the Forest (Conservation) Act, 1980 in view of the Supreme Court judgment of 1996.

(vi) The problem of Zudpi Jungle is primarily confined to Vidarbha area alone.

(vii) The Committee analysed the result of the survey and demarcation done by the Government of Maharashtra during 1993 to 1998 and observed that:
(a) 92115 Ha. of Zudpi Jungle (out of 178525 Ha. with Revenue Department) is suitable for forestry management, development and conservation.
(b) 86409 Ha. of land is unsuitable for forest management due to encroachment, fragmented holding and existing non-forestry use.
(c) Government of India should give permission for 86409 ha. land, unsuitable for forest management under the Forest (Conservation) Act 1980 in bulk without insisting on individual proposals. Government of India should also waive the conditions of compensatory afforestation and equivalent non-forest land.

(viii) Slowing down of the development projects coupled with restrictions of Nistar rights has led to discontent and unrest amongst the villagers in Vidarbha region. This has the potential of taking serious turn if not attended to urgently.

(ix) It is pertinent to point out here about the area of 89768.39 ha of Zudpi Jungle as point out in para 11(ii) above. This area needs to be located, surveyed and proposals for regularization under FCA 1980 be submitted to the Government of India. If these areas cannot be put to forestry use as per principles of discussions and recommendations.

28. Recommendations of high powered committee is as follows
A. 92,115 Ha. of Zudpi Jungle, which is found to be suitable for forestry management, development and conservation should be notified as protected/reserved forest under Forest Act 1927.
B. 86,409 Ha. Zudpi Jungle land, which is not suitable for forest management, as mentioned below, should be de-notified and be allowed for any purpose including non-forestry as decided by the Revenue Department.
   (a) Land under encroachment 27507 Ha.
   (b) Land already under non-forestry use 26,672 Ha.
   (c) Fragmented land etc. 32,229 Ha.
C. Government of India should give permission under Forest (Conservation) Act to the above land 86,409 Ha. through a consolidated proposal without insisting on individual proposals.
D. Government of India should not insist on compensatory afforestation because during 1955-59 6,55,619 ha and in this report as per recommendation No. 1 above, an area of 92,115 ha totaling to 7,47,734 ha of all Zudpi Jungle has been taken to be forest out of a total of 9,23,913 ha of land which had the status of Zudpi Jungle.
E. The area of 89,768.39 ha which has already been diverted to non-forestry purpose (upto 1992) needs to be located, surveyed and proposals for its regularization under FCA 1980 be sent to Government of
India provided these areas cannot be put to forestry use as per principles of discussions and recommendations.

29. The recommendation of HPC to consider 86,409 ha of Zudpi Jungle for non-forestry purpose were accepted by the MoEF to the extent that areas will be de-notified for the purpose of pasture and grazing alone and not for any other purpose and requested the State Government to submit three specific and separate proposals under the Forest (Conservation) Act, 1980 in respect of 26(B(a,b,c) stated above.

30. A meeting under the chairmanship of secretariat MEF was held on 18th April 2013 at Paryavaran Bhawan, New Delhi to discuss the issues related to Zudpi Jungle in Maharashtra. The meeting was chaired by the Secretary (E&F) and was attended by Addl. DGF (FC), the Principal Secretary (Forests), Maharashtra, PCCF, Maharashtra, Addl. PCCF and Nodal Officer, Maharashtra and IGF(FC) along-with other officers of the Ministry and Maharashtra State Forest Department.

31. After detailed discussion following decisions were taken (please peruse N12)

(i) In accordance with Hon’ble Supreme Court judgement, Zudpi Jungle will have to be treated as forest.

(ii) State Government will notify 92,115 ha of Zudpi Jungle as PF/RF out of which 16,309.99 ha has been already notified. Balance 75,806.78 ha will be notified at the earliest. The proposal of the State Government to use these lands as compensatory afforestation, as is the case with Zudpi Jungle at present will be favourably considered. However, double the area will have to be taken up and this will be admissible only for State Government proposals and for other projects as already mentioned in the guideline.

(iii) Fragmental Zudpi Jungle of 32,229 ha will be favorably considered for diversion by Government of India for public purpose/infrastructure by State Government Departments/Undertakings and use of these lands only for pasture and grazing will not be insisted upon.

(iv) For Zudpi Jungle under encroachment (27,507 ha) and land under non-forest use (26,672 ha), the State Government will prepare proposal in two parts-prior to 12.12.1996 and Post 12.12.1996. The commercial and such similar land use will be dealt separately.

(v) Government of India will prescribe simplified procedure for submission of proposals of Zudpi Jungle under FCA.

(vi) The State Government shall approach the Hon’ble Supreme Court, by way of filing an IA, for seeking permission for de-notification and the Ministry may support the same in the Hon’ble Supreme Court.

32. State government of Maharashtra vide its letter no 17 NC/CA/FCA /533/13-14 dated 3.7.2013 has forwarded the simplified procedure for submission of procedure under forest (Conservation) Act 1980 for de-notification of Zudpi jungle lands in the state of Maharashtra.

