

AGENDA FOR THE MEETING OF FOREST ADVISORY COMMITTEE SCHEDULED TO BE HELD ON 26.04.2018

Sandeep Sharma, AIGF (FC)

S. No.	File No.	Name of the proposal	State	Area (ha.)	Category	Page No.
1.	8-34/2007-FC	Diversion of 193.19 ha of forest land for underground mining of coal for Mahakali Colliery in favour of Western Coalfields Limited in Chanderpur in Maharashtra submitted by the State Government of Maharashtra.	Maharashtra	193.19	Mining	4
2.	8-05/1993-FC	Renewal of 61.2348 ha. (out of total 126.27 ha. Forest land granted under FCA 1980) in Renukut Forest Division Sonbhadra for the construction of Ash Disposal Yard in favour of Renuker Power Company Limited- decision on imposition of penalty.	Uttar Pradesh	61.2348	Other	9
3.	8-100/1997-FC (Vol)	Proposal for diversion of balance 17.14 ha of Sabik Kismat forest land as on 25.10.1980 including 0.57 ha of forest land in safety zone in addition to already diverted forest land of 224.63 ha for Chromite mining in their Saruabil Chromite Mine of 246.858 ha in village Saruabil, Kamarda and Tailangi under Sukinda Tahasil of Jajpur District, Odisha under Cuttack Forest Division during extended Mining lease period as per MMDR (Amendment) Act, 2015 by M/s Misrilal Mines (P) Ltd.	Odisha	17.14	Mining	17
4.	8-02/2016-FC	Diversion of 845.34 ha in favour of Chief Construction Engineer, DRDO for establishment of technical facility for DRDO in Mahasamund Forest Division in Mahasamund District in the State of Chhattisgarh.	Chhattisgarh	845.34	Defence	23
5.	8-31/2010-Vol. FC	Application for Change of land use of 29.09 ha forest land out of already diverted forest land of 762.00 ha out of approved 1898.328 in favour of Rajasthan Rajya Vidyut Utpadan Nigam Limited, in Villages Parsa and Kete, Telsil Udaipur, District Surguja, CG	Chhattisgarh	29.09	Other	25
6.	8-64/2017-FC	Notification of the Ramdurg Field Firing Range	Karnataka	426.823	Defence	34

7.	8-21/2018-FC	Unchabali (Mahaparbat) Iron Ore Mines M/s OMC	Odisha	68	Mining	43
8.	8-33/2018-FC	Diversion of 64.00 ha Reserve Forest Land for Tiger Interpretation Safari Ppark at Kakadiya Village, Tilakwada, Narmada Distt., Gujarat	Gujarat	64.00	Other	53
9.	7-27/2014-ROHQ	Guidelines under Forest (Conservation) Act, 1980 for diversion of private forest land for construction of residential building-reg.	Policy			57

Nisheeth Saxena, Sr. AIGF (FC)

S. No.	File No.	Name of the proposal	State	Area (ha.)	Category	Page No.
1.	8-277/1985 FC (Vol.)	Diversion of 2.85 ha of forest land in the Ramavaram RF of Kothagudem Division for installation of Sub-mersible Pumps & Sand Stowing Plant at Padmavathi Khani No. 5 incline in favour of SCCL.	Telangana	2.85	Other	61
2.	8-42/2017-FC	Diversion 68.40 hectares of forest land for CCL Konar Washery, B & K, Area, for seeking prior approval under section – 2 of forest (Conservation) Act, 1980 in the State of Jharkhand.	Jharkhand	68.40	Mining	66
3.	8-31/2018-FC	Proposal for prospecting of 17 bore holes in 68.00 ha of forest land in favour of M/s. CMPDI Limited, Nagpur in the Nehariya Dhankasha Coal Block of Chhindwara District, Madhya Pradesh.	Madhya Pradesh	68.00	Prospecting	70
4.	8-11/2018-FC	Diversion of 248.76 ha of forest land for construction of Kadan Medium Irrigation Project in favour of WRD, Madhya Pradesh.	Madhya Pradesh	248.76	Irrigation	74

Naresh Kumar, DIGF (FC)

S. No.	File No.	Name of the proposal	State	Area (ha.)	Category	Page No.
1.	7-79/2015-FC (Pt. IV)	Issue of NPV in IA no. 2707/2009 in the matter titled as the Registrar, Kuvempu University us. Union of India of India & Others in W.P. (Civil) No. 202/1995 titled T. No Godavarman vs. Union of India.	Policy Issue			83
2.	7-79/2015-FC (Pt. V)	Request for exemption of NPV as per order dated 05/10/2015 passed by Hon'ble Supreme Court of India in I. A. No. 3826 of 2014 in I.A. No. 826&859 in I.A. No. 566/2002 in W.P.	Policy Issue			86

		(Civil) No. 202/1995 in the matter titled as T. N Godavarman vs. Union of India .		
3.	7-79/2015-FC (Pt. VII)	Issue of NPV in Category III-I. A. No. 2247/2008 in the matter of Ooctamund Gymkhana Club as W. P. (Civil) No. 202/1995 titled T. N Godavarman us. Union of India.	Policy Issue	88

Sandeep Sharma, AIGF (FC)

Agenda No. 1

F. No. 8-34/2007 – FC

Sub: Diversion of 193.19 ha of forest land for underground mining of coal for Mahakali Colliery in favour of Western coalfields Limited in Chanderpur in Maharashtra submitted by the State Government of Maharashtra.

- 1 The State Government of Maharashtra vide their letter no. FLD-3606/CR 208/F-10 dated 20.07.2007 has submitted a proposal for diversion of 193.19 ha of forest land for underground mining of coal for Mahakali Colliery in favour of Western coalfields Limited in Chanderpur in Maharashtra submitted by the State Government of Maharashtra.
- 2 The proposal was first placed in FAC on 09.07.2008 and after detailed deliberation and in view of nearness of Tadoba Tiger Reserve, it was suggested to examine the proposal by National Tiger Conservation Authority (NTCA). It was also desired by FAC on 09.07.2008 that comments from State Govt. on SIR done by RO Bhopal on violation of Forest (Conservation) Act, 1980 and Rehabilitation of 146 persons on these lands may be sought. These recommendation of the FAC were communicated to the State Government vide this Ministry's letter of dated 4.08.2008. **However, the comments of NTCA was not sought as per the direction of the then DGF&SS whose remarks on file states that "I don't think reference to NTCA is necessary because of the fact stated by Chief Wildlife Warden Maharashtra which is that the Mine is 19 Km from Tiger reserve and 8 Km from buffer".**
- 3 The PCCF/State Government of Maharashtra, vide their letter no. FLD-3606/CR 208/F-10 dated 17.02.2014 submitted the information as given below:
 - i. With regards to the nearness of the project to the Tadoba Tiger Reserve, the State Forest Department has informed that a per the remarks of PCCF (Wildlife) and Chief Wildlife Warden, Nagpur, in his letter dated 22/02/2013, the distance of project site form the boundary of TATR is 19.00 km and 8.00 km from buffer of TATR. The proposed area does not fall in the corridor of wildlife and Chief Wildlife Warden has no objection for the project. In view of the remarks offered by the Chief Wildlife Warden M.S. It is felt that the examination of the proposals by National Tiger Conservation Authority (NTCA) may not be necessary for this proposal.
 - ii. With regards to violation of the Forest (Conservation) Act, 1980, it is mentioned by the State Government that violation report for this project is submitted to Government of Maharashtra vide this office letter dt. 12/12/2006. As per the violation report, U/G mining was done on 77.71 ha of forest area before 25/10/1980. U/G mining was done in 47.07 ha forest area during the period of 25/10/1980 to 31/3/2005. As the mine is very old the documents such as lease deed maps etc. are not available, the only document made available by the project authority is a letter by Divisional Forest officer, North Chanda No. G/300 dt.23/01/1945 stating that Reserve forest area of 311 acres is granted to Mahakali Coal Mines Ltd. vide mining lease letter No. 967L/XIII dated 30/8/1921 along with a challan for Rs. 30.14
 - iii. From these facts and the violation report it is clear that the U/G mining was carried out in 47.07 ha of forest areas after 25/10/1980.
 - iv. The Mahakali Colliery is an underground coal mine and the surface forest area has not been disturbed and hence rehabilitation of 146 persons from these lands is not required.
- 4 Due to contradiction in the facts reported by the State Government and the Regional Office, the Regional Office was also requested on 12.09.2014 to re-inspect the area along with some senior officer of the State Government and submit a detailed Site Inspection Report along with Clear and unambiguous recommendations to the Ministry for further necessary action in the matter.

- 5 In response to this Ministry's letter dated 12.09.2014, the Regional Office vide its letter dated 12.12.2014 has submitted the SIR of re-inspection. The Site Inspection of this project was carried out by CCF on 14.11.2014 in the presence of Shri S.S.Patil, Divisional Forest Officer, Chandrapur & Shri Pakmode, Surveyor of the Forest Department, Shri R.K.Mishra, Area General Manager, Chandrapur Area, Shri S.K. Singh, Chief Manager(M), WCL, HQ, Shri. R.S. Gupta, Area Planning Officer, Shri J. Charde, Colliery Manager, Mahakali Mines and others. The details of SIR is as under:

I. Legal status of the forest land proposed for diversion:

193.19 ha. of forestland with following category is required for the diversion:

Reserved Forest - 93.64 ha.

Protected Forest - 85.84 ha.

Zudpi Jungle - 13.71 ha

Total - 193.19 ha.

- II.** Item wise break-up details of the forest land proposed for diversion: The entire forest area proposed for diversion is required for underground mining. Status of underground mining is as follows:

Mining already done up to 25/10/1980	77.71 ha.
Mining done after 25/10/1980	47.07 ha.
Mining to be done	68.41 ha.
Total	193.19ha.

Though there is no dissent that mining has to be done in 68.41 ha. and mining was done in 47.07 ha. area after 1980 in violation of FCA,1980, the contentious issue is to ascertain period of mining done in 77.71 ha. The WCL insists that it was done before 1980, the State Government does not agree to it and proposes penal CA on 125.49 ha.

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

No. But 141 families were rehabilitated on Zudpi Forest from the site of Hindustan. Lalpet Open Cast Mining and the same- has been regularized by the State Government. No surface right for this forest area is sought, but many encroached households were noticed in the Protected Forest land near Chandrapur- -Ballarshah road which passes through the proposed mining lease area.

- IV. Total cost of the project :** The cost of the project is reported to be Rs. 9.96 crore.

- V. Wildlife:** This mining lease area being close to Chandrapur township is surrounded by habitation and is not very important from Wildlife point of view.

- VI. Vegetation:** Area is dominated by the bushy type of vegetation of mixed category and is highly degraded.

- VII. Background note on the proposal :**

Mahakali Colliery (Underground Mine) opened in the year 1922 is located close to Chandrapur Town. Temporary Working Permission was granted by the MoEF, GoI vide letter no. 8-82/2005-FC dt. 23/11//2005 for one year. Mining has been stopped on expiry of this permission. Mining was done in 125.49 ha. and now the proposal is to carry out mining in 64.41 of balance forest land.

- VIII. Compensatory afforestation:** Since this project involves underground mining, no Compensatory Afforestation is proposed.

- IX. Whether proposal involves violation of Forest (Conservation) Act, 1980:** Yes. But the contention is about the area of violation. Though the M/s WCL maintains that mining has been continuing in the area since 1922 and till the year 1980 about 77.71 ha. of forest land was worked up and the violation was done for 47.78 ha. Only. The Forest Department/Govt.

of Maharashtra disputes this as the User Agency could not produce any documentary evidence to prove that mining on 77.71 ha. was done before 1980. Hence, mining in 77.71 ha. of forest land claimed to have been broken prior to 1980 is treated by State Govt. as violation of provisions of Forest (Conservation) Act, 1980 and total mining done in 125.49 ha. has been considered as violation.

- X. **Whether proposal involves rehabilitation of displaced persons:** No.
- XI. **Reclamation plan:** Since it is a case of underground mining by Board & Pillar method and depillaring operation in conjunction with sand stowing, no reclamation plan is prepared.
- XII. **Details of catchment and command area under the project:** NA.
- XIII. **Cost benefit ratio:** The Cost-Benefit ratio is calculated as 1:8.39
- XIV. **Recommendation of the PCCF/State Government:** The PCCF, Maharashtra has recommended the proposal for approval subject to usual conditions including Penal CA over four times the forest area worked in violation and Environmental Clearance.
- XV. Regional Additional Principal Chief Conservator of Forests shall give detailed comments on whether there is any alternatives routes/alignment for locating the project on the non-forest land: Coal mining being site specific activity question of alternative does not arise.
- XVI. **Utility of the project:** The underground coal mining project will supply coal to Thermal Power house and will generate employment.
- XVII. **Whether land being diverted has any socio-cultural/ religious value:** No.
- XVIII. **Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:** No.
- XIX. **Whether the land under diversion forms part of any unique eco-system:** No.
- XX. **Situation in respect of any Protected Area:** Tadoba-Andhari Tiger Reserve is 15-16 kms away.
- XXI. **Any other information relating to the project:** Compartment histories and pictures taken by the CCF who carried out site inspection are enclosed.

Recommendation of Regional Additional Principal Chief Conservator of Forests along with details reasons: The proposal is recommended for approval subject to the following:

- (i) Penal compensatory afforestation may be carried out over twice the degraded area involved in violation.
 - (ii) Since the issue of area involved in violation is not agreed upon by the UA and State Government. This has to be settled during FAC meeting in presence of representatives of State Government and Coal India Ltd.
 - (iii) All unauthorized encroachments must be removed.
- 6 The State Government of Maharashtra vide their letter dated **03.03.2016** informed that the discrepancy observed in the total area worked by the project proponent in violation of the Forest (Conservation) Act-1980 and the details of subsidence predication for assessing long terms damage on surface due to underground mining. The information is submitted as under.
- i.) The details of 193.19 ha forest land proposal for diversion are as under:-
 - a) Forest area mined out before 25.10.1980 – 77.71 ha.
 - b) Forest area mined out after 25.10.1980 – 47.07 ha
 - c) Forest area not yet mined 25.10.1980 – 68.41 ha.

It is clear from the above details that 47.07 ha forest area was worked by the project proponent in violation of Forest (Conservation) Act-1980.

- ii.) Subsidence prediction was conducted through CENTRAL Mining Research Institute Dhanbad which recommended that “The maximum predicted tensile strain due to extraction in all the four

panels lying below the forest land is only 0.64 mm/m. This value of tensile strain is less than the value of 20 mm/m as per guidelines of MoEF, GOI.

- 7 **Recommendation by FAC on 16.03.2016:** The committee after deliberations recommended that
- i. State government may be asked to provide documents/orders by the state government regarding rehabilitation of 141 families on zudpi forest land.
 - ii. State government may be asked to submit compliance of FRA as per the guidelines issued by MOEF and CC
 - iii. The FAC decided that a subcommittee of FAC shall inspect the area and look into following points and submit report.
 - a) Violation of FCA 1980 committed by the project proponent and the state government.
 - b) Present status of forest land in the proposed area.

As per above recommendation of FAC , the state govt. was requested vide this Ministry's letter dated 12.04.2016 (pg. 255/c) to provide documents/orders by the state government regarding rehabilitation of 141 families on zudpi forest land submit compliance on FRA as per the guidelines issued by MOEF and CC. In addition, as per recommendation of FAC, a sub-committee of FAC was constituted for inspection of the area and look into the issues relating to Violation of Forest (Conservation) Act 1980 committed by the project proponent/State Government and the present status of forest land in the proposed area.

- 8 The sub-committee of FAC submitted their report inspection Report and copy of the same is placed in file at **pg.262-285/c**. Findings of the Sub-Committee:
- i. Most of the areas of Compartment No 572 and 573 of PF (Survey Number 421, 441/1-4 and 461 and 463/1) at village Chanda Rayatwari were noticed under encroachment and covered with buildings, roads, railway line, transmission line and other structures.
 - ii. In addition to the area of 2.65 ha used for rehabilitation of 143 families by the District Administration in survey No. 469/1, 469/2, 469/3 and 469/4, many other settlements and structures exist on this patch of Zudupiu Jungle.
 - iii. No encroachment was noticed in Compartment no. 483 and 484 of Reserved Forest.
 - iv. From the observation in the field visit and on the basis of records/mining data produced by the User Agency, it can be concluded that the area of 77.71 ha was worked prior to 1980 and no mining work seems to be in progress in this area at present.
 - v. An area of 47.07, beneath Compartment No. 484 of RF, has been worked after 1980 and at present the galleries of the area (47.07 ha) are filled with water and no mining work is possible.
- 9 **The reply, on the recommendation of FAC on 16.03.2016, was awaited from state govt. on Ministry's letter dated 12.04.2016. However, the inspection report of sub-committee of FAC was placed before FAC at its meeting held on 12.07.2017. FAC noted that action on reported encroachment has to be taken by state authorities. The FAC on 12.07.2017 further recommended that the proposal shall be placed before FAC as and when following report from state government is received:**
- a) Documents/orders by the state government regarding rehabilitation of 141 families on zudpi forest land.
 - b) Compliance of FRA as per the guidelines issued by MOEF and CC

- 10 The State Govt. was requested vide the Ministry's letter dated 03.08.2016 to furnish the information as sought on the recommendation of FAC in its meeting held on 12.07.2016 (Pg.297-298/c). The State Government vide their letter no. Desk-17/Nodal cell/17-1.ID.11403.2400/2017-18 dated 08.01.2018 (Pg. 299-307/c) has submitted their compliance. The point-wise information sought by the Ministry and reply thereof given by the State Govt. are as follows.

S. No.	Points	Compliance
a)	Documents/orders by the state government regarding rehabilitation of 141 families on zudpi forest land.	<p>In this regard , the State Govt. Stated that the details of encroachment shown on the map alongwith documents regarding rehabilitation of 141 families issued by District Collector, Chandrapur vide letter No. 4/Desk-5/Nazul/1988/904, dt. 28.06.1988are enclosed herewith as (Annexure I & II) pg. 306-314/c.</p> <p>With regard rehabilitation of 141 families, the State Govt. has given a copy of letter dated 28.06.1988 issued by District collector with translated copy is given and placed in file at pg. 337-339/c. In translated copy of order dated 28.06.1988, it is mentioned that the Sub-Divisional Officer was directed to issue Western Coalfields Limited to take possession land at Babupeth area vide order dated 16.05.1988, for rehabilitation of the residents of Siddarth Nagar as alternate land. This order was issued erroneously, and hence this order is cancelled. As proposed by Sub Divisional Officer, Chandrapur, as per approved layout of land at Mouza Chanda Rayatwari bearing Survey No. 469/1,2,3 and 4, 2.65 Ha (Shown on map in Green Color) is handed over (possession) to Western Coalfields Limited, Chandrapur Area for rehabilitation of residents of Siddarth Nagar on the following conditions:</p> <ul style="list-style-type: none"> (i) The land use should be the same as the purpose for which the land possession has been allotted, the land should not be used for any other purpose. (ii) The price (Valuation) as decided by the Town Planner for this land shall be deposited by Western Coalfields Limited to Government Treasury immediately. (iii) All terms and conditions of Maharashtra Land Revenue code 1966, The Maharashtra Land Revenue (Disposal of Government Lands) Rules, 1971 shall be binding on Western Coalfields Limited. <p>Verified translated copy of DC's order is not given and moreover in given translated copy it is indicated that <i>this translation is correct to the best of my knowledge. For any clarifications, the original Marathi content can be referred.</i> In addition, It is not clear whether the above conditions imposed by the Collector vide his order dated</p>

		28.06.1988 have been complied by the State Govt.
b)	Compliance of FRA as per the guidelines issued by MOEF and CC.	<p>The original copy of certificate issued by the District Collector, Chandrapur under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 issued vide letter No. Karya-4/RB-II/2017/119, dt. 14.11.2017 alongwith resolution of Gram Sabha and records of consultations and meeting of the Sub-Divisional Committee(s) in prescribed format Form-II as per GoI guidelines are enclosed herewith as Annexure-III. Pg. 321-345/c.</p> <p>The FRA certificate with documentary evidence in local/ Marathi language is given and the same may kindly be seen at pg. 315-336/c certificate. However, verified translated copy is not given and moreover in given translated copy it is mentioned that <i>this translation is correct to the best of my knowledge. For any clarifications, the original Marathi content can be referred.</i></p>

- 11 After examination the compliance report as furnished by the State Govt. of Maharashtra vide its letter no.Desk-17/Nodal Cell/17-1.ID.11403.2400/2017-18 dated 08.01.2018, it was observed that FAC desired in its last FAC meeting held on 12.07.2016 that the action on reported encroachment has to be taken by state authorities. But no comment on the findings of Sub-committee of FAC is given. Further, verified translated copy the Collector's order dated 28.06.1988 is not given. It may also clarify by the State Govt. whether the conditions imposed by the then Collector in his order dated 28.06.1988 have been complied. Accordingly, the State Govt. was request vide this Ministry's letter dated 23.03.2018 (**Pg.299/c**) to provide the information along-with Action Taken Report (ATR) on encroachment done on forest land and reply awaited from State Govt. in this regard. .

It is proposed that the facts related to the above proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 26.04.2018 for their examination and appropriate recommendation.

Agenda No. 2

F. No. 8-05/1993-FC (PT.)

Sub: Renewal of 61.2348 ha. (out of total 126.27 ha. Forest land granted under FCA 1980) in Renukut Forest Division Sonbhadra for the construction of Ash Disposal Yard in favour of Renusager Power Company Limited.

1. The issue of **Stage-II Clearance is under consideration** for above subject proposal.
2. The In-principle approval/Stage-I Clearance for **renewal of this proposal** was granted vide this Ministry's letter of even number dated 13.02.2017 (**Pg.814-815/c.**) subject to certain conditions prescribed therein including specific conditions for imposition of penal conditions.