33. The simplified procedure was conveyed to Government of Maharashtra vide letter dated 04.03.2014 (F/y).


35. Compensatory Afforestation condition has been relaxed for diversion of the 86,409 hectares, as per simplified procedure (F/1)

36. Earlier Ministry has taken stand that NPV will be payable as per direction of the Hon’ble Supreme Court. If the State Government desires any exemption regarding NPV, the State Government is at liberty to approach the Hon’ble Supreme Court in this regard.

37. State Government had now requested for waiver of NPV against the diversion of 86,409 ha of zudpi land in view of the decision of the Hon’ble Supreme Court on 5th October’15 directing the Ministry to look into issues of exemption of NPV.

38. Considering the circumstances and history of zudpi jungle though which it had evolved into the category of forest land for the purpose of FCA 1980, and on the report of High Power Committee of Shri M. K.
Sharma (F/X) a decision is required to be taken for exemption of NPV/quantum of NPV to be charged for 86,409 ha of zudpi jungle.

The facts related to the above policy matter may be placed before FAC in its next meeting to be held on 26.10.2017 for their examination and appropriate recommendation.

****
Sub: Proposal for diversion of 1007.29 ha of forest land for North Koel Dam Project in the State of Jharkhand.


2. It is imperative to mention that the Government of Bihar vide their letter dated 21/6/1982 had submitted a proposal for diversion of 4122.108 ha for Kutku Dam (North Koel project) in the Palamu District, Bihar. This proposal was examined in the Ministry and certain essential information was sought from the State Government vide Ministry’s letter dated 30th July 1986. As the State Government did not submit the required information, the proposal was rejected on 16 December 1988.

3. With the approval of Hon’ble MEF (Pg. 3/N ) the offline proposal / Hard copy of the proposal was accepted to be processed under the Forest (Conservation) Act, 1980 for the said diversion with the condition that ultimately the online application will be submitted by the State Government of Jharkhand. The online proposal at present showing pending with concerned DFO level.

4. Details given in the instant proposal as submitted by the Government of Jharkhand vide their letter dated 07.03.2017 are as below:

FACT SHEET

<table>
<thead>
<tr>
<th></th>
<th>Name of the Proposal</th>
<th>Proposal for diversion of 1007.29 ha of forest land for North Koel Dam Project in the State of Jharkhand.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Location:</td>
<td></td>
</tr>
<tr>
<td></td>
<td>State</td>
<td>Jharkhand.</td>
</tr>
<tr>
<td></td>
<td>District</td>
<td>Part of Latehar and Garhwa.</td>
</tr>
<tr>
<td>3.</td>
<td>Particular of Forests</td>
<td></td>
</tr>
<tr>
<td>i</td>
<td>Name of Forest Division</td>
<td>Core Area Plamu Tiger Reserve.</td>
</tr>
<tr>
<td>ii</td>
<td>Forest Range</td>
<td>-</td>
</tr>
<tr>
<td>iii</td>
<td>Forest Block</td>
<td>-</td>
</tr>
<tr>
<td>iv</td>
<td>Compartment No.</td>
<td>-</td>
</tr>
<tr>
<td>v</td>
<td>Area of Forest land proposed for diversion (in ha)</td>
<td>1007.29 hectares.</td>
</tr>
<tr>
<td>vi</td>
<td>Details of Forest land and Non-forest land included in the prospecting lease</td>
<td>Forest Land: 1007.29 hectares.</td>
</tr>
</tbody>
</table>
vii. Legal Status of Forest land identified for prospecting.

<table>
<thead>
<tr>
<th>Name of Village</th>
<th>Forest Area in Ha.</th>
<th>Legal Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kutku</td>
<td>676.79</td>
<td>PF</td>
</tr>
<tr>
<td>Bhajana</td>
<td>136.31</td>
<td>PF notified as Plamu WL Sanct.</td>
</tr>
<tr>
<td>Khura</td>
<td>16.17</td>
<td>PF notified as Plamu WL Sanct.</td>
</tr>
<tr>
<td>Khaira</td>
<td>3.43</td>
<td>PF notified as Plamu WL Sanct.</td>
</tr>
<tr>
<td>Mandal</td>
<td>3.43</td>
<td>RF notified as Buffer Area of Plamu Tiger Reserve.</td>
</tr>
<tr>
<td>Meral</td>
<td>126.13</td>
<td>RF notified as Buffer Area of Plamu Tiger Reserve.</td>
</tr>
</tbody>
</table>

Total 1007.29

4. Details of vegetation available in the forest land proposed for diversion:

- i. Forest Type
- ii. Average crown density of vegetation 0.4

iii. Species – wise local or scientific names and girth – wise enumeration of trees required to be felled.

Report Enumeration of Trees has been given and the same is available at (Pg. 21-23/c).
Total no. 3, 44, 644 trees are enumerated to be felled in the proposed area.

5. Brief note on topography and vulnerability of the forest land proposed to be utilised for prospecting to erosion.

The terrain of forest Area is undulating with murram soil or soft soil. The presence of gullies on forest land shows that the area prone to erosion.

6. Approximate distance of the forest land proposed to be utilised for prospecting from boundary of the forest land

The project site is located within notified forest area of Kutku.

7. Significance of the forest land proposed to be utilised for prospecting from wildlife point of view:

- i. Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, wildlife migration corridor etc., (if so, the details of the area the comments of the Chief Wildlife Warden to be annexed)

The constructed area and proposed submergence area of project is a part of Sanctuary area or protected forest.
<table>
<thead>
<tr>
<th></th>
<th>Whether any national park, Wildlife Sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within ten kilometers from boundary of the forest land proposed to be utilised for prospecting (if so, the details of the area and comments of the Chief Wildlife Warden to be annexed)</th>
<th>No,</th>
</tr>
</thead>
<tbody>
<tr>
<td>iii.</td>
<td>Details of Protected Area and comments on the impact of Project on the ESZ:</td>
<td>The comments are available on the impact of Project by the PCCF Chief Wildlife Warden, Jharkhand.</td>
</tr>
<tr>
<td>iv.</td>
<td>Whether any national park, Wildlife Sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within one kilometer from boundary of the forest land proposed to be utilised for prospecting (if so, the details of the area and comments of the Chief Wildlife Warden to be annexed)</td>
<td>No.</td>
</tr>
<tr>
<td>v.</td>
<td>Whether any rare or endangered or unique species of flora and fauna found in the area – if so details thereof</td>
<td>Most of the affected villages lie in the administrative jurisdiction of Kutku Range. As per the track censes presence of Spotted, Wild Boar, Barking Deer, Golden Jackal, Elephant, Bear etc has been reported. Besides this, Tiger as occasional visitor has also been reported from Kutku Range.</td>
</tr>
<tr>
<td>vii.</td>
<td>Details and comments on the impact of Project on such species of Flora and Fauna.</td>
<td>As far as flora is concerned, no any rare/endangered/unique species has been reported so far.</td>
</tr>
<tr>
<td>8.</td>
<td>Whether any protected archaeological or heritage site or defence establishment or any other important monument is located in the area (if so, details thereof with no-objection certificate (NoC) from competent authority to be annexed.)</td>
<td>No.</td>
</tr>
<tr>
<td>9.</td>
<td>Comment as to the reasonability of the extent of the forest land proposed to be utilised for prospecting:</td>
<td></td>
</tr>
<tr>
<td>i.</td>
<td>Whether the requirement of forest land as proposed by the user agency in col.2 of part I is unavoidable and bare minimum for the project.</td>
<td>In this new proposal the height of gate for closure or to impound the water has been reduced from 367.28m FRL to 341m FRL to minimize the proposed submergence of forest area to the bearest minimum.</td>
</tr>
<tr>
<td>10.</td>
<td>Details of violation committed:</td>
<td></td>
</tr>
<tr>
<td>-----</td>
<td>--------------------------------</td>
<td></td>
</tr>
<tr>
<td>i.</td>
<td>Whether any work in violation of the Act or guidelines issued under the Act has been carried out (Yes/No)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>The project for construction of Dam site has started in 1973 well before the enactment of Forest (Conservation) Act, 1980. Unconfirmed sources indicated that the constructed work of Dam continued till 1988 – 89 and later on closed due to law and order problem. As per official records this division, no any case of violation of Forest (Conservation) Act, 1980 has been logged.</td>
<td></td>
</tr>
<tr>
<td>ii.</td>
<td>If yes, details of the violation including period of work done, area of forest land involved in violation, name, address and designation of the person(s) responsible for violation and action taken against the person(s) responsible for violation</td>
<td></td>
</tr>
<tr>
<td>iii.</td>
<td>Whether work in violation is still in progress (Yes/No)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>No.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11.</th>
<th>Details of Compensatory Afforestation scheme:</th>
</tr>
</thead>
<tbody>
<tr>
<td>i.</td>
<td>Legal status of the land identified to raise compensatory Afforestation</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>ii.</td>
<td>Details such as location, Survey or Compartment or Khasra number, area and distance from adjoining forest of each plot of non-forest area or degraded forest land identified for compensatory Afforestation</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>iii.</td>
<td>Map showing non-forest / degraded forest area identified for compensatory Afforestation and adjoining boundaries.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>iv.</td>
<td>Detailed Compensatory Afforestation scheme including species to be planted, implementing agency, time schedule, cost structure, etc., enclosed (Yes/No)</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>v.</td>
<td>Certificate from the concerned Deputy Conservator of Forests regarding suitability of area identified for compensatory Afforestation and from management point of view enclosed (Yes/No).</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>vi.</td>
<td>Site Inspection report of the DFO/CCF/ Nodal Officer highlighting important facts pertaining to the forest land.</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>(a)</td>
<td>DFO</td>
</tr>
<tr>
<td></td>
<td>Pg. 25-26/c.</td>
</tr>
<tr>
<td>(b)</td>
<td>CCF</td>
</tr>
<tr>
<td></td>
<td>Pg. 15-16/c.</td>
</tr>
</tbody>
</table>
12. **Recommendation**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>DFO</td>
<td>Recommended. (Pg. 17-20/c).</td>
</tr>
<tr>
<td>CCF</td>
<td>Recommended. (Pg. 15-16/c).</td>
</tr>
<tr>
<td>Nodal Officer &amp; Addl. PCCF</td>
<td>Recommended. (Pg. 14/c).</td>
</tr>
<tr>
<td>State Govt.</td>
<td>Recommended. (Pg. 13/c).</td>
</tr>
</tbody>
</table>