3. Further the State Government forwarded the request of the user agency for modifying the following condition no. (5) and condition no. (6) as stipulated in **In-principal** approval/Stage-I Clearance dated 13.02.2017 for **penal charges**:
- The User agency shall pay NPV at the rate 20 per cent for each year since the violation of Forest (Conservation) Act 1980 has commenced.**
 - User agency shall raise penal CA equivalent to the land utilized in violation of the provision of Forest (Conservation) Act 1980.**
4. The said proposal for modification of penal conditions was discussed in Forest Advisory Committee(FAC) meeting held on 25.04.2017 and the **following penal conditions were recommended instead of conditions indicated in para (3) above** and accepted by the competent authority:
- A committee under that chairmanship of Sh Tejender Singh PCCF regional office Bhopal with members sh Kanwarjeet singh APPCCF RO Nagpur, Sh Reddy APCCP RO Chennai ,Sh Sanjay Deshmukh Member FAC and Sh Deepak kumar sinha IG (FC) MoEF&CC is formed to decide a policy frame work and quantum of penalty to be imposed in deliberate and unavoidable violations of provisions of FCA 1980.
 - Since the User agency has violated the provisions of FC Act and Rules made thereof, the quantum of penalty shall be imposed and realised as per the recommendations of the committee, constituted for this purpose by the FAC and accepted by the competent authority in the ministry.
 - Project proponent may be granted stage II approval subject to submission of bank guarantee in compliance of the conditions no 5 and 6 of stage I approval and the same shall be refunded/adjusted on deposit of penalty amount calculated as per the recommendation of the above stated Committee.
5. With the approval of competent authority, the Ministry vide its letter dated 24.07.2017 (**Pg.822-823/c**) deleted the condition no. 5&6 for penal charges and included the conditions mentioned in para (4) above.
6. Now the State Govt. of Uttar Pradesh vide their letter No. 81/14-2-2018-911/92 dated 25.01.2018 (**Pg.824-908/c**) has forwarded the compliance report on the conditions stipulated in the Stage-I approval dated 13.02.2017 read with 24.07.2017. The summary of compliance report is as under:

Sl. No.	Condition	Compliance
1.	Legal status of the diverted forest land shall remain unchanged;	In compliance to this condition, it is reported by the State Govt. that the Legal status of the transferred land is forest land.
2.	The non-forest land identified for raising Compensatory Afforestation shall be notified by the State Government as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, if not already done ;	In compliance to this condition, it is reported by the State Govt. that in response to Ministry's letter dated 22.02.1999 and in continuation of Govt. of UP's letter no.2464/14-2-99-911/1992 dated 21.06.1999, the project proponent has transferred a total area of 57.559 ha [38.205 ha in vill-Purna(Budhar) and 19.350 ha. in village-Pedh], Tehsil-Dhorawal, Distt. Sonbhadra (Presently in Kaimoor Wildlife Division) in favour of DFO, Sonbhadra on 06.10.1995 and remaining non-forest land of 3.6758 ha.(61.2348 ha.- 57.559 ha.) was provided in village Pindari& Anjani, Tehsil-Dundhi, Distt. Sonbhadra in favour of DFO, Renukoot on 30.05.1998 through registry and the photocopy of related registry and Khatauni are attached (Pg. 846-875/c).

		<p>(b)The non-forest land of 13.4690 ha, towards the non-forest land of 3.6758 ha provided to Renukoot Forest Division and 9.6818 transferred on lease for construction of Red mud Storing , has been notified under Section-4 of the Indian Forest Act, 1927 for which copy attached (Pg.907-908/c).</p> <p>(c) 57.559 ha provided in Kaimoor Wildlife Division and the same to be notified under Section-4 of the Indian Forest Act, 1927 by Kaimoor Wildlife Division. In this regard, The DFO vide its letter No.2562/me/33 dated 13.12.2017(Pg.832/c) directed for the same to Kaimoor Wildlife Division and its reply the Kaimoor Wildlife Division, Mirjapur vide their letter no1758/33 dated 21.12.2017(Pg.833/c) intimated that the non-forest land of 38.205 ha in vill-Purna and 19.350 ha. in village-Pedh has been amaldaramad in revenue records.</p> <p>For notifying under section-4 of the Indian Forest Act, 1927,the Kaimoor WI Division has been again directed vide letter no.2839/me/33 dated 22.12.2017 (pg.834/c) and a copy of the same has been forwarded to their controlling officer CCF. Wildlife Western Area, U.P.,Kanpur.</p>
3.	<p>The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009.The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned;</p>	<p>In compliance to this condition, it is reported by the State Govt. that the user agency has deposited an amount of Rs. 3,83,32,985/-towards NPV for 61.2348 ha @ Rs. 6,26,000/- per ha through E-Challan in Adhoc CAMPA on 11.09.2017 and e-receipt is attached (pg. 876/c).</p> <p><u>A photocopy of challan, demand notice and screen shot showing payment paid of 3,83,32,985/-towards NPV are placed in file at Pg. 909-913/c.</u></p>
4.	<p>At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India.</p>	<p>In compliance to this condition, it is reported by the State Govt. if there is future increase in the amount of NPV, then the increased amount would be deposited. In this regard, the user agency has given an undertaking. (Pg.877-878//c).</p>
5.	<p>The User agency shall pay NPV at the rate 20 per cent for each year since the violation of Forest (Conservation) Act 1980 has commenced.</p>	<p>In compliance to this condition, it is reported by the State Govt. that towards condition no. (5) stipulated in In-principal approval/Stage-I Clearance dated 13.02.2017 that the project proponent has submitted a Bank Guarantee of 6,13,32,776/- in favour of DFO, Renukoot Forest Division, Sonebhadra vide Bank Guarantee no. 0544BGR0029718 dated11.08.2017 for which validity period was upto 30.11.2017 and it</p>

		was extended upto 30.11.2018. The photocopy of the Bank Guarantee is given (pg. 879-887/c)
6.	<p>User agency shall raise penal CA equivalent to the land utilized in violation of the provision of Forest (Conservation) Act 1980.</p> <p style="text-align: center;"><u>Revised</u></p> <p>(i) A committee under that chairmanship of Sh Tejender Singh PCCF regional office Bhopal with members sh Kanwarjeet singh APPCCF RO Nagpur, Sh Reddy APCCP RO Chennai ,Sh Sanjay Deshmukh Member FAC and Sh Deepak kumar sinha IG (FC) MoEF&CC is formed to decide a policy frame work and quantum of penalty to be imposed in deliberate and unavoidable violations of provisions of FCA 1980.</p> <p>(ii) Since the User agency has violated the provisions of FC Act and Rules made thereof, the quantum of penalty shall be imposed and realised as per the recommendations of the committee, constituted for this purpose by the FAC and accepted by the competent authority in the ministry.</p> <p>(iii) Project proponent may be granted stage II approval subject to submission of bank guarantee in compliance of the conditions no 5 and 6 of stage I approval and the same shall be refunded/adjusted on deposit of penalty amount calculated as per the recommendation of the above stated Committee.</p>	<p>In compliance to this condition, it is reported by the State Govt. that towards condition no. (6) stipulated in In-principal approval/Stage-I Clearance dated 13.02.2017 that the project proponent has submitted a Bank Guarantee of 93,01,811/- in favour of DFO, Renukoot Forest Division, Sonebhadra vide Bank Guarantee no.0544BGR0029718 dated 11.08.2017 for which validity period was upto 30.11.2017 and it was extended upto 30.11.2018.</p> <p>The photocopy of the Bank Guarantee is given and placed in file at pg. 879-887/c.</p> <p style="text-align: center;">-</p> <p style="text-align: center;">--</p>
7.	Period of 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 and Regulation) Act, 1957, as amended and the Rules framed there-under.	In compliance to this condition, it is reported by the State Govt. that no mining work is being done on the forest land in question, but the emission of ashes is being stored on which the MMDR Act, 1957 is not applicable.
8.	Any fund received from the user agency under the project and deposited in the State Forest Department account,	In compliance to this condition, it is reported by the State Govt. that the desired amount has been deposited

	except the funds realized for regeneration/ demarcation of safety zone, shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned.	in the Ad-hoc CAMPA account of State Government by the user agency.
9.	The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.	In compliance to this condition, it is reported by the State Govt. that the Environmental Clearance has been obtained from the Government of India, Ministry of Environment and Forests, New Delhi vide its letter no.J 13012/148/2008-IA.II(T) dated 21.01.2013 (Pg.888-896/c).
10.	No labour camp shall be established on the forest land.	In compliance to this condition, it is reported by the State Govt. that no labour camp has neither been installed in the forest area and nor will be installed in the future.
11.	The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.	In compliance to this condition, it is reported by the State Govt. that the fuels etc. to the laborers and the staff working at the site in the past have been provided as per rules and will be provided in future also.
12.	The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates.	In compliance to this condition, it is reported by the State Govt. that the pillars have been established inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates and the same has been verified by the Range Officer, Unpera. (Pg.897-899/c).
13.	The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government.	In compliance to this condition, it is reported by the State Govt. that no mining work is being done on the forest land in question , but the emission of ashes is being stored. Due to this there is no need to Mining Plan approved by Government of India.
14.	The forest land shall not be used for any purpose other than that specified in the proposal;	In compliance to this condition, it is reported by the State Govt. that no mining work is being done on the forest land in question, but the emission of ashes is being stored and the forest land shall not be used for any other purpose.
15.	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.	In compliance to this condition, it is reported by the State Govt. that the forest area has not been transferred to any other agency and it will not be done in future.
16.	No damage to the flora and fauna of the adjoining area shall be caused.	In compliance to this condition, it is reported by the State Govt. that no damage has been done to Flora and Fauna available in the area.
17.	Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.	In compliance to this condition, it is reported by the State Govt. that the trees available in forests has been disposed of through Uttar Pradesh Forest Corporation in the year 1999. There are no tree available at present.
18.	The user agency will abide by the applicable recommendations of the State Government.	In compliance to this condition, it is reported by the State Govt. that the user agency is agreed to comply with the conditions imposed by the Government of

		India / Uttar Pradesh Government regarding forest land.
19.	The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009 read with 05.07.2013, in support thereof.	In compliance to this condition, it is reported by the State Govt. that the FRA certificate has been issued in the format prescribed by the District Magistrate, Sonbhadra, under the Forest Rights Act, 2006 and copy of which provided earlier by the user agency. Photocopy is again attached (Pg.900-908/c). The compliance on Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 given earlier is available in file at pg. 214-220/c .
20.	The User Agency shall submit the annual self compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year.	In compliance to this condition, it is reported by the State Govt. that the user agency agreed to this condition and annual -self compliance report be furnished in March every year.
21.	Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife.	In compliance to this condition, it is reported by the State Govt. that the user agency agreed to this condition.
22.	The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.	In compliance to this condition, it is reported by the State Govt. that the user agency agreed to this condition .

7. From the examination of compliance above, the following is concluded:

- (i) **Rs. 3,83,32,985/-towards NPV has been deposited** through E-Challan in Adhoc CAMPA on 11.09.2017. A photocopy of challan, demand notice and screen shot showing payment paid are placed in file at Pg. 909-913/c.
- (ii) The compliance on FRA is given prior to issue of In-principle of renewal.
- (iii) With regard to notifying of identified Compensatory Afforestation as RF under Section-4 or PF under Section-20 of the Indian Forest Act, 1927 in lieu of forest diversion of **61.2348 ha** has not yet **done, which is to be done within 6 months from the date of issue of Stage-II Clearance** .In this regard it is informed that the non-forest land of 13.4690 ha, towards the non-forest land of 3.6758 ha provided to Renukoot Forest Division and 9.6818 transferred on lease for construction of Red mud Storing , has been notified under Section-4 of the Indian Forest Act, 1927 .Further, 57.559 ha non-forest land provided in Kaimoor Wildlife Division are to be notified under Section-4 of the Indian Forest Act, 1927 by Kaimoor Wildlife Division. Accordingly, the DFO vide its letter No.2562/me/33 dated 13.12.2017 directed for the same to Kaimoor Wildlife Division and its reply the Kaimoor Wildlife Division, Mirjapur vide their letter no1758/33 dated 21.12.2017 intimated that the non-forest land of 38.205 ha in village -Purna and 19.350 ha. in village-Pedh has been amaldaramad in revenue records. **For notifying under section-4 of the Indian Forest Act, 1927, the Kaimoor Wildlife Division has been again directed vide letter no.2839/me/33 dated 22.12.2017 and a copy of the same has been forwarded to their controlling officer CCF.Wildlife Western Area, U.P., Kanpur.**
- (iv) The conditions no. 5&6 for penal charges were revised indicating that A committee under that chairmanship of Sh Tejender Singh PCCF,Regional Office, Bhopal with members sh Kanwarjeet

singh APPCCF RO Nagpur, Sh Reddy APCCP RO Chennai ,Sh Sanjay Deshmukh Member FAC and Sh Deepak kumar sinha IG (FC) MoEF&CC is formed to decide a policy frame work and quantum of penalty to be imposed in deliberate and unavoidable violations of provisions of FCA 1980. Since the User agency has violated the provisions of FC Act and Rules made thereof, the quantum of penalty shall be imposed and realised as per the recommendations of the committee, constituted for this purpose by the FAC and accepted by the competent authority in the ministry, **and the Project proponent may be granted stage II approval subject to submission of bank guarantee in compliance of the conditions no 5 and 6 of stage I approval and the same shall be refunded/adjusted on deposit of penalty amount calculated as per the recommendation of the above stated Committee.**

- (v) Now the user agency has submitted the Bank Guarantee of 6,13,32,776/- and a Bank Guarantee of 93,01,811/- on the calculation of the conditions no. (5) and condition no. (6) respectively as stipulated in **In-principal** approval/Stage-I Clearance dated 13.02.2017 for which validity period was upto 30.11.2017 and it was extended upto 30.11.2018. These conditions have been revised by the Ministry on 24.07.2017 to be imposed and realized as per the recommendations of the committee.
- (vi) **As per para 2.2 (iv) of Forest (Conservation) Act, 1980 guidelines, the user agency shall submit the proposal for renewal of mining lease to the Forest Department one year prior to date of expiry of existing lease, failing which the proposal may be liable for rejection. The State Government shall send the complete proposal to the MOEF at least 6 months prior to the expiry of the existing lease. In case of any delay, a detailed report elaborating the cause of delay shall be sent along with the proposal.**

The instant proposal was submitted by the User Agency to the concerned DFO on 10.06.2008 (**Pg.352/c**). However, the proposal was received in the Ministry from State Govt. vide their letter No. vide their letter no. 1377/14-2-2012 dated 5.07.2012 (**Pg.1/c**).

8. The report of the said Committee chaired by Sh Tejender Singh, PCCF, Regional Office, Bhopal was been discussed in FAC on 25.04.2017 and after its recommendation and approval by the competent authority, the guidelines have been issued vide this Ministry's letter No.11-42/2017-FC dated 29.01.2018(F/X), **to be followed the said common guideline by FAC/REC while considering the proposal under FC Act 1980 in connection with quantum of penalty to be imposed on the activities which constitutes violations of provisions of Forest Conservation Act 1980.**

It is mentioned in the guidelines that this Ministry has decided to follow the said common guidelines while imposing monetary penalty in various cases, on the recommendations of FAC/REC after due deliberation in its meeting, for use of forest land for non-forestry purposes in violation of the provisions of the Forest (Conservation) Act 1980, Rules made thereof and guidelines issued from time to time to implement FC Act and Rules on the following components of violation:

- (a) **In cases where the proposal under FC Act has not been submitted and forest land is diverted without FC:**
- i. Diversion of forest land for non-forestry purposes without the prior approval of the competent authority in the state will be dealt under the provisions of Indian Forest Act 1927 or State Forest Acts or any other State act dealing with such land as the case may be. The land in question will not be considered as diverted under FCA 1980 and the status of land shall continue to be Forest.
 - ii. If the permission for use of forest land for non-forestry purposes have been granted by the state authority without the prior approval of the central government under section 2 of the Forest Conservation Act 1980 then action under section 3A and /or 3B of FC Act, as may be applicable shall be taken against the authority causing the diversion. A report with full details of violation shall be submitted by the State Government on the recommendation of the Forest Department of the State to the Ministry of Environment, Forests & Climate Change Government of India, New Delhi and formal enquiry shall be conducted by the Regional Office of the MoEF & CC.

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

- i. The penalty for violation shall be equal to NPV of forest land per hectare for **each year** of violation from the date of actual diversion as reported by the inspecting officer with maximum up to **five (5) times the NPV** plus 12 percent simple interest till the deposits is made.
- ii. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (i) above.
- iii. State government will initiate disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Government of India.
- iv. User agency responsible for violation shall be prosecuted under local Act of the state for unauthorized use of forest land without the permission of state authority.

(c) Violation /non-compliance of any conditions imposed while granting approval under FC Act: In such cases the penalty will be imposed on the recommendation of the APCCF Regional office in whose jurisdiction the alleged violation has occurred. The violation will be reported to REC/FAC and the committee will give time to comply the conditions within stipulated time:

- i. In case the offence is proved then the penalty shall be imposed for violation committed over forest area without approval equal to twice the normal NPV.
- ii. In case of public utility projects of the government the penalty shall be 20 % of the penalty proposed in para (i) above.

(d) Violation on account of change of land use in the approved mining plan:

- i. No penalty is to be imposed for such violation if the change is as per change in mining plan duly approved by competent authority. User agency shall intimate all approvals related to change in mining plan to the regional office within one month of approval. In other cases, change in land use plan shall not be carried out without prior approval of MoEF&CC under the provisions of FCA 1980.
- ii. Any violation of change in land use (other than mining operations), penalty of two times the NPV plus simple interest 12 per cent from the date of actual violation committed will be imposed.
- iii. In case the approved change in mining plan is not intimated within one month of the approval the same fine shall be imposed as in para 4(ii).

(e) In cases where 'Forest land' has been changed to 'non forest land' in government records: If the violation is not attributable to the user agency, no penalty shall be imposed.

9. The file was submitted for decision on imposition of penalty for the instant proposal for renewal of 61.2348 ha. (out of total 126.27 ha. Forest land granted under FCA 1980) in Renukut Forest Division Sonbhadra for the construction of Ash Disposal Yard in favour of Renusager Power Company Limited on which AIGF(SS) noted that the compliance of guideline 2.2 of Forest (Conservation) Act, 1980 was treated as violated as lease expired in 1999 and the FC proposal for renewal was submitted in 2012 to GoI. The present status of usage of the proposal land is not known. Accordingly, the State Government to raise penalty will as per guidelines F. No. 11-42/2007 FC dated 29.01.2018 and the amount shall be deposited in Adhoc-CAMPA. The compliance of exam shall be submitted prior to stage-II approval.
10. Further IGF (DKS) mentioned in his note dated 02.04.2018 that *it appears from the submission made in the file that the application for renewal of the forest clearance was submitted by the user agency before expiry of the existing lease. The proposal was not processed within time by the State Govt. So the forest clearance could not be renewed and the project was working continuously after the forest clearance expired because the Renusagar Power Plant was not closed even though forest clearance for Ash Disposal Yard had expired.*

The forest clearance proposal was received in the Ministry on 05.07.2012, The proposal was returned to the State Govt. for providing additional information. The information was provided by the State Govt. vide letter dated 13.06.2016 and considered in FAC dated 24.08.2016. The FAC considered the continued use of land for Ash Disposal Yard as violation and imposed penalty. The penalty was subsequently revised in FAC meeting dated 25.04.2017 and it was recommended that the quantum of punishment may be imposed as per the recommendation of Committee under Shri Tejinder Singh, APCCF (C), Bhopal.

The recommendation of the Committee on Penalty has been accepted. The recommendation at serial 'B' provides for penalty in case the proposal is under consideration. It does not deal with those cases where the forest land has already been diverted and the proposal for renewal of forest clearance is pending.

Since in this case the application for renewal of forest clearance was submitted by the user agency and the power generation is ongoing continuous process, the renewal of forest clearance should have been done in time and working permission should have been given for continuity of power generation on similar line when renewal of forest clearance in case of mining temporary working permission is granted. The user agency had applied for renewal of the forest clearance for already broken / diverted forest land. We may examine whether continual use of broken land for same purpose with payment of lease rent to the Government constitutes violation committed by the user agency even though the application for renewal is pending with Central / State Govt. It appears that delay in granting forest clearance was on part of the State Govt.

In this case, therefore, a decision may be taken whether submission of application for renewal of the forest clearance before expiry of forest clearance and working without forest clearance is treated as offence on part of the user agency or not and only after that quantum of penalty may be fixed.

Since the FAC has considered the proposal in part and considered it violation of FC Act, we may approach the FAC again regarding violation committed by user agency as per the advice of ----- FAC in previous meeting dated 24.08.2016.

In view of above, the facts related to the above proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 26.04.2018 for their examination and appropriate recommendation.

Agenda No. 3

F. No. 8-100/1997-FC (Vol.)

Sub: Proposal for diversion of balance 17.14 ha of Sabik Kisam forest land as on 25.10.1980 including 0.57 ha of forest land in safety zone in addition to already diverted forest land of 224.63 ha for Chromite mining in their Saruabil Chromite Mine of 246.858 ha in village Saruabil, Kamarda and Tailangi under Sukinda Tahasil of Jajpur District, Odisha under Cuttack Forest Division during extended Mining lease period as per MMDR (Amendment) Act, 2015 by M/s Misrilal Mines (P) Ltd.

1. The State Government of Odisha vide their letter No. 10F (Cons) 20/2016/2052/F&E dated 07.11.2016 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. The said proposal was considered by the **FAC in its meeting held on 28.02.2017** and the FAC, after examination of the proposal and discussion with user agency, observed as below.
2. The project is located in the Cuttack Forest Division, Jajpur District, Odisha

3. The legal status of the forest land is Revenue Forest.
4. It is reported that the proposed area is not vulnerable to erosion and do not form a part of severely eroded area. The area falls under Eco-class I and the vegetation density is 0.4. Vegetation is very sparse having scattered old Sal trees. Forest type is Northern Tropical Dry Deciduous.
5. There are 436 nos. of trees have been enumerated in the proposed area.
6. The project site is **within Mahagiri DPF**.
7. The proposed area do not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc
8. **The project area proposed for diversion comes within a distance of 10 Km from the proposed Tiger Corridor in Daitary DPF of Sukinda Forest Range in Jajpur District.**
9. The major faunal species found in the area are:
 - Rare flora:** - Pterocarpus marsupium, Saracca ashoka, Emblica officinalis.
 - Rare Fauna:-** Ratel, Migratory elephant, Pangolin, Python, King Cobra, Leopard.
 - Endangered faunae:-** Pangolin, Python, King cobra.
10. No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
11. It is reported that no work of 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. It is reported that the Ministry of Environment and Forest and Climate Change of Govt. of India vide their letter No. J-11015/7/2007-IA-II dt. 9.02.2009 had accorded environmental clearance for an annual production capacity of 1,36,000 tonnes of chromite ore by opencast mechanized method involving total ML area of 246.86 ha. The Consent to Operate order has been granted by the State Pollution Control Board, Odisha vide their order No. 12109/IND- I-CON-220 dt.29.07.2016 with validity up to 31.03.2017.
14. It is reported that the Reclamation and afforestation scheme and biological reclamation for this Mining project has not been provided by the user agency. This is required to be submitted by the lessee and implemented at their cost.
15. The sabik kism forest land proposed for diversion under this **proposal is 17.14 ha. including 0.57 ha. in safety zone. 9.328 ha. Of sabik kism forest land out of the 17.14ha is reported to have been broken prior to 1980. Therefore the non-forest land required for raising Compensatory Afforestation is 7.242 ha**(17.14 ha -9.328 ha broken up prior to 1980 -0.57 ha coming within safety zone) Hence non-forest Govt. land of 7.40 ha. has been identified in village Anjira under Dharmasala Tahasil of Jajpur District (Dalijora Range of Cuttack Forest Division) for raising Compensatory Afforestation.A Compensatory Afforestation Schemes in Bald-hill plantation in block mode has been prepared by DFO, Cuttack over 7.4 ha in Anjira village with a total financial forecast of Rs.25,43,500/- @ current wage rate of Rs. 200/- per manday with maintenance cost of 10 years. The species selected to be planted under the scheme are Amla (Emblica officinalis), Neem (Azadirachta indica), Bahada (Terminalia belerica), Karanja (Pongamia pinnata), Jamu (Sizium cumini), Asan (Terminalia tomentosa), Arjuna (Terminalia arjuna), Mango (Mangifera indica), Teak (Tectona grandis), Mahul (Madhuca indica), Gambhar (Gmelina arborea) etc. The Addl. Pr. CCF (Forest Diversion) & Nodal Officer, FC Act has accorded technical approval to the CA scheme.
16. DFO, Cuttack Forest Division has given the suitability certificate for CA land.
17. It is reported that the project does not involve displacement of any human habitation.
18. It is reported that scheme of mining with Progressive Mines Closure Plan has been approved by IBM in letter No. MP/FM/06-ORI/BHU/2014-15/191 dt. 15.4.2015. The approved scheme of Mining and Progressive Mines Closure Plan valid from 15.5.2014 to 31.3.2019 for this mine is appended at page (pg- 131-322/c). The Mining Lease contains total mineable reserve of 3.446 million tonnes of Chromite ore. Considering an annual production of 0.35MTPA, the life of mines is around 10 years.