13. **Division / District Profile.**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Geographical area of the District 30660.50 Sq. Km.</td>
</tr>
<tr>
<td>(ii)</td>
<td>Forest area of the District 575.89 Sq. Km</td>
</tr>
<tr>
<td>(iii)</td>
<td>Total Forest area diverted since 1980 with number of cases No in Plamu Tiger Reserve</td>
</tr>
<tr>
<td>(iv)</td>
<td>Total compensatory Afforestation stipulated in the District / Division since 1980 as on 15.03.21015 -</td>
</tr>
<tr>
<td>(a)</td>
<td>Forest land including Penal Compensatory Afforestation (PCA) -</td>
</tr>
<tr>
<td>(b)</td>
<td>Non-Forest land -</td>
</tr>
<tr>
<td>(v)</td>
<td>Progress of compensatory as on -</td>
</tr>
</tbody>
</table>

4. The Regional Office, Ranchi vide this Ministry’s letter dated 21.04.2017 (Pg. 211/c) has been requested to carry out the Site Inspection and submit their report to this Ministry. The Regional Office, Ranchi vide their letter No. FP/JH/IRRIG/23840/2017/1336 dated 30.06.2017 (Pg. 268-280/c) furnished Site Inspection Report. The SIR is reproduced below:-

The site inspection of the above project was carried out by the undersigned along with DCF (C), Regional Office Ranchi, on 07th and 8th June, 2017 in the presence of Sri A.K. Mishra, Divisional Forest Officer (Core Area), Palamu Tiger Reserve, Sri Aftab Alam, Executive Engineer, Water Resource Department, Project Officer, Asst. Engineer, Range Forest Officer of Kutku and other field staff. Following observations were made-

- The project consists of a dam across river North Koel near village Kutku and a barrage, namely, Mohammadganj barrage 96 km downstream of the dam. Two main canals off take from the barrage.

- The project was conceived in 1960s by the Government of Bihar and the project started in 1970s. The construction work of Dam and Barrage has been completed except the installation of gates in the Dam. Also, some work of spillway and installation of low level construction sluice and irrigation sluice is yet to be completed. The dam has been constructed up to the crest level of Spillway at 352.28 mt. At present no water is being stored in the dam and the rain water that precipitates passes through the construction sluice of the dam and gets stored at the Mohammadganj barrage.

- It is proposed to maintain the water level of 341 mt only with control of irrigation and low level sluices by installation of gates.
The Kutku dam shall lead to submergence of 1007.29 ha of Buffer area of Palamau Tiger reserve at 341 FRL. Palamau Tiger reserve is situated in Latehar and Garhwa district of Jharkhand covering 1129.93 sq km with core area/critical Tiger Habitat of 414.85 sq km and buffer area of 715.85 sq. km.

Forest land proposed for diversion is a part of Palamu wild life Santuary which shall be submerged after making the masonry dam operational at the Pond level of 341 mt only

1. **Legal status of the forest land proposed for diversion:**

   The legal status of the forest land is Protected Forests (Notified), Reserve Forests and Jungle Jhari.

2. **Item-wise break-up details of the forest land proposed for diversion.**

   The item-wise break-up details of the forest land is as follows:

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Name of Village</th>
<th>Forest Area (In Ha)</th>
<th>Legal Status of Forest</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Kutku</td>
<td>676.79</td>
<td>Protected Forest</td>
</tr>
<tr>
<td>2.</td>
<td>Bhajna</td>
<td>136.31</td>
<td>Protected Forest notified as Palamau Wildlife Sanctuary</td>
</tr>
<tr>
<td>3.</td>
<td>Khura</td>
<td>16.17</td>
<td>Protected Forest notified as Palamau Wildlife Sanctuary</td>
</tr>
<tr>
<td>4.</td>
<td>Khaira</td>
<td>3.43</td>
<td>Protected Forest notified as Palamau Wildlife Sanctuary</td>
</tr>
<tr>
<td>5.</td>
<td>Mandal</td>
<td>3.43</td>
<td>Reserve Forest notified as Buffer area of Palamau Tiger Reserve</td>
</tr>
<tr>
<td>6.</td>
<td>Meral</td>
<td>126.13</td>
<td>Reserve Forest notified as Buffer area of Palamau Tiger Reserve</td>
</tr>
<tr>
<td>7.</td>
<td>Saneya (Jungle Jhar)</td>
<td>45.03</td>
<td>Deemed Forest</td>
</tr>
</tbody>
</table>

   **Total** | 1007.29

3. **Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:**

   Not reported.

4. **Total cost of the project at present rates:**

   As per record it is Rs 1927.82 crores.