19. It is reported that Net Present Value is applicable to this project. The lessee has deposited an amount of Rs.17,64,92,100/-towards NPV for entire forest land of 241.773ha (including Sabik forest land of 17.14ha.) in Adhoc-CAMPA Account through RTGS.
20. It is reported that as per Hal Settlement revenue records, the forest area in safety zone was computed to be 7.753 ha. In view of the involvement of sabik kism forest land, the total Safety Zone area comes to 9.59 ha. {9.30 ha. forest land + 0.29 ha. non-forest land as detailed below.

S. No.	Specification of safety zone	Forest land	Non-forest land	Total land
1.	7.5mt width all along the boundary of ML area	5.11 ha	-	5.11 ha
2.	10mt width of both sides of public road	2.88 ha	0.29 ha	3.17 ha
3.	Nalla side	1.31 ha	-	1.31 ha
		9.30 ha	0.29 ha	9.59 ha

0.57 ha. Of sabik kism forest land is part of safety zone area which is included in 17.14 ha sabik kism forest land proposed for diversion. The safety zone area map is enclosed as plate no. 10/DP. Safety zone is required to be maintained and fenced and protected at project cost. Besides, degraded forest land of 1.5 times of forest land in safety zone is required to be afforested at project cost.

21. The compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 along-with resolution of Gram Sabha has not submitted by the State Government.
22. Cost Benefit Ratio is not applicable in this project.
23. Total cost of the project is Rs 950 (Rupees in lacs).
24. The mining lease of Saruabil Chromite Mines is spread over three revenue villages i.e Saruabil, Talangi & Kamarda of Sukinda Tahasil in Jajpur district under the jurisdiction of Cuttack Forest Division (earlier under Athgarh Forest Division).
25. As ascertained from Steel & Mines Department, Mining lease for Saruabil Chromite Mines over an area of 246.858ha. was granted in favour of M/s Misrilal Mines(P) Ltd. for 20 years from 15.5.1954 to 14.5.1974.
26. The Original lease deed was executed on 20.08.1959. Subsequently, 1st renewal of mining lease was granted for a period of 20 years with effect from 15.05.1974 to 14.5.1994 vide erstwhile Mining & Geology Department letter no. III (G)M-3/74-2231 dated 14.03.74 of Govt of Odisha.
27. The 2nd renewal of mining lease was granted over an area of 246.858 ha for a period of 20 years with effect from 15.05.1994 to 14.5.2014.
28. The lessee has also filed application for grant of 3rd RML over the same area on 11.5.2012 which is within the stipulated period as provided under Rule 24A(l) of MCR, 1960. As per provision of Section 8A(6) of MMDR Act, 1957 as amended by the MMDR Amendment Act, 2015, the Govt. of Odisha in Steel & Mines Deptt. have extended the validity period of the above mining lease from 15.05.2014 to 31.03.2020 vide their order No. 372/SM dt. 4.01.2016.
29. Accordingly, supplementary leased deed has been executed on 02.04.2016 and registered on 05.04.2016. The ML area of 246.858 ha. was comprising of 224.633 ha of forest area and 22.225 ha of non-forest area.
30. An area of 132.31 ha. of forest land and 9.90 ha of non-forest land of the mining lease was found to have been broken up prior to 1980 as per the joint verification conducted involving officials of Forest and Mining Department on 26.05.1994.
31. The entire forest area of 224.633 ha was accorded with final forest clearance of Government of India, MoEF vide letter no. 8- 100/95-FC dated 16.01.1997 during 2nd renewal of mining period.

32. The Saruabil Chromite mining lease of M/s Misrilal Mines (P) Ltd. is located within latitude 21°02' 42.64"N to 21° 02'42.65" N and longitude 85° 49'35.38"E to 85° 49'49.92" E and is delineated in Survey of India Topo sheet no. F45N/16 (earlier 730/16). The mining lease granted during 2nd RML over 246.858 ha involves 224.633 ha of Forest land and 22.225 ha of Non-Forest Land. Pursuant to the guideline bearing F. No. 8-78/1996-FC(pt.) dt. 10.03.2015 of MoEF&CC, GoI, non-forest area to an extent of 17.14 ha has been certified by the Tahasildar, Sukinda to have been recorded as Forest land as on 25.10.1980 as per Govt. record.
33. The detailed land schedule-of such sabik kisam forest as on 25.10.1980 for 17.14 ha. furnished by the Tahasildar, Sukinda.
34. In view of this, ML area of 246.858ha. in Saruabil Chromite Mines is now having 241.773 ha of forest land and 5.085 ha as non-forest land.
35. The instant proposal has been filed by the lessee seeking diversion of this 17.14 ha of non-forest land recorded as Forest as on 25.10.1980 (Sabik record). As per provisions of MoEF&CC, Gal circular bearing F.No. 11-599/2014-FC dt. 1.4.2015, approval under Section 2(iii) of FC Act, 1980 is available for this extent of Sabik Kisam forest land following payment of NPV of entire forest land including sabik kisam forest land by the lessee in two phases i.e. Rs. 16,39,79,900/- through RTGS bearing UTR no. CITIH14147500659 dated 27.5.2014 and Rs. 1,25,12,200/- through RTGS bearing UTR no. CITIH16051880717 dated 20.02.2016.
36. It has been reported that, out of 9.90 ha of pre-80 broken up non-forest land, an area of 9.328 ha. has been found to have been recorded as forest as on 25.10.1980 as per sabik record. Hence, sabik kisam forest area of 17.14 ha. now proposed for diversion under Section 2(ii) includes 9.328 ha. of pre-1980 broken up land, 0.57 ha. in Safety Zone area & 7.242 ha. as virgin land. The detailed information on land schedule of the broken up non- forest land recorded as forest as on 25.10.1980 is furnished.
37. Scheme of mining with Progressive Mines Closure Plan has been approved by IBM in letter NO.MP/FM/06-ORI/BHU/2014-15/191 dt.15.4.2015.
38. The approved scheme of Mining and Progressive Mines Closure Plan valid from 15.5.2014 to 31.3.2019 for this mine.
39. The Mining Lease contains total mineable reserve of 3.446 million tonnes of Chromite Ore. Considering an annual production of 0.35 MTPA, the life of mines is around 10 years.
40. It is reported that this project is generating employment opportunity for 177 persons. Besides temporary employment opportunity is available for 200 persons a day. The total cost of the project is RS.950 lakhs.
41. It is reported that the project does not involve displacement of human habitation.
42. ML area of 246.858ha. in Saruabil Chromite Mines located within Mahagiri DPF is now having 241.773 ha of forest land including sabik kisam forest land as on 25.10.1980 to the extent of 17.14 ha. and 5.085 ha as non-forest land. Earlier MoEF had accorded final forest clearance for 224.633 ha of forest land in this mines as per vide letter no. 8-100/95-FC dated 16.01.1997 during 2nd renewal of mining period. The lessee has now applied for diversion of this sabik kisam forest land of 17.14 ha. as required vide MoEF&CC, Gal circular bearing F.No.8-78/1996-FC(pt.) dt.10.03.2015 Sabikkisam forest area of 17.14 ha. now proposed for diversion under Section 2(ii) includes 9.328 ha. of pre-1980 broken up land, 0.57 ha. in Safety Zone area & 7.242 ha. as virgin land.

43. Land use plan approved vide letter F. No.8-100/95-FC dated.16.01.1997 of GoI, MoEF in respect of 246.86 ha. of Mining Lease Hold Area of M/s Misrilal Mines Pvt. Ltd:

Purpose	Area in Ha.						Total Area in Ha.	
	Within broken up area prior to 25.10.1980			Outside broken up area				
	F	NF	Total	F	NF	Total	Forest	Total
Mining with peripheral road & drains	62.78	-	62.78	7.40	-	7.40	70.18	70.18
Overburden dumps	46.47	5.78	52.25	52.78	10.26	68.04	104.25	120.29
Ore stack yard	0.60	3.00	3.60	-	-	-	0.60	3.60
Colony/ Township	17.66	0.91	18.57	5.58	-	5.58	23.24	24.15
Exploration	-	-	-	14.97	-	14.97	14.97	14.97
Chrome ore beneficiation plants	2.40	0.21	2.61	2.75	2.07	4.82	5.15	7.43
Magazine	1.13	-	1.13	-	-	-	1.13	1.13
Green Belt along M.L. Boundary	1.27	-	1.27	3.84	-	3.84	5.11	5.11
Total	132.31	9.90	142.21	92.32	12.33	104.65	224.63	246.86

44. Future Land Use Pattern Proposed:

Sl. No.	Purpose of Utilization	Diverted Forest land (Ha.)			Forest & Non-forest land as per Sabik ROR (Ha)			Grand Total
		D.P.F.	R.F.	Total	DPF	Non-Forest	Total	
1	Mining	67.43	---	67.43	--	1.90	1.90	69.33
2	Overburden & Nickel Dump	106.51	---	106.51	11.93	2.67	14.60	121.11
3	Ore Stack Yard	1.46	---	1.46	3.85	---	3.85	5.31
4	Colony / Town Ship	20.80	---	20.80	0.79	---	0.79	21.59
5	Exploration	12.98	----	12.98	---	---	---	12.98
6	COB	2.56	---	2.56	--	--	----	2.56
7	Magazine	1.13	---	1.13	---	----	----	1.13
8	Green Belt	3.03	----	3.03	----	0.228	0.228	3.258
9	Safety Zone	8.73	---	8.73	0.57	0.29	0.86	9.59
Total		224.63	---	224.63	17.14	5.088	22.228	246.858

- 45. It is reported that** M.L area of Saruabil Chromite Mines of M/s Misrilal Mines (P) Ltd. does not form part of any National Park/Wildlife Sanctuary. However, due care is to be taken for conservation of wildlife available in the area. The User Agency is therefore required to contribute proportionate contribution towards implementation of Regional Wildlife Management Plan at revised rate @ Rs. 43,000/- per ha. over the lease hold area of 246.858 ha .. As reported by PCCF, Odisha, the lessee has deposited Rs.64,18,308/- towards the proportionate cost of Regional Wildlife Management over entire mining lease hold area of 246.858 ha. @ pre-revised rate of Rs.26,000/- per ha. in two phases i.e. 49,37,160/- vide B.D. No. 628680 to 628684 dated. 04.06.2010 and Rs.14,81,148/-through RTGS dated.27.08.2014. Therefore the user agency is required to deposit the differential cost of Regional Wildlife Management Plan for this mining project. In addition to contributing towards Regional Wildlife Management Plan, a Site specific wildlife Conservation Plan duly approved by CWLW, Odisha is required to be executed in the mining as well as mining impact area at project cost.
- 46.** PCCF, Odisha has recommended that proposal with following stipulation:
- A) The Site specific Wildlife Conservation Plan for the ML area as well as its impact area shall be prepared by the user agency and got approved by CWLW, Odisha. User Agency shall implement the Plan within the leasehold area at its own cost and shall also pay the approved cost of duly approved Site specific Wildlife Conservation plan with Adhoc-CAMPA Account for execution of activities by DFO, Cuttack In project impact area.
 - B) The differential cost of Regional Wildlife Management Plan as per revised rate shall be deposited by the User agency
 - C) The user agency shall undertake demarcation of the lease area on the ground posting four feet high cement concrete pillars embedded two feet inside the soil with serial number, forward and backward bearings, and distance from pillar to pillar. The user agency shall also submit the map of lease area showing different kind of forest land using DGPS survey datas and latitude and longitude of each pillar to the Divisional Forest Officer, Cuttack for his reference before commencement of work 011 final forest clearance.
 - D) User agency shall maintain and protect the safety zone as per para 4.7 of FC Act guidelines.
 - E) Compliance of FRA guidelines pertaining to forest land proposed for diversion shall be furnished by the Collector, Jajpur/user agency..
 - E) Phased Reclamation and afforestation scheme and biological reclamation for this Mining project shall be provided by the user agency for its implementation at project cost.
 - F) Environmental clearance for enhanced production of O, 35 MTPA of chromite ore shall be furnished.
- 47.** The proposal has been recommended for approval under section 2(ii) of Forest (Conservation) Act, 1980 by DFO, RCCF, PCCF and the State Government.
- 48. Recommendation of FAC on 28.02.2017:** The said proposal was considered by the FAC in its meeting held on 28.02.2017 and the FAC after thorough deliberation recommended that:
- (i) State government shall submit the status report on working mines on sabik lands. State Government to clarify whether mining is in progress in the area sought for diversion or not.
 - (ii) User agency had reported that they had obtained court's order to continue mining in Sabik land. The copy of the order shall be provided to the ministry.
 - (iii) State government shall submit complete compliance of FRA as per the guidelines issued by MoEF and CC.
- 49.** Based on the above recommendation of FAC, the State Government of Odisha requested by this Ministry's letter 28.03.2017 (**Pg.454/c**) for submission of compliance.
- 50.** In response to Ministry's referred letter dated 28.03.2017, Government of Odisha vide their letter no. 10F (Cons) 220/2017/2052/F&E dated 16.12.2017 (**Pg.455-462/c**) informed that the lessee vide its representation bearing no. MMPL/SCM/Forest/2017-18 dated 15.09.2017 to F&E Department has requested to allow them to continue mining operation over the diverted forest area of 224.663 ha and also to allow them to retain 17.14 ha of sabik kisam forest area in the ML without its utilization for mining activities considering the fact that all statutory clearances are available for continuing mining operation

over the diverted forest area/non-forest area including payment of Net Present Value of entire forest land including sabik kism forest land of the ML area.

It is further informed that the State Government in Steel & Mines Department have extended the validity of lease period of this lease from 15.05.2014 to 31.03.2020 vide their order No. 372/SM dated 14.01.2016. After compliance of stipulation of guidelines of MoEF&CC vide F. No. 11-599/2014-FC dated 01.04.2015 with specific reference to payment of NPV for entire forest area, the supplementary lease deed has also been executed on 02.04.2016. In view of limited period of lease left in this ML, **the lessee does not intend to use 17.14 ha of sabik kism forest land for mining purpose for which forest diversion proposal was earlier filed by them and now under consideration of the Ministry.**

The Addl. PCCF (Forest Diversion) & Nodal Officer, FC Act, O/o PCCF, Odisha vide his letter No. 25077 dated 25.11.2017 (**Pg.457-458/c**) has reported that 17.14 ha of sabik kism forest land earlier applied for diversion as per circular F. No. 8-78/1996-FC (pt.) dated 10.03.2015 of MoEF&CC, GoI contains 7.242 ha of virgin forest land 9.328 ha of pre-1980 broken up land and 0.57 ha in safety zone. **The field verification report of DFO, Cuttack confirms that no mining activities are going on in the 17.14 ha of sabik kism forest land now applied for diversion.**

In view of this field position and keeping in view the present request of lessee for utilizing 17.14 ha of sabik kism forest land for mining purpose, the PCCF, Odisha has recommended to allow the lessee to withdraw the forest diversion proposal for 17.14 ha bearing No. FP/OR/MIN/18303/2016.

It is purposed that the facts related to the above proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 26.04.2018 for their examination and appropriate recommendation.

Agenda No. 4

F. No. 8-02/2016-FC

Sub:- Diversion of 845.34 ha in favour of Chief Construction Engineer, DRDO for establishment of technical facility for DRDO in Mahasamund Forest Division in Mahasamund District in the State of Chhattisgarh.

1. The State Government of Chhattisgarh vide their letter No. F-5-50/2015/10-2 dated 08.01.2016 submitted the above subject proposal for seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. The said proposal was placed before Forest Advisory Committee (FAC) in its meeting held on 12th July, 2016 and 28th February, 2017.
3. The FAC in its meeting held on 28.02.2017 recommended the proposal with general, standard and following specific conditions:

(i) No residential buildings shall be allowed within the diverted forest land

FAC further observed that the proposal file shall be placed before competent authority after following information is received from the State Government:

- (i) State government shall submit revised enumeration list of trees coming under proposed land for diversion. , The tree enumeration shall be carried out as per the guidelines issued in this regard.
- (ii) Encroachment from the area proposed for diversion shall be removed by the forest department before stage I approval.

(iii) Perennial water bodies, located in the foot hills and whose catchment area is proposed for diversion, should be developed and the catchment area should be enriched by way of preparing an appropriate catchment treatment plan with appropriate soil conservation measures to arrest flow of silt in the reservoir and improve water regime at the project cost. The project authority shall submit the Catchment treatment plan duly approved by the competent authority.

4. Accordingly, the State Govt. was requested vide the Ministry's letter dated 28.03.2017 (Pg.444/c) to furnish the information as sought on the recommendation of FAC in its meeting held on 28.02.2017. The Nodal Officer (FCA), State Govt. of Chhattisgarh vide their letter no. BHU-PARBANDH/VIVIDH/115-374/1965 dated 21.06.2017 (Pg. 445-451/n) informed that the desired information has been forwarded as provided by CF, Mahasamand Forest Circle vide his letter dated 09.06.2017. The point wise information sought by the Ministry and reply thereof given by the State Govt. are as follows:

S. N.	Information sought by MoEF&CC	Response of the State Govt.
i.	State Government shall submit revised enumeration list of trees coming under proposed land for diversion. The tree enumeration shall be carried out as per the guidelines issued in this regard.	In this regard, it is reported that information is given in the prescribed format and may kindly be seen at pg.448-451/c.
ii.	Encroachment from the area proposed for diversion shall be removed by the forest department before stage – I approval.	In this regard, it is reported that there is no encroachment at present on the proposed forest land of diversion.
iii.	Perennial water bodies, located in the foot hills and whose catchment area is proposed for diversion, should be developed and the catchment area should be enriched by way of preparing an appropriate catchment treatment plan with appropriate soil conservation measures to arrest flow of silt in the reservoir and improve water regime at the project cost. The project authority shall submit the Catchment treatment plan duly approved by the competent authority.	In this regard, it is mentioned that it is not required.

5. After examination the reply received from the State Government, this Ministry vide its letter dated 28.08.2017 (Pg-452/c) requested the State Government to clarify/provide the following:
- (i) It may clarify that the tree enumeration has been carried out as per the extent guidelines.
 - (ii) The Catchment Area Treatment Plan with cost structure shall be prepared, as sought on the recommendation of FAC, and submitted it after approval of the competent authority.

6. State Government of Chhattisgarh vide their letter no. BhuPraband/115-374/3552 dated 12.12.2017 (Pg-453-461/c) furnished their reply in response to Ministry's letter dated 28.08.2017. The details are as under:

S.No.	Information sought by MoEF&CC	Response of the State Govt.
1.	It may clarify that the tree enumeration has been carried out as per the extent guidelines.	In this regard, the State Government reported that the enumeration of trees was done in accordance with the direction of Government of India and the same is given in the prescribed format (Pg-458-461/c).

2.	The Catchment Area Treatment Plan with cost structure shall be prepared, as sought on the recommendation of FAC, and submitted it after approval of the competent authority.	In this regard, the State Government has reported that Catchment Area Treatment Plan is not required in this proposal. In this connection, a representation has been given by the user agency and the same may be seen at Pg-456-457/c
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7. It is also imperative to mention that it was observed in Site Inspection Report done by Regional Office, Nagpur that the area proposed for diversion forms the immediate catchment of five water bodies (small to medium sized ponds). The villagers of the surrounding villages use these water bodies for their water based needs. A river named Bagh River also has its course adjacent to the area proposed for diversion on northern side. Therefore, keeping in view the perennial water bodies whose water inflow are linked to the area proposed for diversion, a Catchment Area Treatment Plan should be prepared and implemented in the area at the project cost to prevent siltation of reservoirs and also ensure water availability round the year. **The FAC specifically recommended to implement CAT Plan before placing the proposal for approval of competent authority. But the user agency has not submitted CAT Plan indicated that CAT Plan is not required** as the process of sedimentation embodies the sequential process of erosion, entrainment, transportation, deposition and compaction of sediments in the reservoirs formed by way of construction of dams across river which reduces capacity of the reservoir thus affecting the water availability for the designed use and also the removal of op soil from the catchment adversely affecting the agricultural production hence a well-designated Catchment Treatment Plan is required to be prepared to ameliorate the above problems. But the project proposed by the DRDO is not related to any river valley project wherein no catchment area is proposed for diversion and will not affect the perennial water bodies near the project. **It is further mentioned by the user agency the proposed plan will be submitted at later stage, if required, before start of the project.**
8. **As per the recommendation of FAC** on 28.02.2017, the approved Catchment Area Treatment Plan with cost structure has not yet been submitted.

In view of above, the facts related to the proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 26.04.2018 for their examination and appropriate recommendation.

Agenda No. 5

F. No. 8-31/2010-FC (Vol.)

Sub : Application for Change of land use of 29.09 ha forest land out of already diverted forest land of 762.00 ha out of approved 1898.328 in favour of Rajasthan Rajya Vidyut Utpadan Nigam Limited, in Villages Parsa and Kete, Telsil Udaipur, District Surguja, Chhattisgarh.

The State Government of Chhattisgarh vide their letter no. F 5-4/2010/10-2 dated 03.05.2017 placed along with its annexures (**Pg.1-429/c**), submitted the above mentioned proposal for seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980.

2. The Facts related to proposal for change in land user pattern as reported by the State Government in their said letter dated 03.05.2017 are as given below:

- (i) The State Government has indicated that the Government of India, Ministry of Environment and Forest vide their letter no. F. No. 8-31/2010 dated 15.03.2012 (Pg.430-433/c) had conveyed their final approval under Section -2 of Forest (Conservation) Act 1980 for **diversion of 1898.328 ha** in two phases of forest land for Parsa East and Kanta Basan captive coal block open cast mining project in favour of **M/s Rajasthan Rajya Vidut Utpadan Nigam Limited** in South Surguja Forest Division in Surguja District of Chhattisgarh.
- (ii) It is further mention by the State Govt. that as per clause 2 A (iii) of Environment Clearance No- J/11015/03/2008-IA.II (M) dated 21/12/2011 (Pg. 434-452/c), the Thermal Power Plant are to be established for re-use of reject coal from Coal Washery plant for power generation. **The para 2 A (iii) of the Environment clearance order dated 21.12.2011 is reproduced below:**
- The estimated 2.25 MTPA of coal rejects shall be fully utilised for power generation in an FBC based Thermal Power Plant being established with the ML. Coal rejects shall be dispatched to the FBC based TPP through a closed belt conveyor. The linked 135 MW FBC power Plant shall be commissioned in 2-3 years, until an FBC based TPP is established, the coal reject shall be sold during the initial 2-3 to users of coal rejects for which an project area beyond 2-3 months of its generation.*
- (iii) The APCCF (land Management) has recommended the proposal for land use change of 29.09 ha. of forest land from Infrastructure and Ancillary Purpose to Establishment of Power Plant.
- (iv) **Rajasthan Rajya Vidyut Utpadan Nigam Limited have explored alternative sites for locating the Rejects based Power Plant. The Power Plant is proposed in 29.090 ha forest land out of already diverted 762 ha forest land for non-forestry purpose.**
- (v) Approved Mining plan and map of change in land use are attached with the proposal
- (vi) Detail of 29.09 ha forest land is given below:

AREA STATEMENT FOR 29.09 HA LAND PROPOSAL						
<u>Proposed Area is part of 322.509 Ha area diverted previously for infrastructure & ancillary purpose</u>						
Name of Village	Forest Land Required				Legal Status	Total area proposed for this proposal of 29.09 Ha
	Khasra No	Comp. No	Area as Per 7/12	Area Requested for Transfer in this proposal		
1	2	3	4	5	6	7
Revenue Forest (RF)						
Parsa	721/8		3.237	0.743	RF	0.743
Total	1 No.		3.237	0.743	RF	0.743

Kente	15		0.020	0.020	RF	0.020
	16		0.016	0.016	RF	0.016
	23		0.737	0.737	RF	0.737
	43		3.182	1.040	RF	1.040
	28/1		1.961	1.060	RF	1.060
	159/1		1.445	1.005	RF	1.005
	1/1		53.413	2.975	RF	2.975
Total	7 Nos		60.774	6.853	RF	6.853
Grand Total	8 Nos		64.011	7.596	RF	7.596
Protected Forest (PF)						
Kente		P2008		21.494	PF	21.494
Grand Total	1 NO.			21.494	PF	21.494
Grand Total (RF+PF)	9 No.		64.011	29.090	RF+PF	29.090

3. The above mentioned proposal was considered by the FAC in its meeting held on 20.07.2017 and after thorough deliberations and discussion with the user agency it was observed that Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) had signed MOU with Adani group for mining in the area and a file has been moved by Adani group for EC clearance in IA division of MoEF&CC for construction of thermal power project in the same area.
4. The FAC in its meeting held on 20.07.2017 *inter-alia* recommended that:
 - i. Before taking any decision on the issue, state government may be requested to submit details of MOU signed between RRVUNL and Adani group and clarify whether forest land diversion permission given to RRVUNL under Forest (Conservation) Act 1980 has been transferred to Adani group without concurrence of MoEF&CC in violation of FC guidelines 2.8.
 - ii. State government shall submit complete compliance status of conditions imposed in stage II approval which was granted vide letter no. F. No. 8-31/2010 dated 15.03.2012 in favour of RRVUNL.
 - iii. Since the present proposal has been forwarded without detail of exploring alternative sites in non-forest areas. State government shall explore alternative so that the project can be installed over non-forest land.
 - iv. The FAC decided to defer the proposal till the above stated information are received from the State Government and placed before the FAC.
5. Based on above recommendation, the State Government was requested vide this Ministry's letter dated 23.08.2017 (Pg.464/c) to furnish the information/documents as indicated in para (4) above for further consideration of the proposal in the Ministry. The State Government of Chhattisgarh vide their letter no. *Bhu-Praband/Vidut/479-138/3583* dated 13.12.2017 has submitted their response. However, **this proposal was kept pending as the instant file was under process since 05.12.2017** on the direction of Minister of State for EF&CC in connection with diversion of 1898.328 ha forest land (1654.109 ha of revenue forest land and 244.219 ha forest land) in favour of Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL), in Villages Parsa and Kente, Telsil Udaipur, District Surguja, Chhattisgarh.

6. The point wise information as sought on recommendation of FAC and reply thereof given by the state govt. are as under

S. No.	Information sought by MoEF&CC	Response of State Govt.
i.	<p>Before taking any decision on the issue, state government may be requested to submit details of MOU signed between RRVUNL and Adani group and clarify whether forest land diversion permission given to RRVUNL under Forest (Conservation) Act 1980 has been transferred to Adani group without concurrence of MoEF&CC in violation of FC guidelines 2.8.</p>	<p>In this regard, the State Govt. reported that RRVUNL appointed Adani Enterprises Limited (AEL) as Mine Developer and Operator for Parsa East and Kanta Basan Block through tender. A copy of Tender Document is given and placed in file at pg 569-615/c.</p> <p>The Joint Venture Agreement between RRVUNL and AEL was made on 03.08.2007 on the condition of the tender which states that a Joint Venture Company shall be form between RRVUNL and AEL on mutually agreed terms (The “Company”)and that RRVUNL shall enter into the coal mining and delivery agreement with the said Company permitting, inter-alia, the Company to undertake development and opretion of the Coal Block and delivering the Coal from the Coal Blocks to RRVUNL TPS. A Copy of said agreement may kindly be seen at page. 161-796/c.</p> <p>It is also mention by the State Govt. that the Joint site inspection of 29.09 ha from diverted forest land has been carried out by DFO, Surguja, Sub-DFO, Udaipur, RFO, Udaipur and official of RRVUNL was done on 12.09.2017 and it is found that no construction work in said diverted forest land 29.09 ha. is done.</p> <p>It is further mentioned by the state govt. that in accordance with letter no. 1939 dated 15.09.2017 of RRVUNL diverted forest land in Parsa East and Kanta Basan has not been transferred in favour of AEL. However, copy of referred letter is not given.</p>
ii.	<p>State government shall submit complete compliance status of conditions imposed in stage II approval which was granted vide letter no. F. No. 8-31/2010 dated 15.03.2012 in favour of RRVUNL.</p>	<p>In this regard, the State Govt. reported that the conditions-wise compliance report on stipulated in the Stage-I approval for the stage –II approval date 15.3.2012 is given vide their letter no. <i>Bhu-Praband/khanij/331-228/2898</i> dated</p>

		20.09.2017 and the same may kindly be seen at pg. 797-804/c. In this regard, it is also mentioned that the Ministry has decided and communicated to State Govt. vide this Ministry's letter dated 12.04.2018 (Pg. 816-818/c) that the compliance report of conditions in stage-II approval will be submitted to Ministry by the Regional Office within three months.
iii.	Since the present proposal has been forwarded without detail of exploring alternative sites in non-forest areas. State government shall explore alternative so that the project can be installed over non-forest land.	In this regard, the State govt. reported that the study for assessment and identifying probable power Plant locations / near Parsa East and Kanta Basan to establish Power Plant in alternative sites/non-forest land was done and a copy of the comparative details has been given and placed in file at pg. 805-8-813
iv.	The FAC decided to defer the proposal till the above stated information are received from the State Government and placed before the FAC.	----

7. It is imperative to mention here that the user agency i.e. RRVUNL approached the IA division of MoEF&CC **for grant of EC** to the expansion project "Parsa East and Kanta Basan (PEKB)" Opencast Coal Mine **from 10 MTPA to 15 MTPA** along with the expansion of Pit Head Coal Washery from 10 MTPA to 15 MTPA on which the Ministry observed that since the Supreme Court has stayed the part (4) of the order of the NGT whereby the ongoing operation of mining was suspended, the matter should be placed before the Forest Advisory Committee (FAC) in compliance of the remaining part of the NGT order to seek advice of FAC on the whole issue. Accordingly, the whole issue was considered in **FAC meeting held on 25.01.2018**. The proceeding & recommendations of the FAC meeting held on 25.01.2018 is placed as under:

The Ministry of Coal allotted Parsa East & Kete Basan coal block vide its letter dated 19/25.06.2007 to Rajasthan Rajya Vidyut Utpadan Nigam Limited (RRVUNL) to meet the requirement of coal for their two thermal power project viz. Chabra phase-II and Jhalawar projects. The approximate area of the project is 27.11 sq km which is situated in district Surguja, Chhattisgarh. The area proposed for Parsa East & Kete Basan coal block open cast mines, fall under Udaipur Range of South Surguja Division, Ambikapur. Total forest area in 16 compartments of Phatehpu, Matringa, Gumga and Ghatbarra protected forest block is 1654.109 ha and revenue forest land is 244.219 ha. Total forest land 1898.328 ha.

There are eight coal blocks viz Tara, Bissar, Madanpur, Paturia, Parsa, Morga-I & Morga-II in Hasdeop Arand coal fields. All these proposed coal fields are in forest areas. The Ministry of coal, Government of India sanctioned Parsa East and Kete Basan coal blocks to Rajasthan Rajya Vidyut Utpadan Nigam Limited. The total mineable reserves of coal are 452.46 MT. The reserve shall last 49 years at estimated production 10 MTPA. Mining is proposed by open cast mining. The initial mining lease period proposed it 30 years which is renewable in future. The coal produced shall be used in two thermal power projects 2x250 MW project unit no. 3 &4 and Kalisindh Thermal power project 2x600MW district Jhalawar which are under construction phase and different units are likely to be commissioned

between the period 31.10.2011-31.12.2012 and 31.12.2011-31.03.2012, respectively. A joint venture company M/s Parsa Kente Collieries Limited has been formed between Rajasthan Rajya Vidyut Utpadan Nigam Limited and Adani Group for development of mines.

- I.** The State Government of Chhattisgarh, vide their letter dated 28.04.2010, submitted a proposal seeking prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of **1898.328 ha** of forest land for Parsa East and Kante Basan coal block open cast mining in Hasdeo Arand forest.
- II.** The said proposal along with the site inspection report submitted by the RO, Bhopal was considered by the FAC in its meeting held on 10.03.2011 and the Committee desired that area may be visited by the Sub-Committee of the FAC to have a better appreciation of the proposal. The site was visited by the Sub-Committee of FAC and report submitted to the FAC. Subsequently, the proposal was again considered by the FAC in its meeting held on 20-21st June, 2011 and the Committee noted the following:
 - i.** The coal block is on the northern fringe of Hasdeo-Arand.
 - ii.** The mining is planned in two phases with the aim of sequential mining, scientific void management, planned felling of tress and afforestation, top soil management, and reclamation, etc.
 - iii.** In phase-I (15 years), total requirement of forest area is 762 ha (40% of total), where 1,25,547 trees will be affected.
 - iv.** In phase-II (16th year onwards), total requirement of forest area will be 1136.328ha, where 2,42,670 trees will be affected.
 - v.** The reclamation of mined out area will start from 3rd year onwards.
 - vi.** The project belongs to the State Government and is directed to meet the energy requirements of the State.
- III.** The FAC also taken into consideration the observations of the sub-committee of the FAC, which visited the area recently that the quality of the forest cover available in the Parsa East and Kante Basan coal block is poorer compared to area in the Tara coal block. However, as per the study jointly undertaken by the MoEF and MoC Gross Forest Cover is 52.95% and Weighted Forest Cover comes to 27.55%.
- IV.** The FAC after considering all the findings and observations did not recommend the diversion of the proposed forest area in view of fact that area proposed for diversion has high ecological and forest value and the number of trees to be felled was very high, which did not justify diversion from conservation point of view.
- V.** Recommendation of FAC was placed for approval before the Hon'ble Minister of Environment & Forests for their acceptance. The then Hon'ble Minister of State for Environment & Forests after considering the recommendations of FAC and taking into consideration the various issues, proceeded on to grant permission for Stage – I approval to the proposal on 23.06.2011.
- VI.** The Hon'ble MEF had overruled the recommendation of the FAC on the following grounds:
 - a) Coal block located in fringe area and not in biodiversity rich area of Hasdeo-Arand Coal filed.*
 - b) Substantial changes have been introduced in the mining plan as originally envisaged. Revised plan envisage mining in two phases of 15 years each.*
 - c) Concern identified relating to wildlife should be taken care of through a well-prepared and well-executed Wildlife Management Plan and Programme under the aegis of WII, Dehradun.*

- d) These coal blocks are linked to super critical thermal power generating stations. In fact this is an explicit pre-condition for approval in order to remove any ambiguity on this score.*
- e) Both the State Government involved –Chhattisgarh and Rajasthan (which will use the coal mined at Parsa East and Kante Basan) have been persistently following up since their power generation plans are closely linked with these coal blocks.*
- f) While the FAC has to do its due diligence with single-minded focus, as the Minister I have necessarily to keep the boarder development picture in mind and balance out different objectives and considerations*

VII. On the basis of the order dated 23.06.2011 of the then Minister, this Ministry decided to give Stage-I clearance to diversion proposal of (I) Tara Coal Block and (II) PEKB Coal Block in Hasdeo-Arand Coal Block. MoEF granted Stage-I clearance dated 06.07.2011 to the diversion of 1898.328 ha of forest land (for mining in two phases) in Parsa East and Kante Bassan captive coal blocks open cast mining project in favour of M/s RVUNL in South Sarguja Forest division in Sarguja district of Chhattisgarh subject to fulfilment of certain terms & conditions, as specified therein.

VIII. The State Government of Chhattisgarh has furnished the satisfactory compliance report on conditions stipulated in the Stage-I approval dated 6.07.2011 vide their letter no. 331-53/2455 dated 31.12.2011. After having found the compliance report submitted by the State Government complete, the stage –II approval was granted by MoEF on 15.3.2012 for the said proposal subject to fulfilment of certain conditions.

IX. Subsequently, an appeal was filed by Mr. Sudiep Shrivastava before the Hon’ble National Green Tribunal challenging the order dated 28-3-2012 passed by the State Govt. of Chhattisgarh under section-2 of the FC Act, 1980 for diversion of 1898.328 Ha of forest land of Parsa East and Kante Besan Captive Coal Blocks open cast mining project. Matter was concluded after series of hearing conducted by the Hon’ble NGT and judgement was passed on 24.03.2014 wherein the Hon’ble NGT inter-alia directed as under:

- a) “Order dated 23rd June, 2011 passed by the respondent no. 2- MoEF Government of India and consequential order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the Forest (Conservation) Act 1980 for diversion of forest land of PEKB Coal Blocks are set-aside;*
- b) The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the proposal discussed herein above with emphasis on seeking answers to the following questions: (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.

c) *The MoEF shall pass a reasoned order in light of the advice given by the FAC in accordance with law and pass appropriate order in accordance with law.*

d) *All work commenced by the respondent no. 3 project proponent and respondent no.4 pursuant to the order dated 28th March, 2012 passed by the respondent no. 1 State of Chhattisgarh under section 2 of the FC Act 1980, except the work of conservation of existing flora and fauna, shall stand suspended till such further orders are passed by the MoEF in accordance with law.”*

X. The Order of NGT was challenged in Hon’ble supreme court through Civil Appeal No. 4395 of 2014.

XI. In compliance of the NGT order the FAC considered the proposal again on 29-30th April 2014 and reviewed the whole matter and after examination of the issue, recommended that since the matter is sub-judice decision on the matter may be deferred.

XII. In the meanwhile the Hon’ble Supreme Court heard the matter on 28.04.2014 and directed as under

“.....we stay the direction in the impugned order that all works commenced by the appellant pursuant to the order dated 28th March, 2012 passed by the State of Chhattisgarh under Section 2 of the Forest Conservation Act, 1980 shall stand suspended till further orders are passed by the Ministry of Environment and Forests”.

XIII. Based on the stay order the user agency continued the work. Since 2014, the matter is pending in the Supreme Court and user agency is working in the area based on the stay order of Hon’ble Supreme Court.

XIV. In the meanwhile the user agency had approached the IA division of MoEF&CC for grant of EC to the expansion project “Parsa East and Kanta Basan (PEKB)” Opencast Coal Mine from 10 MTPA to 15 MTPA along with the expansion of Pit Head Coal Washery from 10 MTPA to 15 MTPA

XV. The file was processed and Hon’ble Minister of State for EF&CC directed that “*since the matter is pulling for long, FAC may convene a meeting and decide the matter in 4 weeks*

XVI. The Ministry observed that since the Supreme Court has stayed the part (4) of the order of the NGT whereby the ongoing operation of mining was suspended, the matter should be placed before the FAC in compliance of the remaining part of the NGT order namely (1), (2), and (3) and seek advice of FAC on the whole issue.

XVII. The Ministry is of the opinion that since the Supreme Court has not stayed the complete order of the NGT except the part 4 whereby the mining operation was suspended, the case was remanded to the FAC for reconsideration as directed by NGT and the Hon’ble Minister of State MoEF&CC.

8. The FAC analysed the existing condition of the mining lease area using the shape file on the DSS of the Ministry and google images and satellite imageries. **FAC observed that the mining in the area is under process and forest has been cut as per the mining plan after the stay order granted by the Hon’ble Supreme Court against NGT order. The mining cannot be stopped now due to the stay order on suspension of mining operation. Since the matter has become a fait accompli situation, the user agency has to comply the mitigation measure as recommended in the Stage-II granted by the Ministry. FAC decided to recommend that the Ministry should ensure compliance of all conditions referred in Stage-II clearance subject to the final Decision of Hon’ble Supreme Court in Civil Appeal No. 4395 of 2014 in the matter of Rajasthan Rajya Vidyut Nigam Ltd. Vs. Sudiep Shrivastava. FAC further recommended that:**

- a. The mining shall be restricted to the area proposed in Phase I area i.e 762 ha only without any change in mining plan till the final order of the Supreme Court in Civil Appeal No. 4395 of 2014.
- b. A biodiversity assessment study based on the criteria fixed by NGT in its order in Appeal no 72/2012 in the matter of Sudiep Srivastava versus state of Chhattisgarh, shall be undertaken by State Government through ICFRE Dehradun in consultation with Wildlife institute of India Dehradun for the whole Hasdeo- Arand coalfields comprising of Tara, Parsa, Parsa East, Kante. The study is to be awarded by State Government by associating the Indian Council of Forestry Research and Education (ICFRE), Dehradun and Wildlife Institute of India (WII) Dehradun and integrated wildlife management plan (IWMP) will be prepared and conservation area will be identified and mitigation measures will be recommended by the expert committee. The cost of study and cost of implementation of recommendations shall be borne by M/s Rajasthan Rajya Vidyut Utpadan Nigam Ltd (RRVUNL). The report will be submitted within two years.
- c. It was informed by regional office that a wild life 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. State Government shall start the implementation of the provisions of the plan within three months and the compliance report shall be submitted to regional office, Bhopal.
- d. FAC had observed that the State Government had not complied with the conditions prescribed for compensatory afforestation land. It is learnt that the Orange forest land proposed For CA has not been mutated in favour of forest department and not declared as PF/RF as per the provision of IFA 1927 / local Act. The non -compliance was viewed very seriously. It is recommended that state government shall take action against the erring officials for non-compliance of the condition and shall take immediate step to mutate the orange forest land, as proposed in original proposal, in favour of Forest department and declare the same as RF/PF within two months.
- e. Since the Stage-II was granted in 2012 and stay order from Supreme Court in 2014, mining has continued till date and considerable time has passed and reclamation must have been done by the user agency as per the reclamation plan. The compliance of the Reclamation plan submitted with proposal will be monitored by the Regional Office. In the reclamation plan it has been proposed to fell trees in a phased manner. Plantation of reclaimed area was be done in a phased manner to nullify the number of trees felled. It has been planned to plant trees in unworked area, outside dump area during the first two years. During the third year, plantation on unworked area and outside dump area and on dump area in a phased manner has been proposed. During fourth and fifth year plantation outside dump and on dump area has been proposed. From seventh year onwards, plantation on dump area has been proposed in a phased manner.

Over the entire life of the mine, afforestation will be done over 2173.10 ha. Native species shall be planted at 1500 saplings per ha.

- f. The compliance report of conditions in stage-II approval will be submitted by the Regional office within three months.** If the orange forest land identified for CA for this case is not transferred and mutation done in favour of forest department and notified as forest under Indian Forest Act within six months, and the reclamation plan is not implemented the matter will be reported by the Regional Office. In case of non-compliance of the conditions stipulated including reclamation and compensatory afforestation the stage-II should be suspended by the ministry and reported to the Supreme Court who is hearing the Civil Appeal No. 4395 of 2014.
- g. The recommendations of FAC are subject to final outcome of the Civil Appeal No. 4395 of 2014.**

9. The above recommendation of FAC on 25.01.2018 has been approved by the Hon'ble Minister of Environment, Forest and Climate Change and communicated to State Govt. and Regional Office on 12.04.2018 (**Pg. 816-818/c**) for compliance.

FAC in its meeting held on 20.07.2017, with regard to the proposal for change of land use of 29.09 ha forest land out of already diverted forest land of 762.00 ha out of approved 1898.328 in favour of Rajasthan Rajya Vidyut Utpadan Nigam Limited, in Villages Parsa and Kanta, Telsil Udaipur, District Surguja, Chhattisgarh, decided to defer the proposal till the information as mentioned in para (6) are received from the State Government and placed the same before the FAC.

In view of above, the facts related to the above proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 26.04.2018 for their examination and appropriate recommendation.

Agenda No. 6

F. No. 8-64/2017-FC

Subject: Diversion of 426.823 ha of forest land for Ramdurg Field Firing range in reserved forest areas of Ramdurga, Bhutaramanahatti & Godhihal villages in Belagavi in favour of Indian Army, Maratha Regiment, Belagavi, Karnataka.

The State Government of Karnataka vide their letter No. FEE 103 FLL 2017 dated 27.11.2017 submitted a proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 426.823 ha of forest land for Ramdurg Field Firing range in reserved forest areas of Ramdurga, Bhutaramanahatti & Godhihal villages in Belagavi in favour of Maratha Regiment, Belagavi, Karnataka.