5. **Wildlife:**

   Whether forest area proposed for diversion is important from wildlife point of view or not:

   As per records Tiger, Bison, Spotted Deer, Wild Boar, Barking Deer, Golden Jackal, Elephant, Bear etc. have been reported.
6. **Situation with respect to any Protected Area:**

Proposed area for diversion forms part of Palamu Tiger Reserve. The constructed area and proposed submergence area of the project is a part of sanctuary area. Although proposed area falls within the Administrative jurisdiction of core area Division, yet no land legally designated as Critical Tiger Habitat or Core area falls within the project area.

7. **Vegetation:**

The area proposed for diversion seems to be moderately dense forest with Northern tropical deciduous sal forest and its associates. General topography is undulating to rugged with low ridges and valleys. At some places surface is rocky with scattered trees. The forest and density of vegetation appears to be around 0.5 to 0.6.

8. **Total number of trees to be felled/submerged.**

The no. of trees enumerated comes to 3,44,644. Trees more than 60 cm girth are 60,608 in number.

It may be mentioned here that Central Water Commission has submitted a report on the study regarding possibility of maintaining water level at EL 341 mt in the reservoir by allowing the water to pass through the existing sluices and power intakes. A copy of the report of CWC has been made available by the Executive Engineer which reads as below:

CWC has observed that time required to bring down water level from crest of the ungated spillway i.e =352.28 mt to proposed ponding level (+341 mt) by releasing water through irrigation sluices, low level sluices and power intakers is approximately 5 days. Hence each time a flood frequency of 25 years and above occurs with reservoir level at 341mt, it will take only 5 days to bring water level back to proposed ponding level at +341 mt.

This means that more area /no. of trees other than mentioned/enumerated above, shall come under submergence for a brief period. As per the computation chart of area submergence visa ponding level, provided by the Executive Engineer, about 1200 hectare additional area of buffer zone and about 46 hectare area of CORE Zone of the Tiger Reserve shall come under temporary submergence during Flood period.

**Effect of removal of trees on the general ecosystem in the area:**

Large area of forest land will be submerged and this will definitely show adverse impact on the general eco-system of the area. At the same time large water body will be created due to submergence and this will act as a permanent source of water to the nearby Flora and fauna.

9. **Compensatory afforestation:**

As per records, Water Resources department, Government of Jharkhand had submitted request for exemption from requirement of providing land for Compensatory Afforestation as well as NPV in respect of North Koel project in Jharkhand.

In light of the above, FAC in its meeting held on 25.4.17 has observed that Compensatory Afforestation (CA) may be done over twice the forest land diverted, provided the degraded forest land identified for this purpose should be in the corridors of the Palamu Tiger Reserve. The State Government, however, shall make best efforts to identify maximum possible encumbrance free, large patches of non-forest land either adjoining or in the immediate vicinity of the Palamau Tiger Reserve to offset habitat lost due to submergence. Compliance of State Government is awaited.
(a) Whether land for compensatory afforestation is suitable from plantation and management point of view or not:
No CA land identified so far.

(b) Whether land for compensatory afforestation is free from encroachment/other encumbrances:
No CA land identified so far

(c) Whether land for compensatory afforestation is important from Religious/Archaeological point of view:
No CA land identified so far

(d) Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:
No CA land identified so far

(e) Map with details:
No CA land identified so far

(f) Total financial outlay:
No CA land identified so far

10. Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:
The project for construction of Dam site has started in 1973 well before the enactment of Forest (Conservation) Act, 1980. Project proponents informed that the construction work of Dam continued till 1988-89 and later on closed due to law and order problem. As per official records no case of violation of FCA has been lodged.

11. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not:
As per records the then Irrigation Dept of Bihar has identified 634 families to be rehabilitated as under:
Number of families : 634
Number of SC families : 51
Number of ST families : 490
As per records Rehabilitation plan has already been executed and compensation has been given to all legally identified affected families. (Detailed R & R submitted by the user agency in the proposal)

12. Reclamation plan:
Not applicable

13. Details on catchment and command area under the project:
Detailed CAT plan has been prepared and submitted as Annexure 8 in the proposal.

Catchment area treatment plan to prevent siltation of reservoir:
Annexed separately and submitted in the proposal as above.

14. Cost benefit ratio:
As reported it is 1: 22.1.
15. **Recommendations of the Principal Chief Conservator of Forests/State Government:**

Recommended by the PCCF / State Government.

16. **Detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:**

Dam has already been constructed before 1980. So question of looking for alternative site/location does not arise.

17. **Utility of the project:**

The project is located in the most drought prone area of Jharkhand and Bihar States. The area has witnessed 10 major famines since 1935. The construction work of Dam and Barrage has been completed except the installation of gates in the Dam. Also, some work of spillway and deck slab and installation of low level construction sluice and irrigation sluice is yet to be completed. The right main canal and 40% of its distributaries have been completed and 90% of left main canal have been completed.

- The partially completed project is presently irrigating during Kharif season nearly 50,000 ha and 6,000 ha of land in States of Bihar and Jharkhand respectively.

- After the fully operation of project, the irrigation potential will reach upto 72,157 hectare of land as targeted in the project.