2. The facts related to the proposal as contained in the State Government's letter dated 27.11.2017 are given below in the form of factsheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 426.823 ha of forest land for Ramdurg Field Firing range in reserved forest areas of Ramdurga, Bhutaramanahatti & Godhihal villages in Belagavi in favour of Maratha Regiment, Belagavi, Karnataka
2	Location:	
	State	Karnataka
	District	Belgaum
3.	Particular of Forests	
i	Name of Forest Division	Belgaum Forest Division.
ii	Area of Forest land for Diversion	426.823 ha
iii	Legal Status of Forest land	Reserved Forest
iv	Density of Vegetation	Density 0.2 in this area.
v	Map	Page 110 to Pg.119
4.	Species-wise (scientific names and diameter class wise enumeration of trees (to be enclosed) in case of irrigation / Hydel project enumeration at FRL, FRL – 2 meter and FRL – 4 also be enclosed.	-
5.	Approximate distance of proposed site for diversion from boundary of forest.	0.00 Km.
6.	Brief note on vulnerability of the forest area to erosion:	Ramdurga Field firing Range had been a notified range till June 2012 vide GOK order, FEE 225 FGL 99 dated 25.06.2002. It is located in Belgaum Dist of Karnataka.
7.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if so, the details of the area the comments of the Chief Wildlife Warden to be annexed)	NO
8.	Whether any rare/ endangered/ unique species of flora and fauna found in the area if so, details thereof.	NO
9.	Whether any protected archaeological/ heritage site/ defense establishment or any other important monument is located in	NO

	the area. If so, the details thereof with NOC from competent authority, if required.	
10.	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. If no, recommended area item-wise with details of alternatives examined.	Yes
11.	Whether any work in violation of the Act 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 under progress.	<p>a) Details of violation : During previous notification, 28 Nos of Training</p> <p>b) Period of Work done (Year) : 2012</p> <p>c) Area of forest land involved in violation (in Ha) : 426.82 ha</p>
12.	Whether the process for settlement of rights under the Forest Rights Act, 2006 on the forest land proposed for lease has been completed.	<p>In the certificate of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 given by Deputy commissioner, Belagum stated that it is certified that the Forest land measuring 427.5405 ha forest land proposed to be diverted in favour of the Maratha Light Infantry Regimental Centre, Belagavi for Military Training and firing Activities in Belagavi district falls with jurisdiction of Godihal, Bhutramatti and Ramdurg villages in Belagavi taluka(Pg132/c).</p> <p>However, the gram sabha resolutions and minutes of SDLC do not seem to be attached with the proposal.</p>
13.	Details of Compensatory Afforestation Scheme:	Not required as case of renewal
(i)	Details of non-forest area/degraded forest area identified for compensatory Afforestation its distance from adjoining forest, number of patches, size of each patch.	Not Applicable
(ii)	Map showing non-forest/degraded forest area identified for compensatory Afforestation and adjoining forest boundaries.	Not Applicable
(iii)	Detailed compensatory Afforestation scheme including species to be planted implementing agency time schedule, cost structure etc.	Not Applicable

(vi)	Certified from competent authority regarding suitability of area identified for compensatory Afforestation and from management point of view (to be signed by the concerned Deputy Conservator of Forest).	Not Applicable
14.	Site Inspection report of The DCF (to be enclosed) especially highlighting facts asked in col.7 (xi), (xii) 8 and 9 above.	Site inspection Report done by DCF, Belagavi is given and placed in file as pg.128/c
	Period of diversion	20 Years
	Project Cost	Rs. 1197.94077 Lakh
15.	Division / District Profile:-	
(i)	Geographical area of the district	1345400 ha
(ii)	Forest Area of the district	186494.43 ha
(iii)	Total forest area diverted since 1980 with number of cases.	773.74 Ha/18 Cases
(iv)	Total Compensatory Afforestation stipulated in the district/division since 1980 on (a) Forest land including penal compensatory Afforestation (b) Non-forest land	221.27 ha -----
(v)	Progress of compensatory Afforestation as on 31.12.2016. (a) Forest land including penal compensatory Afforestation (b) Non-forest land	215.20 ha 524.0568ha.
16.	Recommendation	
	DCF	Recommended. (Pg.94-97 /c). however signed copy of part-II is not given in hard copy.
	CF	Recommended. (Pg.97/c)
	PCCF	Recommended. (Pg. 13 /c).
	State Government	Recommended. (Pg. 3 /c).

4. The State Govt. in their forwarding letter dated 27.11.2017 (1-2/c) informed that the lease period for instant proposal has been expired and PCCF vide their letter dated 24.11.2017 (pg. 4-12/c) has sent a proposal which certain conditions. It is also informed by the State Govt. that the **User agency has built civil infrastructure in violation of act over an extent of 2.5047 ha. for which penal CA and Penal NPV may be imposed.**

The Breakup of forest land proposed for diversion are as under:

Village wise breakup	
Village & Sy. No.	Forest Land proposed for diversion under FCA
Ram durga (17, 18, 21, 23, 24, 25, 27, 30, 31, 33, & 34)	123.06 ha
Bhutaramanahatti (35, 36, 37, 38, 39, & 40)	167.14 ha
Godihal (5, 6, 23, 24, 25, 26, 27, & 42)	136.62 ha.
Total	426.823 ha
Component wise Breakup	
Camp Area (Forest)	2.5047
Military Training extent	51.2680
Infantry Extent	373.046
Total	426.823 ha

The PCCF, Karnataka recommended the proposal with following conditions:

- i. The legal status of Forest land shall remain unchanged and it shall continue to be as forest land.
- ii. The lessee shall pay lease rent as fixed by the Govt. from time to time.
- iii. The lease tenure is for a period of 20 years.
- iv. 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 Forest / Deputy Conservator of Forests is authorized to take necessary action in this regard.
- v. The Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
- vi. CA over degraded forest areas to an extent of 751.00 ha as identified by the Karnataka Forest Department shall be raised at the cost of User agency at the rate prevailing at the time of approval.
- vii. User Agency shall take care that built –up area should not exceed 2.5 ha as earmarked for camp area as shown in the map which is enclosed with the proposal.
- viii. The User Agency shall pay cost of charges towards felling / extraction and transportation of trees if any for execution of the project in accordance with the estimate prepared by the Deputy Conservator of Forests, Belagavi Division.
- ix. The diverted forest area shall be demarcated on ground by fixing RCC pillars at an interval of 20.00 Mtrs and the boundary shall be fenced with chain link mesh at the cost of the User Agency.
- x. 30 meter wide strip plantation all along the periphery of the field firing range inside the boundary of FFR shall be taken up / raised at the cost of user Agency.
- xi. The UA shall ensure that there should be no damage to the available fauna and other flora. And all precautions shall be taken by the User Agency so that there shall not be any loss to the Civilians, cattle, etc of the surrounding villages.
- xii. All waste /debris generated shall be scientifically disposed off outside the forest area.
- xiii. Any damage to forest area due to such improvement and widening works shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
- xiv. All precautions shall be taken to ensure fire protection to the forest by the User Agency.
- xv. The lessee shall not sub-lease, mortgage & hypothecate the forest area.

- xvi. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986, if required.
- xvii. The User Agency shall also abide by all the conditions imposed upon by Government of India, the Government of Karnataka and PCCF.

4. **Site Inspection Report:** The Site Inspection Report (SIR) for this proposal was carried out by Ms. R.Padmawath, DCF, Regional Office, Bangalore on 27.02.2018. The SIR has been forwarded by the Regional Office vide their letter no. 4-KRA 1146/2018-Ban/1542 dated 12.03.2018 (Pg.180-190 /c) . The SIR is reproduced below:

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

2. Item-wise break-up details of the forest land proposed for diversion: Component wise breakup

S. No.	Purpose	Extent in ha.
1	Camp Area (Forest)	2.5047
2	Military Training extent	51.2680
3	Infantry Extent	373.046
	TOTAL	426.823

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

4. Total cost of the project at present rates: Rs.1197.94077 lakhs

5. Wildlife: The major mammals found in this area are Sloth bear, Wolf, Golden jackal, Jungle cat, Common langur, Wild pigs, Bonnet macaque and civets. **Does not form part of any Wildlife Sanctuary, National Park, Bio-sphere Reserve, Tiger Reserve or Elephant Corridor, etc.**

6. Vegetation: The density of vegetation varies from 0.2 to 0.5. The hills have lower densities compared to the plains. On either side of nallahs, the vegetation is thick and the density is 0.5 to 0.6. The major ecological class is Eco-Class III (Tropical Dry deciduous forest). **No trees are required to be felled as training for assault and combing is given in this area.**

The major species found are Anogeissus latifolia, Dillenia pentagyna, Stereospermum chelonoides, Careya arborea, Albizzia odorotissima, Emblica officinalis, Ficus religiosa, Terminalia paniculata, Syzygium cumini, Dalbergia paniculata, Dalbergia latifolia, Butea monosperma, Wrightia tinctoria, Ficus retusa, Ficus mysorensis

Pongamia etc. The area is having good natural tree growth with variety of food plants like *Zizyphus jujuba*, *Cordia myxa*, *Zizyphus xylopyrus*, *Canthium didymium*, *Zizyphus oenoplia* and *Carissa carandus*, etc.

7. Background note on the proposal:

Govt. of Karnataka vide its Notification No.RD 10 TRT 78 dtd 24.01.1979 had notified an area of 1156.30 acre of forest, revenue and private lands for carrying out periodical field firing and artillery practices by the Army Authorities at Belagavi for a period of 20 years from 24.01.1979.

MoEF & CC, New Delhi vide its letter dated 8-7/2000-FC dtd 12.03.2001 had accorded TWP for a period of 9 months for carrying out firing practice by the Army Authorities and the same was extended for a period of 3 months w. e. f. 12.12.2001.

GOI, MoEF&CC New Delhi vide letter no. 8-7/2000-FC dtd. 21.05.2002 (Pg. 135-136/c) had accorded approval for diversion of 50 ha of forest land (actual impact zone) under F(C.) Act, 1980. Accordingly, Govt. of Karnataka vide order No. FEE 225 FGL 1999 dtd 28.06.2002 had permitted lease over an extent of 50.00 ha of forest land for Ramdurga Field Firing Range for a period of 10 years. The said lease period expired on 27.06.2012.

The said 50 ha of forest land diverted was in two patches viz., camp area of 2.50 ha and training area of 47.50 ha. Now, the UA, in their justification note quoting reasons for expansion of the said field firing range for conducting training of troops and recruits for firing of multiple weapons, has applied for diversion of 426.823 ha of forest land, which includes 50 ha of forest land diverted earlier.

The validity of the earlier proposal for 50 has was upto 20 May 2012 vide Govt. Notification No.FEE 225 FGL 99 dtd 28 June 2002. The current proposal is for renewal of Field Firing Range lease under Section-2 of Forest Conservation Action 1980 of Indian Army for twenty years and also for increase in area diverted for the infantry facility.

It is reported by DCF, Belagavi that **50 ha of RF land was given for Ramdurga Field Firing Range on lease basis from 2002 to 2012 vide MoEF & CC letter F.No.8-7/2000-FC dated 21.05.2002 for Impact Zone and 4631.91 ha was supposed to be notified for safety zone as per Government Orders. The said lease is yet to be renewed. A training camp with the civil structures**

built during the earlier lease period still exists in the proposed area. **Now the proposal of the UA is for an extent of 431.5477 ha (Forest land 426.823 ha and private of 4.7247 ha) instead of the earlier lease area of 50 ha.** Further it is also reported as per condition No.(h) of the said G.O dated 28.6.2002, 86.55 ha of strip plantation has also been taken up during 2015-16.

8. Compensatory Afforestation: **The user agency has given an undertaking that they are ready to bear the cost of Afforestation for 426.823 hectares of forest land proposed for diversion for Ramdurg Field firing Range. The area has not been identified in the field.** The user agency has to bear the cost of Compensatory Afforestation for 754 ha , ie. two times the area diverted for Afforestation in degraded forest land.
9. 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: There is no violation reported.
10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not: No displacement involved.
11. Reclamation Plan:
Details and financial allocation: Not applicable.
12. Details on catchment and command area under the project: Not applicable.
13. Cost benefit ratio:
14. Recommendations of the Principal Chief Conservator of Forests/State Government: PCCF and State Government have recommended the proposal.
15. Recommendations of Regional Chief Conservator of Forests along with detailed reasons: Recommended as the area will remain well protected. The user agency may be requested to plant trees wherever possible within area.
16. Regional Chief Conservator of Forests shall give detailed comments on whether there are any alternatives routes/alignments for locating the project on the non-forest land: The matter is related to defence, so may please to accorded to priority.

17. Utility of the Project: This area is being used by MARATHA LIRC for:-
- a. Firing of small arms & other flat trajectory weapons.
 - b. Firing of 51 mm Mortar
 - c. Practice firing of hand grenades.
 - d. Practical training in explosive handling by Commando Wing of Infantry School, Belgaum.
- The proposed project will ensure continued training to approx 1500 recruits & even more trained soldiers of the Maratha Light Infantry Regimental Centre and other units located in the Military Station, Belgaum.
18. Whether land being diverted has any socio-cultural/religious value: There is no protected/ archaeological/ heritage sites located in the proposed area.
19. Situation w.r.t. any P.A. No Protected Area within a radius of 10 km.
20. Any other information relating to the Project:

The forest area is highly essential for training commandos and soldiers in assault, firing and combing operation by the MEARATHA LIGHT INFANTRY REGIMENTAL CENNTRE, Belgaum.

Out of the total area proposed for diversion, the living area of the trainees is 3 ha and firing and assault training area is 47 ha, both on the eastern boundary of the Reserved Forest. The rest of the area, ie. 376.82 ha on the western side of the RF is proposed for training of recruits and other activities lime combing, map reading and navigation. Therefore Compensatory Afforestation for 754 ha needs to be done in double the degraded forest land at the cost of user agency.

Soil and moisture conservation measures like gully plugging, contour trenching and small check dams etc may be constructed at right locations especially in the hillock and adjoining areas as per the guidance of the State Forest Department. Suitable plantation may be carried out in the hillock where the shooting practice takes place.

This proposal does not include the approach road to the LIRC from the highway which is a forest land.

5. It is imperative to mention that the Ministry vide letter no. 8-7/2000- FC dtd. 21.05.2002 (**Pg. 135-136/c**) had accorded approval for diversion of 50 ha of forest land (actual impact zone) under F(C.) Act, 1980 subject to certain conditions prescribed their in. **The said lease period already expired in 2012.** the condition-wise compliance as given by DCF, Belgaum may kindly be seen at **pg. 133 -134/c**

In view of above, the facts related to the above proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 26.04.2018 for their examination and appropriate recommendation.

Agenda No. 7

F. No. 8-21/2018-FC

Sub: Diversion of 68.00 ha of forest land (49.34 ha of non-forest land recorded as 'Forest' as on 25th October 1980 and 18.660 ha of non-forest land having enough forest growth to be considered as 'forest' in line with the orders dated 12.12.1996 of Hon'ble Supreme Court of WP(C) No. 202/1995) in respect of Unchabali (Mahaparbat) Iron Ore Mines of M/s OMC Ltd including 11.240 ha of forest land located in the safety zone in village Unchabali and Balda under Barbil Tahasil within the jurisdiction of Keonjhar Forest division in Keonjhar district, Odisha.

1. The State Government of Odisha vide their letter No. 10F (Cons) 110/2016/6193/F&E dated 16.03.2018 submitted a proposal for diversion of 68.00 ha of forest land (49.34 ha of non-forest land recorded as 'Forest' as on 25th October 1980 and 18.660 ha of non-forest land having enough forest growth to be considered as 'forest' in line with the orders dated 12.12.1996 of Hon'ble Supreme Court of WP(C) No. 202/1995) in respect of Unchabali (Mahaparbat) Iron Ore Mines of M/s OMC Ktd including 11.240 ha of forest land located in the safety zone in village Unchabali and Balda under Barbil Tahasil within the jurisdiction of Keonjhar Forest division in Keonjhar district, Odisha.
2. The facts related to the proposal as contained in the State Government's letter dated 16.03.2018 are given below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 68.00 ha of forest land (49.34 ha of non-forest land recorded as 'Forest' as on 25th October 1980 and 18.660 ha of non-forest land having enough forest growth to be considered as 'forest' in line with the orders dated 12.12.1996 of Hon'ble Supreme Court of WP(C) No. 202/1995) in respect of Unchabali (Mahaparbat) Iron Ore Mines of M/s OMC Ltd including 11.240 ha of forest land located in the safety zone in village Unchabali and Balda under Barbil Tahasil within the jurisdiction of Keonjhar Forest division in Keonjhar district, Odisha
2.	Location (i) State (ii) District	Odisha Keonjhar
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy.No.	Keonjhar Forest Division 68.00 ha Non-forest land recorded as forest as on 25.10.1980 - 49.339 ha and non-forest land having forest growth considered as "treated forest" – 18.660 ha
4.	Vulnerability to erosion	Soil erosion is likely to increase following felling of trees in the undulating topography
5.	(i) Vegetation	Sal, Pia-Sal, Gambhari, Kruma, Bandhan, Asan, Dhaura, Jamu, Kendu, Mango, Achu, Amla, Bahada, Bara etc. (Pg-513/c).

	(ii) Density	The applied area for diversion is situated adjacent to Baitarani Reserve Forest . Eco Value Class has been treated as “ Eco Value Class-I ” based on proximate location – Baitarani Reserved Forest and the canopy density has been considered at per with <u>Baitarani RF and kept at 0.5.</u>
	(iii) No. of trees enumerated/to be actually felled	1,872 nos of trees of different floral species above 30 cm girth comprising of 415 nos of sound trees, 1457 nos of unsound trees and 4764 nos of poles below 30 cm girth. (Pg-8/c)
6.	Whether area is significant from wildlife point of view	No rare or endangered flora & fauna is noticed in this area but however, movement of mega fauna like elephant is often noticed in the fringe area. The area comes under the elephant habitat zone-2 of ORSAC, Bhubaneswar.
7.	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	The applied area does not form part of any National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. However, movement of wild elephants in the adjoining forest blocks can't be ruled out.
8.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No rare or endangered species is available in the applied area for diversion but elephant movement is often noticed in adjoining forest blocks.
9.	Approximate distance of the proposed site for diversion from boundary of forest.	7.0 km
10.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	No
11.	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.	No violation is observed in the forest land, involved in the instant diversion proposal and proposed for diversion under FC Act, 1980, in respect of Unchabali Iron Ore mines of M/s OMC Ltd. It is mentioned that the total broken up land, involved in the mining lease is 1.923 ha. The said land was mined out treating the land as non-forest land.
12.	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.	Yes
13.	Whether clearance under the Environment (protection) Act, 1986 is required?	Yes, (Pg-550-558/c) User Agency has accorded Environment clearance vide Ministry's letter no. J-11015/779/2007-IA.II (M) dated 16.01.2009. In the said letter it is mentioned that total land is 68.000 ha and out this 0.1 ha is agriculture land and 67.43 ha is wasteland and 0.47 is surface water bodies. It was indicated that no forest land is involved.

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.	Non-forest Govt. land to the tune of 65.591 ha. in lieu of proposed diversion of 68.00 ha. has been identified and allotted in village Kerapai under Thuamulrampur Tahasil vide letter No. 1176/Rev dated 05.08.2016 of Collector, Kalahandi for CA. CA scheme, prepared in respect of the aforementioned Non-forest land over 65.591 ha by the DFO, Kalahandi South Division is placed at Pg-530-547/c.
(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	Submitted
(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	Submitted (Pg-530-547/c)
(iv) Total financial outlay for CA	Rs. 2,00,37,300.00 (Pg-547/c)
(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	In the given certificate (pg-46/c), DFO, Keonjhar mentioned that the suitability certificate for plantation under block model @ 1600 seeding per ha over 65.591 ha has been provided by DFO, Kalahandi, South Division. But the said certificate of DFO, Kalahandi does not seem available with given certificate.
15. Catchment Area Treatment	NA
16. Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan	No N/A N/A
17. Employment likely to be generated a) Whether the project is likely to generate employment b) Permanent/ Regular Employment (Number of person) c) Temporary Employment (Number of person-days)	Yes 134 670
18. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006	In the proceeding of District Level Forest Right Committee signed by Collector, Keonjhar on 12.02.2017 (Pg-597-611/c), it is mentioned that District Nodal Officer directed to submit the original documents of OMC Ltd. for several mines including Unchabali Iron Mine to District Collector, Keonjhar for issuance FRA certificate. Further, the FRA certificate for an area of 68.091 ha of forest land signed by District Collector, Keonjhar on 22.02.2017 has been given and the same may kindly be seen at Pg-595/c.
19. Site Inspection Report by DFO	Pg-61-63/c
20. Cost Benefit Ratio	1:137.15 (Pg-512/c)
21. Total Cost of the Project	Rs 230 (Rupees in Lakh)

(v) Progress of Compensatory Afforestation	C.A. 1152.58 ha
a. Forest land	P.C.A 2996.34 ha
b. Non Forest land	C.A. 5983.9016 ha

3. The other information indicated in the forwarding letter is as follows:

- 1. Brief description:** The Unchabali (Mahaparbat) Iron Ore Mines of Odisha Mining Corporation (OMC) Ltd. over 68.00 ha was earlier having non-forest land entirely during grant/execution of Mining lease. The ML is located in village Unchabali and Balda of Barbil Tahasil of Keonjhar district of Odisha. This iron ore mining lease was granted in favour of M/s Odisha Mining Corporation (M/s OMC Ltd.), a State Govt. Undertaking, vide proceedings of the Govt. of Odisha in erstwhile Mining and Geology Department bearing No. III (A) SM.5/99-6327 dt. 11.06.2003. The lease deed was executed on dated 09.06.2008 for a period of years with validity up to 09.06.2028. The ML area located within jurisdiction of Champua Forest Range of Keonjhar Forest Division in Keonjhar district, finds place within the Latitude of 21°52' 42.54"N to 21 °53'23.54"N and longitude of 85° 25' 5.66"E to 85° 25'36.49"E on Survey of India Toposheet No. F 45 N 5. The area exhibits an undulating topography with varying elevations from 525.00 m to 608.50m above Mean Sea Level (AMSL). Although the total mining lease hold area over 68.0 ha was non forest land having kissam Parbat-II entirely, yet pursuant to the issue of guidelines bearing F. No. 8-78/1996-FC (pt.) dt. 10.03.2015 read with F No. 8-78/1996-FC(pt.) dt. 09.03.2016 by MoEF&CC, Govt. of India, status of the land involved in the mining lease as on 25.10.1980 was provided by the Tahasildar, Barbil. As reported by PCCF, Odisha, the ML area has 49.340 ha of non-forest land in village Unchabali recorded as 'Forest land' as on 25.10.1980 and 18.660 ha of non-forest land in village Balda which stands un-surveyed as on 25.10.1980. The un-surveyed non-forest land in village Balda, having enough forest growth, has been considered as " forest" as per orders of Hon'ble Supreme Court dt. 12.12.1996 in WP(C) 202/1995. Thus the mining lease granted/executed over 68.00 ha, involves 49.34 ha of non--forest land recorded as 'Forest' as on 25th October 1980 and 18.660 ha of non-forest land having enough forest growth considered as "forest".

As reported by DDM, Joda in his letter No. 6370 dt. 26.12.2017 to DFO, Keonjhar, above leasehold area was also earlier held by OMC Ltd. within their ML area over 686.73ha. for iron ore in village Balda, Unchabali etc which had been executed on 6.8.1963 for a period of 20 years. Later OMC Ltd. had surrendered the said area which has been accepted by Government w.e.f. 1.9.1982. Thereafter the area was thrown open for re-grant of the area. It has also been reported by the DDM, Joda that during this period, OMC had only undertaken prospecting operation through drilling of a no. of trial pits but no mining operation was undertaken by OMC Ltd. during the period.

It is further reported by the DDM, Joda that excavation done previously by M/s Essel Mining & Industries Ltd had crossed the Southern boundary of existing Unchabali Mining lease of OMC Ltd at CC1 lease line. This broken up area in the ML area over 68 ha. is to an extent of 1.923ha In view of issue of guidelines bearing F No. 8-78/1996-FC (pt.) dt. 10.03.2015 read with F No. 8-78/1996-FC(pt.) dt. 09.03.2016 by MoEF& CC, Govt. of India, the user agency i.e. OMC Ltd. has applied for diversion of 68ha. of forest land in this lease under section 2 of Forest Conservation Act, 1980.