- Also, after the operation of the project, water will be available for drinking purpose to the local inhabitants of Palamau, Latehar and Garhwa District of Jharkhand State as well for industries purpose.

- It is also estimated that the fully operation of the project will generate revenue of approximately Rs. 24,337 lakhs annually.

- The Government of Bihar and Jharkhand signed an MOU in June 2006 for sharing of benefits of the project in following proportion:

  - Water to be utilised for irrigation in Jharkhand :- 10%
  - Water to be utilised for irrigation in Bihar :- 90%

**Utility for Tiger Reserve-**

Palamau Tiger reserve comes under Rain Shadow Zone so water scarcity in reserve area is a problem for wild life managers. Most of the waterholes created in the reserve area by the Forest Department become dry during summer and Tiger Reserve faces severe scarcity of water. Wildlife often migrates to nearby villages in search of water. This increases man-animal conflict in the area.

As per the project proposal, the water of reservoir will also be available to wildlife of the Palamau Tiger Reserve. Hence the migration of wildlife to nearby human settlements will stop. However during site visit it was noticed that the utility of the project could be augmented manifold by harnessing the potential of the Reservoir to supply water to Tiger Reserve area at convenient locations by Pipeline System at the Project cost. This may provide a perennial source of water to Reserve area which will of much significance for wildlife and biodiversity conservation in Reserve area. A feasibility report on supply of water through pipelines may be prepared by the User agency in consultation with Forest officials.
18. Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project:
As per records the then Irrigation Dept of Bihar has identified 634 families to be rehabilitated as under:
Number of families: 634
Number of SC families: 51
Number of ST families: 490
As per records Rehabilitation plan has already been executed and compensation has been given to all legally identified affected families.(Detailed R & R submitted by the user agency in the proposal)

(a) Whether land being diverted has any socio-cultural/religious value:
Not reported.

Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:
Not reported.

(c) Whether the land under diversion forms part of any unique eco-system:
Not reported.

19. Any other information relating to the project:
- The construction of the dam had started much before the enactment of Forest (Conservation) Act, 1980. However, the MOEF accorded Environmental clearance in 1984. At the time of installation of the gates in 1993, the work was stopped by the forest Department. Government of Bihar and the matter was reported to MOEF.
- The approach road to Dam site passes through forest and is blacktopped for about 25 km followed by an earthen road of about 5 km stretch. It remains to be ascertained from the State government whether the part of the Forest land involved in construction of this road has been diverted in favour of the user agency prior to 1980 or not. If the forest land has not been diverted for the project so far, it must be included in the instant diversion proposal.
- There exists no. of abandoned buildings, temporary structures, labour huts etc spread over more than 20 hectares (ocular estimate) of land near the dam site. The Status of the land needs to be verified by the state authorities as the land is in continuity of forest area and has been apparently utilized by the project authorities during construction phase of the dam. All structures are in dilapidated condition and may be demolished at the project cost to prevent encroachment/unauthorised occupancy of the forest land, if any. Even if the land has been diverted to the water resources department in the past, the same may be surrendered to the Forest department if it is no longer required for project activities.
- Mitigation measures to reduce the impacts of the submergence on Wild life may be incorporated in the Biodiversity Conservation Plan. The user agency shall have to take all possible precautions for protection of environment and wildlife while operating in the area.

Comments and Recommendations of the Additional Principal Chief Conservator of Forests (Central), Regional Office Nagpur:
The North Koel Reservoir Project, on North Koel river, a tributary of Sone River, was conceived at village Mandal, Block – Barwadih in 1970-71 by Irrigation Department, the then Govt. of Bihar for generation of 24 MW of electricity and providing water for irrigation to several village of the State by creating a barrage at Mohammadganj village, at 96 KM downstream of Mandal dam.
Initially the FRL of the dam has been planned at 367.28 meters. However, now FRL has been agreed to 341.0 m resulting into reduced area of submergence and the number of affected villages has come down to eight. The submergence area at FRL 341.0 m will include 1007.29 ha of buffer area of Palamau Tiger Reserve for which the State Government has asked for diversion.

Since the proposal has been conceived with larger interests to meet the requirement of irrigation in the State, the proposal may be considered for diversion of forest land subject to fulfilment of following conditions:

i. As per the observation of the CWC, during the incidence of high flood or incessant rains in the area, it will take approximately 5 days to attain the ponding level of 341.0 meters and accordingly, apart from the area of 1009.29 ha proposed for diversion, additional area of 1200 ha of buffer zone and about 46 ha area of core zone of the Tiger Reserve shall come into the submergence for short period. However the actual no. of days of submergence of additional area may be more than five days because the water requirement for irrigation during this period of heavy rainfall I will also be minimum. In Case the submergence beyond proposed ponding level of 341.0 meters remains for a period more than 5 years, a view may be taken if the additional area should be considered for diversion under the Forest (Conservation) Act, 1980.

ii. Their resettlement of the villages outside the tiger reserve should be ensured before the installation of sluice gates otherwise there is possibility, after the submergence of lands, villagers will shift to some other areas of the tiger reserve.

iii. Compensatory afforestation, may be raised over degraded forest land, double in extent to the forest land being diverted, as per the decision taken by the Forest Advisory Committee in its meeting held on 25.04.2017, and land for the CA should be identified and details of the same, along with the various attributes such as Differential GPS map, CA scheme, site suitability certificate should be submitted by the State Government.

iv. As the habitat of the PTR may get fragmented after the completion of the project, therefore, to compensate the loss of habitat coming under submergence, possibility may be explored by the State Government to add adjoining Government wastelands to the buffer and core zone of the PTR.

v. Wildlife Management Plan for the conservation protection and development of wildlife in the area should be implementation in consultation with the Chief Wildlife Warden, Government of Jharkhand.