This Unchabali (Mahaparbat) Iron are Mines of M/s OMC Ltd falls under the physiographic- Joda Barbil plateau extending from Chamakpur to the border of Singhbhum of Jharkhand in north and border of Bonai in the west. This region is an southward extension of Singhbhum rocks. This group of rocks comprising trap, tuffites, shale, quartzite, phyllite, Banded Haematite Jasper (BHJ) and Banded Haematite Quartzite(BHQ) form high hill ranges. with narrow deep valley. This region is characterized by massive deposit of iron and manganese ore associated with RH.J. and shales. The iron ore precipitates are in the form of oxide, carbonates, silicates and sulphides. The most characteristics feature of the iron ore i.c haematite is its availability in the form of massive beds, pockets and large lensoid soil bodies. Hard massive, Laminated, Lateritoid & Blue dust are the major

form of ore located in this physiographic zone.

The most characteristic feature of associated manganese ore is its occurrence in form of pocket, lenses in the shales of the iron ore group. It is also seen extensively as residual deposit. Manganese ore deposits are mostly confined to the Singhbhum-Bonai belt of Keonjhar district associated with BIF of Iron ore group. The ore minerals are chiefly pyrolusite and psilomelane. The important manganese deposits of the district are located at Roida, Sidhamatha, Bhadrasahi, Guruda, Joda, Harmath-Guali and Bamebari. The mineable reserve of Iron ore established so far is 239 Million Ton of + 55 % Fe grade.

Scheme of mining with Progressive Mines Closure Plan pertaining to Unchabali Iron ore mining lease has been approved by IBM in letter No. MS/FM/13-ORI/BHU/2014-15 dt. 13.2.2015. The mining lease area contains a total mineable reserve of 10,630 million tonnes of Iron ore. Considering the annual production capacity of the mine is 1.0 Million ton of iron ore, the estimated life period of the mine is 11 years.

The proposed lease area does not fall within any National Park/Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve. No archaeological monument or protected defence establishment is located inside the applied area. In part-I of application, it has been indicated by the user agency that this project will generate direct and indirect employment for more than 134 and 670 local tribal people respectively. Total cost of the project is Rs.23 crores. The project does not involve displacement of human habitation.

2. Maps

The user agency has furnished the maps.

3. Forest land:

The mining lease granted/executed over 68.00 ha, involves 49.34 ha of non-forest land recorded as 'Forest' as on 25th October 1980 and 18.660 ha of non-forest land having enough forest growth considered as "deemed forest" as per orders dt. 12.12.1996 of Hon'ble Supreme Court in WP (C) No. 202/1995. This includes 1.923ha. of land broken up in the Mining lease area and 11.24 ha. of land earmarked to be maintained as safety zone. The purpose wise break-up of 68.00 ha of Land (entire Forest) submitted for diversion is indicated in the tables below.

Table – 1
Extent of broken-up non-forest land recorded as forest as on 25.10.1980 along with deemed forest involved in the mining lease

S. No.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken up non-forest land considered as deemed forest (in ha)	Total broken up non-forest land recorded as forest as on 25.10.1980 and deemed forest (in ha)
1.	Mining Quarry-1	-	1.120	1.201
2.	Mining Quarry-2	0.078	-	0.078
3.	Mining Trench-1	0.334	-	0.334
4.	Mining Trench-2	0.116	-	0.116
5.	Mining Trench-3	0.060	-	0.060
6.	Dump-1	0.094	-	0.094
	Dump-2	0.040	-	0.040
Total		0.722	1.201	1.923

Table-2
Extent of virgin non-forest land recorded as forest as on 25.10.1980 along with deemed forest involved in the mining lease

S.No.	Pattern of Utilization	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land considered as deemed forest (in ha)	Total virgin non-forest land recorded as forest as on 25.10.1980 and deemed forest (in ha)
1.	Mining	36.533	6.821	43.354
2.	Dumping of over burden	2.132	0.034	2.166
3.	Infrastructure for site services and weigh bridge	3.578	1.512	5.09
4.	Minerals rejects	1.105	2.145	3.25
5.	Road	0	0.110	0.11
6.	Nala	0.479	0.596	1.075
	Sub-total	43.827	11.218	55.045
7.	Safety Zone	4.791	6.241	11.032
Total		48.618	17.459	66.077

Table-3
Abstract of Existing and Proposed Land use of non-forest land recorded as forest as on 25.10.1980 along with deemed forest involved in the mining lease

S. no.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Total non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken up non-forest land considered as deemed forest (in ha)	Virgin non-forest land considered as deemed forest in ha	Total non-forest land considered as treated forest in	Grand total (in ha)
1	Mining	0.493	36.533	37.131 (Add 0.105 ha OB dump from row-2 and column-3)	1.002	6.821	7.823	44.954
2	Dumping of over burden	0.105	2.132	2.132 (Deduct 0.105 ha OB dump from row-2 and column-3)	0	0.034	0.034	2.166
3	Infrastructure for site services and weigh bridge	0	3.578	3.578	0.115	1.512	1.627	5.205
4	Minerals rejects	0	1.105	1.105	0	2.145	2.145	3.250
5	Road	0	0	0	0	0.110	0.11	0.110
6	Nala	0	0.479	0.479	0	0.596	0.596	1.075
	Sub-total	0.598	43.827	44.425	1.117	11.218	12.335	56.760
7	Safety Zone	0.124	4.791	4.915	0.084	6.241	6.325	11.240
Total		0.722	48.618	49.340	1.201	17.459	18.660	68.00

Table-4**Land use plan applied for diversion under FC Act, 1980 vis-à-vis provision of approved mining plan**

S. No.	Items	Land use Pattern applied under FC Act, 1980 in ha	Land use plan as per approved mining plan in ha
1.	Mining	44.954	42.827
2.	Dumping of over burden	2.166	2.165
3.	Infrastructure	5.205	5.204
4.	Minerals rejects	3.250	3.250
5.	Road	0.110	2.239
6.	Nala	1.075	1.075
	Total	56.760	56.76
7.	Safety Zone	11.240	11.24
	Grand Total	68.00	68.00

4. Flora and fauna

As reported by the DFO, Keonjhar, granted/executed Unchabali mining lease having non-forest land recorded as forest as on 25.10.1980 and non-forest land having forest growth considered as "deemed forest", is located in proximity of Baitarani Reserved Forest in Keonjhar district. The forest area has been treated under Eco-Value Class-I category. The geological formation of this area is quite suitable for growth of Sal. Sal constitutes around 70 to 75% of the top canopy. The middle storey is un-conspicuous. The quality of Sal varies from all India Quality II to IV. Quality II Sal is mainly confined to the valleys while Q III occurs on the hill slopes of moderate gradient. Q IV Sal is mainly confined in the ridges. Q I Sal is completely absent. The principal associates of Sal includes Terminalia alata, Lagerstroemia pervijlora, Anogeissus latifolia, Terminalia belerica, Syzygium cumini, Mangifera indica, Schleicheria oleosa. Adina cordifolia, Pterocarpus marsupium, Bombax ceiba, Bridelia retusa, Madhuca indica. The middle story is represented by Syzygium cumini, Ougeinia ougenensis, Careya arborea, Trema orientalis, Emblica officinalis, Cassia fistula etc. The shrubs and undergrowth are characterized by Indigofera pulchella, Ardisia solanacea, Flemingia chhapar, Helicteres ixora and Clerodendron viscosum etc. The prevailing climbers include Bauhinia vahlii, Combretum decandrum and Butia parviflora. The grasses over the forest floor include Chrysopogon aciculatus, Imperata cylindrica, Dicanthium cariccosum, Cynodon dactylon etc.

The canopy density of the prevailing forest growth in Baitarani Reserved Forest varies from 0.2 to 0.8. The prevalence of pole crop to middle aged Sal crop in this area indicates the shifting cultivation in the past and the crop can therefore be considered to be of secondary origin. But the secondary moist deciduous forest replacing primary forest of the same type is not differentiated as almost all the primary forests have been practically influenced by human interference. The prevailing forest growth & structure of the forest crop, in the proposed non-forest land recorded as forest as on 25.10.1980 and non-forest land having forest growth considered as "deemed forest", is considered at par with Baitarani Reserved Forest with average canopy density 0.5. The mining lease area situated in proximity of Baitarani RF is also the dwelling habitat for leopard, bear, barking deer, hyena, porcupine etc. Occasional visit of wild elephants used to be witnessed in the applied forest land. The applied site falls under elephant habitat zone- 2 as mentioned by ORSAC, Bhubaneswar.

5. Tree enumeration.

Total enumeration of tree growth over the applied forest area of 56.76 ha excluding the safety zone area of 11.24 ha has been carried out. 1,872 nos. of trees of different floral species above 30 cm girth comprising of 415 nos. of sound trees, 1457 Nos. of unsound trees and 4764 nos. of poles below 30 cm girth.

6. Wild Life Management

As indicated above, the proposed area does not form part of any National Park, Wildlife sanctuary, Biosphere reserve and it does not come under any wildlife corridor. But, occasional movement of wild elephants is noticed in the area besides other wildlife animals indicated above. For conservation of available wildlife, the user agency is required to pay the proportionate cost of Regional Wildlife Management Plan approved for

Keonjhar and Bonai Division @ revised rate of Rs. 58,000/- per ha over the total leasehold area. Further, Site Specific Wildlife Conservation Plan needs to be prepared by the lessee and approved by the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha for its implementation within the leasehold area and its impact area at project cost. The User Agency has submitted an undertaking to bear the cost towards implementation of Wildlife management Plan as per the demand of the Forest Department.

7. Compensatory afforestation

65.591 ha of non-forest Government land has been identified for compensatory afforestation against 56.76 ha. of forest land proposed for diversion for mining and other allied activities (excluding safety zone of 11.24ha.) within ML area of 68 ha. in village Kerapai under ThuamulRampur Tahasil of Kalahandi district. The compensatory afforestation area has been jointly verified by the Forest and Revenue officials and has been found to be free from encroachment and encumbrances and suitable for bald hill plantation over 61.6396 ha. and ANR plantation over 3.9514 ha.. Therefore the DFO, Kalahandi (South) Division has prepared a site specific Compensatory Afforestation scheme to raise bald hill plantation in block mode (1600 plants per ha.) over 61.6396 ha and ANR without gap plantation over 3.9514 ha (600 plants per ha.) @ current wage rate of Rs.200/- per manday. The species selected for planting are Neem, Karanj, Amla, Harida, Bahada, Mango, Arjun, Teak, Sissoo, Char, Mahul etc. It also includes provision of barbed wire fencing over 3.906 KM. The CA scheme has been technically approved by the Addl. PCCF (Forest Diversion) and Nodal Officer, FC Act with a total financial forecast of Rs.2,00,37,300/- including maintenance cost of 10 years..

8. Cost benefit analysis.

The Cost Benefit analysis of the project has been carried out as per the guidelines of Forest (Conservation) Act, 1980. Total loss per annum due to loss of timber, fire wood and minor forest produce including environmental loss has been estimated at Rs. 99,16,350/- whereas total benefit to be accrued from this project per annum has been estimated at Rs.136.0a crores. Thus Cost Benefit ratio comes to 1:137.15.

9. Safety zone

The mining lease granted over 68.00 ha involves an area of 11.24ha. as safety zone. The details of land (forest) located in the safety zone of the mining lease is furnished hereunder-

S. no .	Pattern of Utilization	Broken up non-forest land recorded as foest as on 25.10.1980 (in ha)	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Total non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken up non-forest land considered as deemed forest (in ha)	Virgin non-forest land considere d as deemed forest in ha	Total non-forest land consider ed as treated forest in	Grand total (in ha)
1	7.5 mtrs width all along the mining lease boundary	0.124	1.174	1.298	0.084	1.118	1.202	2.500
2	50 mtrs width along both sides of Express Highway	0	0.061	0.061	0	0.950	0.950	1.011
3	50 mtrs width on both side of the perennial Nala	0	3.556	3.556	0	4.173	4.173	7.729
Total		0.124	4.791	4.915	0.084	6.241	6.325	11.240

The said area will be suitably fenced, planted, protected by the User Agency at their cost. The User Agency shall maintain the safety zone as well as will bear the cost of afforestation over 1.5 times of forest area of the safety zone in degraded forest area elsewhere.

10. Environmental Clearance.

The Ministry of Environment and Forest, Government of India have accorded Environmental Clearance vide their Letter No J-11015/779/2007-IA.II(M) dated 16.01.2009 to this project of M/s OMC Ltd for an annual production capacity of 0.07 Million tonne of Iron ore. The State Pollution Control Board, Odisha has accorded Consent to Establish (CTE) in favour of the project vide their letter dt. 7.6.2016 which is valid for 5 years. The SPCB, Odisha has also granted Consent to Operate (CTO) vide their letter dt. 29.12.2015 which is valid till 31.3.2018.

11. Phased Reclamation Plan

The calendar showing Reclamation and Plantation proposed to be undertaken in this lease is furnished. The user agency has furnished an undertaking to execute this work.

12. Rehabilitation and Re-settlement

The project does not involve displacement of any human habitation. Hence R&R Plan is not required.

13. Mining Plan & Progressive Mining Closure Plan

Scheme of mining with Progressive Mines Closure Plan pertaining to Unchabali Iron ore mining lease has been approved by IBM in letter No. MS/FM/13-ORI/BHU/2014-15 dt. 13.2.2015. The mining lease area contains a total mineable reserve of 10,630 million tonnes of Iron Ore. Considering the annual production capacity of the mine is 1.0 Million ton of iron ore, the estimated life period of the mine is 11 years.

14. Violation

Although the DFO, in his site inspection report has indicated that 1.923 ha of land has been broken up which includes 0.208 ha in the safety zone of the mining lease treating the land as non-forest land, yet the DDM, Joda has reported that excavation done previously by M/s Essel Mining & Industries Ltd had crossed the Southern boundary of existing Unchabali Mining lease of OMC Ltd at CC I lease line. This broken up area in the ML area over 68 ha. is to an extent of 1.923 ha. Hence OMC Ltd. does not have any role in breaking of the land in this mining lease. No other field violation has been reported by the DFO, Keonjhar.

15. Others.

Net Present Value is applicable to this project. The Basic information of Keonjhar Forest Division, District profile of Keonjhar and State Profile have been furnished.

16. DGPS maps

Further in compliance to the circular No. F. No- 11-9/98- FC dated 08.07.2011 of Ministry of Environment and Forests, Government of India, to ensure accurate delineation of the forest area proposed to be diverted for non-forestry purpose under Section-2 of Forest (Conservation) Act, 1980, the required digital geo-referenced (DGPS) map incorporating co-ordinates of latitude and longitude of forest area therein ,duly verified by ORSAC and authenticated by DFO, Keonjhar & Revenue authority.

17. Certificate under Forest Rights Act guidelines of MoEF&CC

As per Gol, MoEF&CC guidelines dt.03.08.2009 and subsequent guidelines issued thereafter, the Collector, Keonjhar has issued requisite certificate 1P under FRA-2006 for entire 68.091 ha of forest land (as per DGPS survey) proposed for diversion, in prescribed format.

The Principal Chief Conservator of Forests, Odisha has recommended the proposal.

Further, the State Government is requested that may be approved under Section-2 of Forest (Conservation) Act, 1980 in favour of the User Agency subject to the following stipulation:

- a) The User Agency shall pay towards cost of removal of trees enumerated before commencement of work on Stage-II approval and tree felling should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest Officer, Keonjhar Forest Division.
- b) The User Agency shall pay the proportionate cost for implementation of Regional Wildlife Management Plan as per revised cost norm. Besides, the Site Specific Wildlife Conservation Plan for the project as well as its impact area shall be prepared by the user agency and approved by CWLW, Odisha for its execution at project cost.
- c) 11.24 ha of forest land is to be maintained as safety zone and in no circumstances, it shall be used for mining and other allied activities.
- d) The user agency shall undertake demarcation of the lease area on the ground posting four feet high cement concrete pillars embedded two feet inside the soil with serial number, forward and backward bearings, and distance from pillar to pillar. The user agency shall also submit the map of lease area showing different kinds of forest land using DGPS survey datas and latitude and longitude of each pillar to the Divisional Forest Officer, Keonjhar for his reference before commencement of work on final forest clearance.
- e) Since environmental clearance has been obtained by the user agency for 0.7MTPA and Mining scheme is for production of IMTPA, revised environmental clearance if required, shall be obtained by the user agency.
- f) Since the DFO has reported that soil erosion is likely to increase following felling of trees in undulating topography, the user agency shall take appropriate steps to control erosion in the applied area.
- g) It shall be indicated whether the ML period has been extended as per MMDR Amendment Act, 2015 and if so, whether supplementary lease deed has been executed for the extended period.

In view of above, the facts related to the proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 26.04.2018 for their examination and appropriate recommendation.

Agenda No. 8

F. No. 8-33/2018-FC

Sub: Diversion of 64.00 ha Reserved Forest land for Tiger Interpretation Safari Park at Kakadiya village, Tilakwada Ta. Of Narmada District in favour of Conservator of Forests, Wildlife Circle, Vadodara.

1. The State Government of Gujarat vide their letter No. FCA-1018/10-49/17/S.F-36/F dated 07.03.2018 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. The facts related to the proposal as contained in the State Government's letter dated 07.03.2018 are given below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 64.00 ha. Reserved Forest land for Tiger Interpretation Safari Park at Kakadiya village, Tilakwada Ta. Of Narmada District in favour of Conservator of Forests, Wildlife Circle, Vadodara.							
2.	Location (i) State (ii) District	Gujarat Narmada							
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy. No. (iii) Map	Narmada Forest Division 64.00 ha Reserved Forest Toposheet submitted : 68/c							
4.	Brief not on vulnerability of the forest area to erosion	The site falls within the lower Narmada valley which geologically includes the Precambrian basement metamorphic and granites, having medium slope, there is no possibility of erosion.							
5.	Approximate distance of proposed site for diversion from boundary of forest.	25 km.							
6.	Species-wise (scientific name) and diameter class-wise enumeration of trees (to be enclosed. In case of irrigation/hydel projects enumeration at FRL. FRL. Meter & FRL-4 meter also to be enclosed.	S. No	Scientific Name	Local Name	(31-60) cm.	(61-90) cm.	(91-120) cm.	(121-150) cm.	(>150) cm.
		1.	Embelica officinalis	Amala	26	12			
		2.	Tamarindus indica	Amali	25	15			
		3.	Terminalia arjuna	Arjun Sadad	12	25	2		
		4.	Azadirachta indica	Limado	48	23			
		5.	Eucalyptus	Nilgiri	58	38			
		6.	Diospyros melanoxylon	Timaru	58	30			
		7.	Acacia catechu	Khair	340	428	82		
		8.	Tectona grandis	Sag	54				
		9.	Butea monosperma	Khakhar	25	38			
		10.	Holoptelia integrifolia	Palpaniya	15	26	2		
7.	(ii) Density	0.35							
8.	Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area	No							

	and comments of the Chief Wildlife Warden	
9.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No
10.	Whether any protected archaeological/ heritage site/defense establishment or any other important monuments is located in the area.	No
11.	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.	No
12.	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.	No any alternative.
13.	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.	Compensatory afforestation over degraded forest land of 20 ha.
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	Yes
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	Detailed scheme of CA is at Pg no. 54-55/c.
	(iv) Total financial outlay for CA	60.86 lakhs.
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	Yes (Page 59 & 60)
14.	Catchment Area Treatment	NA
15.	Rehabilitation of Oustees a) No of families involved b) Category of families c) Details of rehabilitation plan	NA NA NA
16.	Employment likely to be generated	Yes, Permanent/Regular employment: 30 Temporary Employment (Number of person-days): 24000
17.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers	Enclosed at Pg no. 48/c.

	(Recognition of Forest Rights) Act, 2006	
18.	Site Inspection Report by DFO/CF with their specific recommendation	SIR by DCF, Narmada at Pg-50-51c SIR by CF, Narmada at pg-52/c
19.	Cost Benefit Ratio	Enclosed at pg. 32-36/c
20.	Total Cost of the Project	Rs. 2154.44 Lakh.
21.	Recommendation i. DCF ii. CF iii. Nodal Officer/PCCF iv State Government	Recommended (Pg-81/c) Recommended (Pg-82/c) Recommended (Pg-27/c) Recommended (Pg-28/c)
22.	District Profile (i) Total Geographical area of the district (ii) Total Forest area/ Divisional Forest area (iii) Total area diverted since 1980 (iv) Total CA stipulated since 1980 (Forest land) a. Forest land including penal CA b. Non Forest Land (v) Progress of Compensatory Afforestation a. Forest land b. Non Forest land	275550.00 ha. 114769.99 ha 3326.398 ha (10 cases) 2388.00 ha 1372.94 ha 2386.00 ha 1372.94 ha

3. **The Detailed Note:** Tiger Interpretation Park, Narmada is proposed in Kevadiya village, Tilakwada of Narmada District, the project is proposed for 64.00 ha, since the project is on the way to Sardar Sarovar dam & ongoing statute of Unity, valley of Flower project, there is regular flow tourists & their number increase sharply during vacation period which helps to grasp opportunity of the inflow of tourists. There is no human habitation within proposed area of project. As proposed project will benefit local community by generation of employment in the form of tourist guide, sell of local items, souvenir shops etc.

4. **The lay out plan is as follow:**

- i) Building & other facilities- 14 Ha,
- ii) Safari Area- 40 Ha,
- iii) Restricted area- 5 Ha.

5. The area involved has been declared as a Reserved Forest land vide Government of Gujarat Notification No. AKH/70-77/FLD-1677/71707-P, dated 09.06.1977.

6. This project being established to mitigate the rising challenge of human wildlife conflict, to create awareness and show care the need for construction of animal in the region.

7. 1382 trees are required to be cut in the demanded area. Girth and Species wise list of trees is enclosed (pg 18/c)

8. There is no violation of Forest (Conservation) Act, 1980 as Certified by the concerned Deputy Conservator of Forest.

9. The Project area is not a part of Protected area /Sanctuary/National Park and the project area is 25 Km. away from the Shoolpaneshwar Wildlife Sanctuary.

10. Project authority has submitted undertakings to defray the cost of CA, NPV and any increase thereof. (Pg. 44-45/c)

11. CA is proposed at 20 ha forest land at Comp. NO. 12, village- Namariya Ta- Tilakwada District -

Narmada Scheme of CA is given.

12. Site inspection report of the Project area is provided by the concerned CF & DCF.
13. APCCF and Nodal Officer (FCA), Gujarat State, Gandhinagar has recommended the proposal.
14. Additional conditions under chapter-5 of FCA, 1980 shall be applicable to this proposal as the Government of Gujarat's Resolution No. FCA-1013/11-10/11/SF-24/F, dated 12.06.2015. The user agency has be bound to comply additional condition as per the aforementioned resolution. The project authority has submitted undertakings for the same.
15. The FRA is enclosed (**pg no. 48/c**) but it is not in accordance with the guidelines of the Ministry dated 03.08.2009 read with 05.07.2013.
16. The Cost Benefit Analysis is enclosed (**pg no. 32-36/c**) is not in accordance with the guidelines of the Ministry dated 01.08.2017.

In view of above, the facts related to the proposal may be placed before FAC in its forthcoming meeting for their examination and appropriate recommendation.

Agenda No. 9

F. No. 7-27/2014-ROHQ

Sub: Guidelines under Forest (Conservation) Act, 1980 for diversion of private forest land for construction of residential building-reg.

1. MOEF vide letter dated 11th February 2011 stipulated guidelines for allowing construction of residential or dwelling houses in private forest land located in areas falling under jurisdiction of the Mussoorie Dehradun Development Authority (MDDA);
2. These guidelines inter-alia provides that construction of residential houses in private forest / deemed forest in MDDA areas of Uttarakhand can be permitted on the following conditions:
 - a. Construction activity for residential purpose in private forest area shall be allowed only for domestic purposes and shall not be extended to any institutional building or commercial development.
 - b. The constructional activities shall be restricted to a maximum of 250 sq. meter of built up area in each case.
 - c. The construction of residential buildings in private forests is permitted in MDDA areas and other parts of Uttarakhand State only in order to alleviate hardship of homestead owners for constructing/completing their bona-fide residential building.
 - d. Permission will be subject to:
 - i. Tree felling should be minimum.
 - ii. Sufficient soil conservation measures should be taken.
 - iii. Permission of MDDA and other regulatory bodies for construction in hill areas shall be obtained.
 - iv. Construction shall be in accordance with the master plan of Mussoorie /Doon valley Notification and other regulatory conditions imposed by other regulatory bodies.
 - v. Building plan should be approved by MDDA.
 - e. All other standard conditions required for such projects including planting of tree species and NPV.

3. Regional Office (North Central Zone), Dehradun was informed the MoEF that they have received applications seeking prior approval of Central Government under the FC Act for construction of residential or dwelling houses in private forest land located in areas falling under jurisdiction of MDDA. However, according to them, as per these guidelines, none of the applicants have been found to eligible for grant of the said permission. The reasons for the same are as below:

 - a. The applicants are not homestead owners.
 - b. The applicants are not local residents of Mussoorie.
 - c. Permission can be granted only in those areas where slope is not more than 30 degree. But the factual position is that there would hardly be any forest land in Mussoorie which has slope less than 30 degree.
4. Regional Office (North Central Zone), Dehradun has therefore, requested that the said guidelines may appropriately be amended.
5. This issue was considered by the Forest Advisory Committee in its meeting held on 22nd & 23rd September, 2014 and the FAC after detailed deliberations recommended that in supersession of this Ministry' letter No. L-UP/952/1996-FC-V dated 11.02.11 said guidelines may be amended to provide that para 4.5 of the said guideline may read as below:

 - (i) Construction activity for residential purposes in private forest/ deemed forest area of MDDA shall be allowed only for domestic residential purposes and shall not be extended to any other type of buildings.
 - (ii) The constructional activities shall be restricted to a maximum of 250 sq. meter of plinth area in each case.
 - (iii) Persons who have resided in the area falling in municipal limit of Mussoorie for a minimum continuous period of two years and are/ were registered as voter in area falling in municipal limit of Mussoorie for election to Members of Lok Sabha, Legislative Assembly or Municipal Council may be treated as local resident of the Mussoorie;
 - (iv) Permission for construction shall ordinarily not be allowed if the slope of the land is more than 30 degree. However, Regional Office, after being satisfied that proposed construction will geologically and structurally be stable/safe and is not likely to trigger landslide and consequent damage to itself and areas in its vicinity, may accord permission for construction even if the slope of land is more than 30 degree.'
 - (v) Permission shall be given in such cases with the condition that:
 - a. Tree felling should be minimum.
 - b. Minimum soil cutting should be done.
 - c. Sufficient soil conservation measures shall be taken by the land owner during and after construction period.
 - d. Construction shall be in accordance with the master plan of Mussoorie /Doon valley Notification and other regulatory conditions imposed by other regulatory bodies.
6. The recommendation of FAC held on 22nd & 23rd September, 2014 was placed before competent authority for approval. This was further discussed by DG (Forest) and MEF and it

was conveyed vide letter no. 7-27/2014-RoHQ dated 09.09.2015 that this Ministry may continue with existing guidelines.

7. Meantime, various representation of different authorities was received in this Ministry, which is as follow:
 - i. D.O. letter from Shri Vijay Bahuguna, Former Chief Minister, Uttarakhand dated 11.10.2016.
 - ii. D. O. letter from Shri Dinesh Aggrawal, Minister, Forest and Wildlife, Uttarakhand dated 31.08.2016.
 - iii. D. O. letter from Shri Ganesh Joshi, Member of Legislative Assemble, Vidhan Sabha, and Dehradun dated 17.03.2017.
 - iv. D. O. letter from Shri Bhagat Singh Koshyari, Member of Parliament (Lok Sabha) (Ex. Chief Minister, Uttarakhand) dated 28.02.2017.
8. In all the above D. O. references and representations of Shri Vinod Prakash Thapliyal, President, Mussoorie Estate Owners Association has been forwarded. Following issues has been highlighted in all the representations:
 - i. Request to simplify the process and allowing owners of land in Notified Private Forest Estates, in Mussoorie, District Dehradun (Uttarakhand) to build residential houses under the guidelines issued by the MoEF&CC, vide Letter/G.O F.No. L-UP/952/1996-FC-V dated 11-02-2011.
 - ii. That under the said Guidelines dated 11.02.2011; provision is made to allow for reversion of Private Forest land to the extent of 250 sq. mtrs of plinth area to every 'homestead' owner of land, for residential purposes only.
 - iii. Word "HOMESTED" be deleted from para 3 of the above stated guidelines dated 11.02.2011, as the same seems to be alien in the Indian context, in order to protect the fundamental rights and interests of residents of Mussoorie.
9. It is alleged in the representation that benefit was given to influential bureaucrats, politicians and large business houses. Later on the a different interpretation of the guidelines dated 11.2.11 proposals had been denied the permission on following grounds:

The applicants are not home stead owners

- A) The applicants are not local residents of Mussoorie
- B) Permission can be granted only in those areas where slope is not more than 30 degree. But the factual position is that there would hardly be any forest land in Mussoorie which has slope less than 30 degree.

10. The mater is under discussion since long. Earlier Hon'ble MEF desired to arrange presentation on the issue so that appropriate decision could be taken.
11. This is a major policy decision which may have wider implication throughout the country. Due to change in guard at MEF level and Secretary level at MoEF&CC the matter could not be discussed appropriately.
12. Later on 2.1.17 a meeting under the Chairmanship of DGF&SS was held to sort out major policy issues related to FC.

- 13.** The issue pertaining to private forests of Mussorie was also discussed and it was decided that the matter will be placed before Hon'ble MEF and may be taken to FAC after his permission.

In this regard, it is proposed that as decided in the meeting held on 2.8.17 we may place the fact before Hon'ble MEF/ or place the facts before FAC in its meeting held on 26.04.2018 for appropriate recommendations.

Nisheeth Saxena, Sr.AIGF (FC)

Agenda No. 1

F. No. 8-277/1985-FC (VOL.)

Sub: Proposal for diversion of 2.85 hectares of forest in the Ramavaram RF of Kothagudem division for installation of Sub-mersible Pumps & Sand Stowing Plant at Padmavathi Khani No. 5 Incline, in favour of Singareni Collieries Company Limited (SCCL).- reg.

1. The State Government of Telangana, Environment, Forests, Science & Technology (For.I) Department vide their letter No. 4182/For.I (1)/2013 dated 17.08.2013 placed along with its annexure **at page 1-109/c** was submitted to the respective Regional Office for consideration as the area was less than 40 ha. and it was showing pending on the website in the name of regional office. But this proposal did not consider by them as it was part of the area which was recommended by the Head Quarter (FC) of Ministry. Now the proposal is showing pending at HQ and hard copy of the p proposal is received on 04.04.2018 and accordingly being considered the above mentioned proposal to obtain prior approval of Central Government, in accordance with Section-2 of the Forest (Conservation) Act, 1980.
2. Details indicated in the proposal submitted by the Government of Telangana are as below:-

FACT SHEET

1.	Name of the proposal	Diversion of 2.85 hectares of forest in the Ramavaram RF of Kothagudem division for installation of Sub-mersible Pumps & Sand Stowing Plant at Padmavathi Khani No. 5 Incline, in favour of Singareni Collieries Company Limited (SCCL).
2.	Location:- (i) State (ii) District (iii) Forest Block (iv) Compartment.	Telangana. Khammam. Ramavaram. 3,4,6,& 7 of Ramavaram RF
3.	Details of the user agency	
(i)	Name of the user agency	M/s. Singareni Collieries Company Limited (SCCL), Telangana.
(ii)	Nature of the user agency	Central PSU.
4.	Particulars of Forests:- (i) Name of forest Division (ii) Forest area involved (iii) Legal Status / Sy. No. (iv) Maps	Kothagudem. 2.85 ha. The area of 2.85 ha. Proposed for diversion of forest land for installation of submersible pumps and Sand stowing plant at Padmavathi Khani No. 5 is falling in Ramavarm RF block of Ramavaram Range notified under Section 18 of Hyderabad Forest Act published in Gazette No. 40 dated 30.10.1349 Fasli. (Pg. 37-43/c).
5.	(i) Vegetation (ii) Density	- 0.4

6.	Species-wise local/(Scientific names) and girth-wise enumeration of trees at FRL.	Girth class wise number of trees (Pg. 29-34/c).							Total Value	
		Up to 30 cm	31 - 60 cm	61 - 90 cm	91 - 120 cm	Above 120 cm	Poles no.	Timber Cum.		Fuel Cum.
		67	97	42 fuel 25 timber	21	11	206	7.858	5.021	63,788/
7.	Brief note on vulnerability of the forest area to erosion.	The 2.85 ha. of area is having mixture of misc. species such as Chloroxyion Swetenia (Billudu), Hardwicka Binata (Narayepi), Acacia Sundra (Sundra), Morinda tomentosa (Togaru), Wrightia tinctoria (Pala), Diosapyros ferrea (Alli), Teminalia bellerica (Thani) and Cassia fistula (Rela) and having a density of <0.4 with an average height 2 to 3 mts. The area is having gentle slope with Red loamy soil all over the applied area, there is no possibility of soil erosion in the area.								
8.	Approximate distance of the proposed site for diversion from boundary of forest	The area applied for mining lease is in the middle of the Compartment No. 3 is for sand stowing plant and pump houses area also in middle of Compartment No. 4,6,&7 is at a distance of 200 to 500 meters from boundary line.								
9.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if so, the details of the area the comments of the Chief Wildlife Warden to be annexed)	No.								
10.	Details of wildlife present in and around the forest land proposed for diversion.	No.								
11.	Whether the forest land proposed for diversion is located within eco-sensitive zone(ESZ) of the Protected Area notified under Wildlife(Protection) Act,1972 (Note: In case, ESZ of a Protected Area is not notified,then,10kms distance from boundary of the Protected Area should be treated as ESZ.	No.								
12.	Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within 1	No.								

	Km. from boundary of the forest land proposed for diversion.	
13.	Whether area is significant from wildlife point of view	-
14.	Whether any rare / endangered unique species of flora and fauna found in the area. If so, details thereof.	No.
15.	Whether any protected archaeological / heritage site / Defence establishment or any other important monument is located in the area.	In the proposed site there are no archaeological / heritage site or defence establishment etc. are enclosed.
16.	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.	The extent of 2.85 ha. requested by the user agency is the barest minimum for installation of submersible pumps and Sand stowing plant at Padmavathi Khani No. 5. Thus proposal is un avoidable.
17.	Whether any work in violation of the Act 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.	No.
(i)	Details of violation (s):	
(ii)	Period of work done (Year):	
(iii)	Area of forest land involved in violation (in ha.)	
(iv)	Whether work in violation is still in progress (Yes / No)	
18.	Compensatory Afforestation:	-
(i)	Details of non-forest area / degraded forest area identified for Compensatory Afforestation, its distance from adjoining forest, number of patches, size of each patch:	The user agency has identified non-forest land in Kadekal Village of Wazeedu Mandal of Venkatapuram Range of Bhadrachalam (N) Division of Khammam District. The User agency has handed over the non-forest land in Sy. No. 45/2=54.81 ha and 25/2=31.02 ha totalling 85.83 ha which was handed over to Divisional Forest Officer, Bhadrachalam (N) in the year 2004. As per the CA scheme proposal submitted by the Divisional Officer, Bhadrachalam (N), the non-forest land is adjacent to Peruru Reserve Forest on Northern side.

(ii)	Map showing non-forest / degraded forest area identified for compensatory afforestation and adjoining forest boundaries;	The map of non-forest land identified in Sy. No.45/2 of Kadekal village to an extent of 2.85 ha. is shown in 1:50,000 scale along with surveyed sketch which are enclosed in CA scheme proposals prepared by Divisional Forest Officer, Bhadrachalam (N).
(iii)	Detailed compensatory afforestation scheme including species to be planted, implementing agency, time schedule cost structure etc.,	The Divisional forest officer, Bhadrachalam (N) has prepared CA scheme which is enclosed along with this proposals. The Scheme envisages raising of NTFP plantations with SMC structures. The total cost of the scheme works out to Rs. 8.167 lakhs, during the period from 2011-12 to 2017 to 2018. (Pg. 61-82/c). The scheme was prepared in 2011-12 and since then wage rate certainly increased therefore the CA scheme has to revise on current wage rate and to be submitted with Shape file in the Ministry for consideration.
(iv)	Total financial outlay for compensatory afforestation scheme:	Rs. 8.167 lakhs.
(v)	Certificate from competent authority regarding suitability of area identified for compensatory afforestation and from management point of view. (to be signed by the concerned DCF).	Certificate issued by the Divisional Forest Officer, Bhadrachalam (N) is available in the file at (Pg. 82/c).
19.	Reclamation Plan	Not given.
20.	CAT Plan	Not applicable.
21.	Rehabilitation of Oustees	No.
22.	Employment Potential Permanent / Temporary.	In the existing padmavathi Khani No. 5 incline Mine, 1693 persons are employed and they will be continued to be employed.
23.	Whether clearance under the Environment (protection) Act, 1986 is required?	Not applicable, as there is no increase in the lease area or production.
24.	Status of Wildlife Clearance	Not required.
25.	Total period for which the forest land is proposed to be diversion (In years).	20 years.
26.	Cost Benefit analysis.	C.B. analysis is not required as the requirement of forest land is less than 5.00 ha. (Pg. 15/c).
27.	Total Cost of the Project (Rupees in lakhs)	448 lakhs (Pg.15/c).
28.	Site Inspection Report of the Divisional Forest Officer in compliance to the conditions	Site Inspection Report by Divisional Forest Officer, Kothagudem is enclosed at page no. 27-28/c.

	stipulated in the col. 7 (xi, xii) 8 and 9 previous approval.	
29.	Recommendations:	-
	(i) DFO	Recommended (Pg. 18-23/c).
	(ii) CCF	Recommended (Pg. 24/c).
	(iii) PCCF / Nodal Officer	Recommended (Pg. 25/c).
	(iv) State Government	Recommended (Pg. 26/c).
30.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.	<p>The District Collector & District Magistrate, Khammam, Government of Telangana vide his letter No. G/1793/2011 dated 15.08.2012 (Pg.83/c) has issued a FRA certificate for diversion of 2.85 hectares of forest in the Ramavaram RF of Kothagudem division for installation of Submersible Pumps & Sand Stowing Plant at Padmavathi Khani No. 5 Incline, in favour of Singareni Collieries Company Limited (SCCL).</p> <p>Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, has been submitted and the same is placed in the file at (Pg.83-109/c).</p>
31.	District Profile	
	(i) Total Geographical area (in Ha.)	1.60.29.00 ha. 2,11,420 ha.
	(ii) Total forest area (in Ha.)	73.19,960 ha. 1,51,350 ha.
	(iii) Total area diverted since 1980	
	(i) Total area proposed for afforested since 1980	
	(a) forest land including penal Compensatory Afforestation	4334.41 ha (13 cases)
	(b) non-forest land.	-
	(v) Total area afforested since 1980;	
	(a) forest land	103.80 ha.
	(b) non-forest land	-
32.	Details of mining lease:-	
(i)	Date of grant of mining lease	Not provided.
(ii)	Total area of the mining lease (granted originally)	Not provided.
(iii)	Date of execution of mining lease	Not provided.

(iv)	Mine Plan	Not provided.
(v)	Progressive Mine Closure Plan	Not provided.
(vi)	Date of earlier approval obtained under the Forest (Conservation) Act, 1980.	Not provided.

3. The Government of Telangana in their said letter dated 17.08.2013 submitted following additional information pertaining to the proposal:

(i) Purpose wise breakup of the total land required:

A. For pump Houses:- : 0.36 ha.
 (i) For 3 nos. of Pump Houses (3Nos. x 40m x 30m)
 (ii) For approach road, transmission line and water pipe: 0.35 ha.
 Line (3 m. width x 115 m. length)

Sub – total : 0.71ha.

B. For Sand Stowing Plant:-

(i) For showing plant, water tank, sand yard etc : 0.73 ha.
 (119.0 m x 118.8 m)

(ii) For approach road, transmission line and water pipe: 1.41 ha.
 Lines (7 m width x 1037.258 m. length)

Sub-total 2.14 ha. Total land required for (A) + (B) : 2.85 ha.

(ii) The user agency has submitted undertakings to bear the cost of CA and NPV (Pg. 478-49/c).

In view of the above facts related to the proposal, it is proposed that proposal may be submitted to the FAC, in its meeting scheduled to be held on 26.04.2018.

Agenda No. 2

File No-8-42/2017-FC

Sub:- Proposal for diversion 68.40 hectares of forest land for CCL Konar Washery, B & K, Area, for seeking prior approval under section – 2 of forest (Conservation) Act, 1980 in the State of Jharkhand.

1. The Government of Jharkhand, Department of Environment Forests, and Climate Change vide their letter No. VAN BHOOMI – 03/2016-2166 VP, Ranchi dated 23.05.2017 submitted a proposal to obtain prior approval of the Central Government, in terms of the section-2 of the Forest (Conservation) Act, 1980 for diversion 68.40 hectares of forest land for CCL Konar Washery, B & K, Area, for seeking prior approval under section – 2 of forest (Conservation) Act, 1980 in the State of Jharkhand.
2. The proposed area falls in Bokaro Forest Division of Bokaro District. Of the total 68.40 Ha proposed for diversion 65.9 Ha is Protected Forest and 2.5 Ha of Jungle Jhari Land.
3. The Density of vegetation is 0.7 and Eco Class is III.
4. The proposed area is hilly terrain and prone to erosion. As reported by the DFO, Bokaro some of animals present in the area proposed for diversion are *Hyaena, Rock Python, Peacock, Jungle Quail, Indian Jackal, Russel Viper etc.*, However it has been reported that the area does not form part of National Park, Wildlife Sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc and forest land proposed for diversion is not located within eco-sensitive zone (ESZ) of the Protected Area notified under Wildlife (Protection) Act, 1927. Also no national park, wildlife sanctuary, biosphere reserve, tiger

reserve, elephant corridor, wildlife migration corridor etc., is located within 1 KM from boundary of the forest land proposed for diversion.

5. No protected archaeological/ heritage site/defence establishment or any other important monument is located in the area
6. No work in violation of the Act or guidelines issued under the Act has been carried out and the requirement of forest land as proposed by the user agency in Column 2 of part-I is unavoidable and barest minimum for the project
7. The Compensatory Afforestation has been proposed to be taken up over 140 Ha of degraded forest land double in extent to the area to be diverted. The financial implication of the CA has been worked out to Rs. 343.63296 Lakhs
8. The Certificates from competent authority regarding suitability of area identified for Compensatory Afforestation and from management point of view have also been obtained.
9. The District Collector, Bokaro, Government of Jharkhand has issued FRA certificate dated 24.12.2016 with respect to the land for diversion of 68.40 hectares (including GMJJ i.e. 2.50 ha) certifying the information in respect of all clauses of the MoEF's advisory dated 05.07.2013 i.e. diversion of forest land for facilities managed by the Government and safeguarding the rights of Primitive Tribal Group and Pre-Agricultural Communities as required under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, discussion on the proposal in meeting of concerned Gram Sabha (s) maintaining the prescribed quorum, etc. Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 The in concerned Gram Sabha (s) of Govindpur and Bermo villages have been provided.
10. It has also been stated that there is no displacement or any oustees. It has been reported that, the Environment Clearance under Environmental (Protection) Act, 1986, is under process in file no. J-11015/337/2005-IA-II (M) dated 03.11.2015.
11. It was also observed that the Differential GPS map of the area proposed for diversion, Survey of India toposheet on 1:50,000 scale showing the area proposed for diversion, Land use plan etc had not been provided. The proposal however had the recommendation of the DFO, CF, Nodal Officer FCA and the State Govt.
12. The State Government of Jharkhand vide letter dated 23.05.2017 submitted the following additional information pertaining to the proposal:
 - i. The justification given by the user agency for locating project on proposed land *“the coal seam is being a site specific, for which mining plan is approved, falls underneath the forest land proposed for diversion. Therefore, location cannot be changed.”*
 - ii. As informed by the project proponent no any alternate site is available in 15 Km surrounding the diverted area.
 - iii. Total number of trees located in the diverted forest land 18137 numbers list enclosed with the proposal may kindly be seen at
 - iv. The Land Schedule Plan has been submitted by the State Government of Jharkhand signed by the Circle Officer, Bokaro.
 - v. The State Government has also submitted the comments of Chief Wild Life Warden, State Government of Jharkhand, wherein it was stated that the area proposed for diversion does not fall in any Protected Area nor in 10 Km vicinity of any Protected Area.
 - vi. The proposal has been uploaded on the Ministry's web site and unique file No. FP/JH/Others/20067/2016 has been generated. The concerned filed officers and the Principal Chief Conservator of Forests & Head of Forest Force have recommended the proforma proposal in Part – II, III and IV respectively.
 - vii. The project proponent has been submitted the under taking to bear the cost of raising and maintenance of CA as well as cost for protection and maintenance of safety zone, NPV and any other lawful demand as per the prevailing laws/Guidelines applicable as per the Government norms in respect of 68.40 ha forest land to be diverted for Konar Washery.
 - viii. The user agency shall pay the amount of Compensatory Afforestation for double degraded.

- ix. Purpose wise breakup of the forest land proposed for diversion. The total land requirement for the project is 68.40 ha. is forest land.

S. No.	Activities	Area (in Ha.)
1.	Power Plant	30.00
2.	Washery	20.92
3.	Safety Zone	5.18
4.	Green Zone	12.30
Total		68.40

13. The FAC considered the above facts in its meeting held on 15.06.2018 and after having considered the same and having heard project proponent observed the following:

- a. The Cost Benefit analysis has not been provided for Washery.
- b. Justification for inclusion of a Thermal Power Plant which is not a site-specific activity, and neither essential for washery, in 30 Ha (out of 68.40 Ha) is not given.
- c. The detailed land use plan has not been provided.
- d. The DGPS map for the proposed area of diversion not given
- e. The FRA certificates show variations in area and are unclear as to which area they pertain.
- f. The CA sites appear to be encroached and some patches are already forested.
- g. The area proposed would affect a major river (Konar)
- h. The report of the CF states that washery is to be constructed in 19.0 Ha in previously diverted forest area of 288.26 Ha of Konar OCP. and only 7.40 H of forest land will be required additionally. The State Government to clarify the same *vis a vis* the present proposal.