A report on the violation of the Forest (Conservation) Act, 1980 should be submitted be Central Government along with credible action taken against the offender under the Forest (Conservation) Act, 1980 of Indian Forest Act, 1957 should be submitted to the Central Government

5. It is also imperative to mention that the Principal Secretary, Water Resources Department, Government of Jharkhand vide his D.O. letter dated No. 99/Pr. dated 23.11.2016 was requested for exemption from payment of Net Present Value (NPV) and Compensatory Afforestation (CA) in respect of proposed FC proposal for North Koel Irrigation Project in Jharkhand State involving diversion of forest land in Palamu Tiger Reserve (PTR). Several other references in this regard were also received from the concerned State, NITI Ayog and other levels of the Government. This matter was discussed in FAC meeting held on 25.04.2017 and it has been decided that the NPV may not be exempted, but CA has been allowed on double degraded format as special dispensation for this State project, and the decisions have been conveyed vide letter F. No. 17-25/2016-FC dated 31.05.2017 (Pg. 214-215/c).

6. The proposal as received from the State Government for diversion of 1007.29 ha of forest land for North Koel Dam Project examined and it revealed the following deficiencies / discrepancies the proposal:-
In part II of the application it has been mentioned that “The project for construction of Dam site has started in 1973 well before the enactment of forest (Conservation) Act, 1980. Unconfirmed sources indicated that the constructed work of Dam continued till 1988-89 and later on closed due to law and order problem. As per official records this division, no any case of violation of Forest (Conservation) Act, 1980 has been lodged.” However as per the records available with this office in earlier proposal F. No. 8-178/1982-FC Vol.I, diversion of 6203.53 ha. of forest land for North Koel Reservoir Project in favour of M/s. Water Resources Department (WRD) at village Kutku, Violations have been reported. This may be clarified by the State Government.

ii. It is observed that the approved CAT plan, Rehabilitation & Resettlement Plan and complete compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 have not been provided.

7. The above shortcomings were communicated to the State Government Jharkhand vide Ministry’s letter dated 08.06.2017 (Pg. 213-214/c). The State Government Jharkhand vide their letter No. VAN BHOOMI/04/2017/4130-VP, Ranchi dated 06.10.2017 has been forwarded the additional information in respect to this Ministry’s letter dated 08.06.2017. The Ministry further revealed the following deficiencies / discrepancies in the proposal:-

i. In part II of the application it has been mentioned that:

“The project for construction of Dam site has started in 1973 well before the enactment of forest (Conservation) Act, 1980. Unconfirmed sources indicated that the constructed work of Dam continued till 1988-89 and later on closed due to law and order problem. As per official records this division, no any case of violation of Forest (Conservation) Act, 1980 has been lodged.”

No clarification on this account has been received in this regard so far.

ii. It is observed that the approved CAT plan and R&R Plan have not been received. However, a photocopy of cost estimation (one page) of CAT Plan found enclosed with the recent letter of State Govt. dated 06.10.2017.

iii. With regard to payment of NPV/CA, the State Govt. informed that the NPV of Rs.130.97 Crores and CA of Rs.171.27 crores would be paid by the Ministry of Water Resources, River Development & Ganga Rejuvenation, Government of India.

iv. The approved CA scheme is not given.

v. The Shape/KML file for the proposed diversion and CA sites are not given.

8. In response to this Ministry’s letter dated 09.10.2017 (Pg. 336/c), no reply has been received so far. However, the State Government of Jharkhand vide their letter No. VAN BHOOMI– 4/2017-4351-VP Ranchi dated 18.10.2017 (Pg. 337-339/c) has forwarded a photocopy of a letter No. 1132 dated 17.10.2017 through e-mail, as written by CCF & Field Director, Palamau Tiger Reserve, Daltonganj, Jharkhand informing that an area of 2014.50 ha (Double degraded land) has been identified for CA purpose.

The above facts related to the proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 26.10.2017 for their examination and appropriate recommendation.

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Naresh Kumar, DIGF (FC)

Agenda No. 1

F. No. 7-74/2017-FC

Subject: Request for exemption of NPV as per order dated 05/10/2015 passed by Hon’ble Supreme Court of India in I. A. No. 2737of 2009 in W.P. (Civil) No. 202/1995 in the matter titled as T. N Godavarman vs. Union of India and in the matter of State of H.P vs. UOI and Others – reg.

MOEF&CC has vide letter dated 12.05.2016 (F/X) requested the State of H.P to represent their case before the competent authority of this Ministry so that a fair and lawful decision can be taken in the matter pertaining to exemption of NPV as per order dated 05/10/2015 passed by Hon’ble Supreme Court of India. However, there is no response from the State of H.P as of date.

2. The facts submitted by the Applicant in I. A. No. 2737 of 2009 are as under:

   i. The Applicant seeks exemption from payment of NPV in respect of rural roads being constructed under Pradhan Mantri GraminYojna, a Centrally Sponsored Schemes, World Bank Aided Schemes targeted at Rural Development.

   ii. The order dated 28th March 2008 passed by the Hon’ble Supreme Court directs payment of NPV for using forest land and the said order concludes with certain categories (ten) exempted from payment of NPV rates for three years and subject to variation thereafter.

   iii. Subsequently, the Hon’ble Supreme Court vide order dated 9th May 2008 modified its earlier order dated 28th March 2008 in lieu of some typographical mistakes.

   iv. The Hon’ble Supreme Court vide order dated 9th May 2008 deleted the exemption on payment of NPV in case of villag roads which had been allowed vide the earlier order dated 28th March 2008.

   v. The present Application has been filed for seeking indulgence of the Hon’ble Supreme Court to review/modify the order dated 9th May 2008.

   vi. The Applicant has prayed for grant of exemption from the payment of NPV to all rural roads being constructed by the State of Himachal Pradesh to provide rural connectivity under Centrally Sponsored Schemes, World Bank Aided Schemes targeted at Rural Development

The CEC in compliance to the Hon’ble Court’s order dated 26.08.2013 filed its report dated 17th February 2014 in the present matter. The observations made by the CEC inter-alia are as follows:

   I. The ground on which the exemption from the payment of NPV is sought are identical to those raised by the Ministry of Rural Development in IA No. 2506 of 2009. These grounds are as follows:

      a) The connectivity provided by the rural roads has resulted in better cost to the market for the agricultural inputs and consequent reduction in the
cost of agricultural inputs, the farmers are getting better price for their agricultural product.
b) The attendance of children in rural school have improved and the dropout of children has decreased
c) The access to healthcare has substantially improved
d) The above have brought about significant improvements in the socio-economic conditions of the households and the accelerated the pace of socio-economic development.

II. The CEC does not agree with the contention of the State Govt. that the forest land diverted for the construction of the rural roads shall be exempted from the payment of NPV. The diversion of about 11523 Ha of forest land in the State of Himachal Pradesh, as projected in the present IA will have a serious adverse impact on the conservation and protection of forest land and its ecology. The adverse impact of the road projects does not remain limited to the forest land used for road construction but extends to a substantial forest area around the diverted forest land because of land slides, cutting of trees during construction, illegal felling, encroachment etc.

III. Pursuant to the Supreme Court’s order dated 29th/30th October 2002, the construction of rural roads is being undertaken for the last more than 11 years after obtaining approval under FC Act and payment of NPV.

Recommendation of the CEC

“8. In the above background the CEC reiterates the recommendations made by it in its Report dated 29th September, 2009 in IA No. 2506 of 2009 filed by the Ministry of Rural Development, Government of India seeking exemption from the payment of the NPV for the forest land diverted for construction of rural roads including in the State of Himachal Pradesh and recommends that no relief in the present IA may be granted.”

3. The operative part of the order dated 05/10/2015 passed by the Hon’ble Supreme Court of India passed in W.P (C) No. 202/1995 is produced as under:

“CATEGORY – III: MATTERS RELATING TO EXEMPTIONS FROM THE PAYMENT OF THE NPV:

Various applications have been filed by different applicants to exempt them from payment of Net Present Value (‘NPV’). Now all those applications will be transferred to MoEFCC by the Registry within 45 days’ time from today. The MoEFCC will consider those applications in accordance with law as expeditiously as possible.

If, for any reason, any person is aggrieved by the said decision, he shall be free to file an appropriate applications/petition before the National Green Tribunal ‘NGT’) within 60 days’ time from the date of the order passed by the MoEFCC."
Liberty is reserved to NGT to condone the delay, if any, in approaching it within the time granted by us if a satisfactory explanation is offered by the applicant/petitioner.

With the aforesaid observation and directions, we dispose of the Interlocutory Applications/matters specified in Annexure – III to the note supplied by Shri Harish Salve, learned amicus curiae.”

4. The above facts were placed before FAC in its meeting held on 17.08.2017. A copy of the minutes place in file (F/M).

5. **Recommendation of FAC**: the proposal was considered by the FAC in light of the IA filed in the Hon’ble Supreme Court of India. Since no one from the applicant’s side was present, it was decided to defer the matter for the next FAC and the applicant may be informed to be present in the said meeting.

6. As per above recommendation the State Govt. of Himachal Pradesh, the Govt. of HP vide this Ministry’s letter dated 13.10.2017 (F/N) requested to depute an officer to represent this case before FAC in its meeting scheduled to be held on 26.10.2017.

In view of the aforementioned facts and circumstances, it is suggested that matter may be placed before the FAC to take a view on this policy issue that whether the matter is eligible to get exemption from payment of NPV.

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