The FAC recommended that the above issues be clarified by the State Govt. and on receipt of the clarification the matter be placed before the FAC again.

14. In accordance with recommendation of FAC on 15.06.2017, the Govt. of Jharkhand vide this Ministry's letter dated 27.07.2017 to furnish the information/documents as sought FAC. The Government of Jharkhand, Department of Environment Forests, and Climate Change vide their letter No.VAN BHOOMI – 03/2016-1405 VP, Ranchi dated 04.04.2018 submitted their response. The information sought by MoEF&CC and reply thereof given by State Govt. are as under:

S.N.	Information sought by MoEF&CC	Reply thereof given by State Govt.
1.	The Cost Benefit analysis has not been provided for Washery.	In this regard the State Government informed that the Cost benefit analysis has been given and the same is placed in the file at (Pg. 510-515/c). The Cost Benefit ratio is 1:8.46. (Pg. 515/c).
2.	Justification for inclusion of a Thermal Power Plant which is not a site-specific activity, and neither essential for washery, in 30 Ha (out of 68.40 Ha) is not given.	In this regard the State Government informed that the ToR for Environment Clearance of the MoEF & CC states in one of the condition that Konar Washry shall establish near the Mining area.
3.	The detailed land use plan has not been provided.	In this regard the State Government informed that the detailed land use plan has been

		submitted and the same may kindly be seen at (Pg. 516/c).
4.	The DGPS map for the proposed area of diversion not given	In this regard the State Government informed that the DGPS map for the proposed of diversion area has earlier been uploaded on the web portal through online. A copy of the same is again submitted and may kindly be seen at (Pg. 517/c).
5.	The FRA certificates show variations in area and are unclear as to which area they pertain.	In this regard it is reported by the PCCF, Jharkhand vide his letter dated 18.10.2017 (Pg. 454-456/c) that the FRA certificates so variations in area and are unclear to which area they pertain. Copy of the same is placed in the file at (Pg. 518-546/c).
6.	The CA sites appear to be encroached and some patches are already forested.	In this regard the State Government informed that the Site Inspection carried out by the DCF, Regional Office, Ranchi and he was convinced that the identified degraded forest land of 166.40 ha. of forest land in lieu of proposed diversion of (68.40 x 2 =136.80 ha.) which is more than 29.64 ha. for the compensatory afforestation & it is also mentioned the land is suitable for plantation.
7.	The area proposed would affect a major river (Konar)	In this regard the PCCF, Jharkhand vide his letter dated 18.10.2017 (Pg. 454-456/c) reported that: <ol style="list-style-type: none"> 1. Minimum distance from proposed washery site to Konar is more than 1278 meter which more than 750 meter. 2. The Washrey is based on closed water circuit and not washery effluent is likely to reach the river. 3. The existing railway line from Barkakana to Gomoh passes along the river and acts as a barrier between the proposed washery and river. As such the activity of washrey will not affect Konar River. 4. Three tier plantation along the project boundary proposed in the FC application will further help in dust attenuation, plantation over 17.48 ha (safety zone 5.18 ha + Green Belt 12.30 ha.) having thickness varying from 10m to 50m will help in proper dust

		<p>suppression and prevent migration of dust to the river.</p> <p>5. Coal transport from washery to sidling is proposed through closed belt conveyor and from siding to railway wagons is proposed through covered silos which will minimize pollution.</p>
8.	<p>The report of the CF states that washery is to be constructed in 19.0 Ha in previously diverted forest area of 288.26 Ha of Konar OCP. and only 7.40 H of forest land will be required additionally. The State Government to clarify the same <i>vis a vis</i> the present proposal.</p>	<p>In this regard the State Government reported that the user agency has been informed that the Washry will be constructed in 19.00 ha. in previously diverted forest area of 288.26 ha. of Konar OCP, 7.40 ha. is the part of applied area i.e. 68.40 ha. of forest land.</p>

In view of above, the facts related to the proposal, may be placed before FAC for its consideration in its forthcoming meeting scheduled to be held on 26.04.2018.

Agenda No. 3

File No-8-31/2018-FC

Sub.: Proposal to obtain approval under the Forest (Conservation) Act, 1980 for prospecting of Coal Minerals for 68.00 hectares of forest land in West Chhindwara Division PML for drilling of 17 bore holes in favour of M/s. CMPDI, Limited Nagpur, West Chhindwara Forest Division State of Madhya Pradesh.

S. No., 1(R); page No.1-33/ Corr.

1. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, the Forest (Conservation) Act, 1980, Government of Madhya Pradesh vide their letter No. F-1/790/2017/10-11/377 Bhopal dated 07.02.2018 (**Pg. 1-33/c**) forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for proposal to obtain approval under the Forest (Conservation) Act, 1980 for prospecting of Coal Minerals for 68.00 hectares of forest land in West Chhindwara Division PML for drilling of 17 bore holes in favour of M/s. CMPDI, Limited Nagpur, West Chhindwara Forest Division State of Madhya Pradesh.
2. The M/s. Central Mine Planning & Design Institute Limited, Nagpur (Maharashtra) vide his letter No. 2048 dated 08.09.2017 (**Pg. 30/c**) has forwarded an application for prospecting of Coal Minerals for 68.00 hectares of forest land of 17 boreholes in West Chhindwara District, Madhya Pradesh, under the Forest (Conservation) Amendment Rule, 2016 issued by this Ministry's dated 06.03.2017 (**Pg. 7-14/c**).
3. Details indicated in the proposal submitted by the Government of Madhya Pradesh are as below:-

FACT SHEET

1.	Name of the proposal	Proposal to obtain approval under the Forest (Conservation) Act, 1980 for prospecting of Coal Minerals for 68.00 hectares of forest land in West Chhindwara Division PML for drilling of 17 bore holes in favour of M/s. CMPDI, Limited Nagpur, West Chhindwara Forest Division State of Madhya Pradesh.
2.	Location:- (i) State (ii) District	Madhya Pradesh. West Chhindwara.
3.	Details of the user agency	
(i)	Name of the user agency	M/s. CMPDI Limited, Nagpur.
(ii)	Nature of the user agency	-
4.	Particulars of Forests:- (i) Name of forest Division (ii) Forest area involved (iii) Legal Status / Sy. No. (iv) Maps	Chhindwara West (T) Forest Division 68.00 ha. Not given. Not given.
5.	(i) Vegetation (ii) Density	Not given. 0.1
6.	Species-wise local/(Scientific names) and girth-wise enumeration of trees at FRL.	
7.	Brief note on vulnerability of the forest area to erosion.	
8.	Approximate distance of the proposed site for diversion from boundary of forest	
9.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if so, the details of the area the comments of the Chief Wildlife Warden to be annexed)	Not given.

10.	Details of wildlife present in and around the forest land proposed for diversion.	
11.	Whether the forest land proposed for diversion is located within eco-sensitive zone(ESZ) of the Protected Area notified under Wildlife(Protection) Act,1972 (Note: In case, ESZ of a Protected Area is not notified,then,10kms distance from boundary of the Protected Area should be treated as ESZ.	
12.	Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within 1 Km. from boundary of the forest land proposed for diversion.	Not given.
13.	Whether area is significant from wildlife point of view	
14.	Whether any rare / endangered unique species of flora and fauna found in the area. If so, details thereof.	
15.	Whether any protected archaeological / heritage site / Defence establishment or any other important monument is located in the area.	
16.	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.	
17.	Whether any work in violation of the Act 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.	Not given.

18.	Compensatory Afforestation	Not applicable.
19.	Reclamation Plan	
20.	CAT Plan	
21.	Rehabilitation of Oustees	
22.	Employment Potential Permanent / Temporary.	
23.	Whether clearance under the Environment (protection) Act, 1986 is required?	
24.	Status of Wildlife Clearance	Not applicable
25.	Total period for which the forest land is proposed to be diversion (In years).	
26.	Cost Benefit analysis.	Not given.
27.	Total Cost of the Project (Rupees in lakhs)	
28.	Site Inspection Report of the Divisional Forest Officer in compliance to the conditions stipulated in the col. 7 (xi, xii) 8 and 9 previous approval.	
29.	Recommendations:	
	(i) DFO	Not given.
	(ii) CCF	
	(iii) PCCF / Nodal Officer	
	(iv) State Government	
30.	Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.	Not given.
31.	District Profile, Chhindwara	
	(i) Total Geographical area (in Ha.)	
	(ii) Total forest area (in Ha.)	
	(iii) Total area diverted since 1980	
	(ii) Total area proposed for afforested since 1980	

	(b) forest land including penal Compensatory Afforestation (b) Non-forest land.	Not given.
	(v) Total area afforested since 1980 27.04.17 (a) forest land (b) non-forest land	

4. The user agency has undertaken to adhere to the provisions of Forests (Conservation) Act, 1980 & its amendments. No trees will be cut for the drilling or boreholes and necessary shifting of proposed points will be done to locate the boreholes in the open land in the forest areas. Only existing path will be used to access the proposed points and no new paths will be constructed.

5. **The State Government has not submitted the proposal through online. Moreover, the recommendations of DFOs, CCF, PCCF & Nodal Officer and Principal Secretary of Forest Department are not given it is required as per provision of Forest (Conservation) Rules 2016.**

In view of the above facts related to the proposal, it is proposed that proposal may be submitted to the FAC for its consideration in its forthcoming meeting scheduled to be held on 26.04.2018.

Agenda No. 4

File No-8-11/2018-FC

Sub: Proposal for diversion of 248.76 ha. of Forest Land for construction of Kadan Medium Irrigation Project in favour of Water Resources Department, Sagar District Madhya Pradesh State.– regarding.

1. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh vide their letter No. F-3/81/2016/10-11/12/575 Bhopal dated 27.02.2018 (Pg. 1-181/c) submitted a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 248.76 ha. of Forest Land for construction of Kadan Medium Irrigation Project in favour of Water Resources Department, Sagar District Madhya Pradesh State.
2. This Ministry vide its letter of even number dated 19.03.2018 (Pg. 119/c) requested to the Regional Office, Bhopal to carry out the site inspection of the area proposed for diversion. The Regional Office vide their letter No. 6-MPA07/2018-BHO/056 dated 12.04.2018 (Pg. 120-127/c) submitted the site inspection report of the area.
3. The facts related to the proposal as contained in the proposal submitted by the State Government and in the site inspection report submitted by the Regional Office, Bhopal are given below in the form of fact sheet:

FACT SHEET

1.	Name of the Proposal	Diversion of 248.76 ha. of Forest Land for construction of Kadan Medium Irrigation Project in favour of Water Resources Department, Sagar District Madhya Pradesh State.
2.	Name and nature of the user agency	Water Resource Department, Sagar Madhya Pradesh.
3.	Nature of the user agency	A State Government undertaking.
4.	Category	Irrigation.
5.	Period of time	100 years.
6.	Location (i) State (ii) District (iii) Compartment No.	Madhya Pradesh. Sagar. RF367, RF368, PF369
7.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy. No (iii) Maps	Sagar (N) forest Division –248.76 ha. Sagar North Reserved forest land. i. SOI – Pg. 12/c. ii. DGPS Map - Pg. 13/c. iii. 10 km radius map – not submitted. iv. CA area maps – Pg. 72-78/c. v. Layout map – Not submitted.
8.	Topography of the area	-
	(i) Geology (ii) Vulnerability to erosion	Not reported. No.
	(i) Vegetation & Density (ii) No. of trees to be felled	0.3 Eco –Class 3 As reported by the State Government the number of trees /plant FRL wise to be felled in the proposed area: FRL = 1605 plant FRL = 1382 trees (above 30cm) FRL4 = <u>440 trees</u> Total number of trees: 3427.
9.	Whether area is significant from wildlife point of view	No
10.	Details of wildlife present in and around the forest land proposed for diversion:	None.
11.	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	No.

12.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No.
13.	Approximate distance of the proposed site for diversion from boundary of forest.	Proposed area is at about 60 km from Panna Tiger Reserve
14.	Whether the forest land proposed for diversion is located within eco-sensitive zone (ESZ) of the Protected Area notified under Wild (Protection) Act, 1972 (Note: In case, ESZ of a Protected Area is not notified, then, 10 kms distance from boundary of the Protected Area should be treated as ESZ):	No.
15.	Whether any national park, wildlife sanctuary, biosphere reserve, Tiger reserve, elephant corridor, wildlife migration corridor etc., is located within 1 Km from boundary of the forest land proposed for diversion:	No.
16.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	No.
17.	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.	No.
(a)	Details of violation (s)	
(b)	Period of Work done (year)	
(c)	Area of forest land involved in violation (in ha.)	
(d)	Whether work in violation is still in progress (Yes / No)	
18.	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.	Yes.
19.	Whether clearance under the Environment (protection) Act, 1986 is required?	As reported by the user agency, the EC application under process.
20.	Status of Wildlife Clearance.	As reported by the user agency, No wild life clearance is required.
21.	Compensatory Afforestation	
	(i) Details of non-forest area/degraded forest area identified for CA, its distance	It is reported that equivalent revenue land has been identified in Sagar Forest Division for

	from adjoining forest, number of patches, size of each patches.	compensatory afforestation as per details given by the State Government:																																												
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining forest boundaries.	<table border="1"> <thead> <tr> <th>S. No.</th> <th>Village</th> <th>Tehsil</th> <th>Khasra No.</th> <th>Rakba in ha.</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Mragawali</td> <td>Malthon</td> <td>1/1/2</td> <td>96.00</td> </tr> <tr> <td>2.</td> <td>Bhelaiya</td> <td></td> <td>402/1/2</td> <td>30.00</td> </tr> <tr> <td>3.</td> <td>Maswasi Grant</td> <td>Sagar</td> <td>37/2</td> <td>50.00</td> </tr> <tr> <td>4.</td> <td>Muderi</td> <td>Dewari</td> <td>47/1</td> <td>47.00</td> </tr> <tr> <td>5.</td> <td>Bhardi</td> <td rowspan="2">Kesali</td> <td>88/1</td> <td>14.38</td> </tr> <tr> <td>6.</td> <td>Kharkhari</td> <td>1/3</td> <td>4.68</td> </tr> <tr> <td>7.</td> <td>Sahajpuri Kalan</td> <td>Rehli</td> <td>1/4</td> <td>6.70</td> </tr> <tr> <td colspan="4" style="text-align: right;">Total</td> <td>248.76</td> </tr> </tbody> </table> <p>Copy of the same may kindly be seen at page 97-113/c.</p> <p>The land identified for CA has been transferred in favour of the State Forest Department. A copy of the evidence given by the District Collector pertaining to the mutation of the said land has also been submitted by the State Government (Pg. 50-64/c).</p>	S. No.	Village	Tehsil	Khasra No.	Rakba in ha.	1.	Mragawali	Malthon	1/1/2	96.00	2.	Bhelaiya		402/1/2	30.00	3.	Maswasi Grant	Sagar	37/2	50.00	4.	Muderi	Dewari	47/1	47.00	5.	Bhardi	Kesali	88/1	14.38	6.	Kharkhari	1/3	4.68	7.	Sahajpuri Kalan	Rehli	1/4	6.70	Total				248.76
S. No.	Village	Tehsil	Khasra No.	Rakba in ha.																																										
1.	Mragawali	Malthon	1/1/2	96.00																																										
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7.	Sahajpuri Kalan	Rehli	1/4	6.70																																										
Total				248.76																																										
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	Page 97-113/c .																																												
	(iv) Total financial outlay for CA	Rs. 1223.37/- (Pg. 89/c)																																												
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	Land suitability certificate is given by the competent authority only for 176.00 ha. copy of the same may kindly be seen at page no-95/c. <u>However, the competent authority has not given the suitability certificate for 248.76 ha. of CA land.</u>																																												
22.	Catchment Area Treatment	(Pg. 130-176/c) . The user agency has also submitted undertaking (Pg. 79/c) .																																												
23.	Rehabilitation of Oustees	No displacement involves.																																												
24.	R & R plan	Not applicable.																																												

25.	Compliance of Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.	<p>The District Collector, Sagar Madhya Pradesh has issued FRA certificate letter No. 3065A/FRA/2016-17/Sagar dated 08.03.2017 (Pg. 27/c) for diversion of 248.76 ha. of Forest Land for construction of Kadan Medium Irrigation Project in favour of Water Resources Department, Sagar District Madhya Pradesh State.</p> <p>Details/Report of District Level Committee has also submitted by State Government, may kindly be seen at (Pg. 28/c).</p> <p>Documentary evidences in support of settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 may kindly be seen at Pg. 29-49/c.</p>
26.	Site Inspection Report of the Divisional Forest Officer;	The Site Inspection Report carried out by the Divisional Forest Officer, Sagar Madhya Pradesh, copy of the same may kindly be seen at (Pg. 91-93/c) .
27.	Cost Benefit Ratio	55.26 (Pg. 20-25/c) .
28.	Total Cost of the Project	Rs. 38579/- (Lakhs) (Pg. 2/c)
29.	Employment Potential	Permanent – 50 Temporary- 150
30.	Recommendation i. DFO ii. CCF iii. Nodal Officer iv SG	Recommended Pg. 94/c Recommended Pg. 177/c Recommended Pg. 178/c Recommended Pg. 179/c
31.	District Profile, Sagar (i) Total Geographical area of the district (ii) Total Forest area/Divisional Forest area (iii) Total area diverted since 1980 (iv) Total CA stipulated since 1980 (Forest land) (a) Forest Land (b) Non-forest land	1040634 ha. 291795.70 ha. 490.323 (total cases 36) 201.86 ha. - -
	i. Progress of Compensatory afforestation as on 30.11.2017 (a) Forest land (b) Non Forest Land	201.86 ha. 658.66 ha.

4. The Addl. Principal Chief Conservator of Forests (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh vide their letter No. F-3/81/2016/10-11/12/947 dated 28.03.2018 (Pg. 128-181/c) has submitted additional information pertaining to the proposal:

- (i) The user agency has given the purpose-wise breakup of the proposed forest land:

S. No.	Detail of work	Forest Division	Forest Section	Cell No	RF/PF	Approved area in ha.
1.	3	4	5	6	7	8
1.	Main Dam place	Sagar (North)	71 Lalak Paatan	RF-367	Reserved Forest	3.90 3.00
2.	Vaist Vear Spill Ve	-	-	-	-	-
3.	Spill Channel	-	-	-	-	-
4.	Submergence area of Main Dam	-	-	RF-367 RF-368 RF-369	Reserved Forest	48.96 174.34 18.56
5.	River Area	-	-	-	-	-
6.	Mine	-	-	-	-	-
7.	Approach Road	-	-	-	-	-
8.	Other Work	-	-	-	-	-
Total:						248.76

- (ii) The user agency has submitted undertakings to pay the cost of CA & NPV (Pg. 181/c).

5. The forest land proposed to be diverted has been inspected by Shri B. Abhay Bhaskar, Dy. Chief Conservator of Forests (Central), Regional office (Western Zone), Bhopal. Additional information furnished in the inspection report submitted by the Regional Office (Western Zone), Bhopal vide their letter dated 12.04.2018 (Pg. 120-127/c) are as below:-

Officers present during site inspection:-

- (i) Shri B. Abhay Bhaskar, DCF(C), R.O. Bhopal
(ii) Shri. Gupta, EE, WRD, Damoh, Govt. of Madhya Pradesh.
(iii) Shri R. Jain, SDO, WRD, Damoh, Govt. of Madhya Pradesh.
(iv) Field staff of Forest Department & WRD, M.P.

Date of Inspection: **05th April 2018**

- (i) Legal Status of Forest land proposed for diversion.

- a. Reserved forest land : 248.76 ha
b. Protected forest land : 00.00 ha
c. Revenue forest land : 00.00 ha
d. Non-forest land : 506.02 ha

- (ii) How the land proposed for diversion is to be utilized? : **Storage of water for irrigation project.**

Component wise breakup			
S. No	Component	Forest Land (ha.)	Non-Forest Land (ha.)
1	Dam	Not Submitted	Not Submitted
2	submergence	Not Submitted	Not Submitted

- (iii) Whether the proposal involves any construction of buildings (including residential): **Not submitted.**

- (iv) Total cost of Project. : **Rs. 38579.00 lakhs.**

- (v) Wild Life:

Whether the forest area proposed for diversion : **No**
is important from Wildlife point of view or not:

(vi) Aerial distance from the nearest boundary of any protected area: **No.**

(vii) Vegetation :

a. Trees to be felled:

Level	(31-60) cm.	(61-90) cm.	(91-120) cm.	(121-150) cm.	(>150) cm.	Total
FRL	59	113	597	462	140	1391
FRL-2	-	-	-	-	-	-
FRL-4	40	86	150	50	114	441

b. Effect of removal on the general ecosystem in the area: **the irrigation project.**

As per Part-II, Canopy Density is 0.3 & Eco-class 3. The vegetation of area consists of *monosperma*, *Madhuca indica*, *Syzigium cumini*, *Ficus religiosa*, *Terminalia arjuna*, *Eucalyptus*, *Terminalia bellerica*, *Tamarindus indica*, *Diasporus melanoxylon*, etc were observed. The forest is mixed forest with teak as major species.

(viii) Background note of the proposal:

The project shall store water in 181.25 sq km area. The project is kadan medium irrigation tank project with command area of 9,990.00 ha. The project will bring command area under multiple cropping pattern, which will bring the uplifting of peoples

(ix) Compensatory Afforestation: **Applicable, non-forest land = 248.76 ha. District Sgar (e-portal).**

A	Whether land proposed / selected for C.A. is suitable for plantation and management point of view?	Yes																																
B	Whether land for C.A. is free from encroachment of other encumbrances?	Yes																																
C	Whether land for C.A. is important from religious or archaeological point of view?	No																																
D	Land identified for raising C.A. is in how many patches? Whether patches area compact or not?	<p>7 (Seven) patches in Sagar district:</p> <table border="1"> <thead> <tr> <th>S. No</th> <th>Village</th> <th>Area (in ha.)</th> <th>khasra</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Mragawali</td> <td>96</td> <td>1/1/2</td> </tr> <tr> <td>2</td> <td>Maswas Grant</td> <td>50</td> <td>37/2</td> </tr> <tr> <td>3</td> <td>Sahajpurikan</td> <td>6.7</td> <td>1/4</td> </tr> <tr> <td>4</td> <td>Kharkhari</td> <td>4.68</td> <td>1/3</td> </tr> <tr> <td>5</td> <td>Bhelaiya</td> <td>30</td> <td>402/1/2</td> </tr> <tr> <td>6</td> <td>Bhardi</td> <td>14.38</td> <td>88/2</td> </tr> <tr> <td>7</td> <td>Muderi</td> <td>47</td> <td>47/1</td> </tr> </tbody> </table>	S. No	Village	Area (in ha.)	khasra	1	Mragawali	96	1/1/2	2	Maswas Grant	50	37/2	3	Sahajpurikan	6.7	1/4	4	Kharkhari	4.68	1/3	5	Bhelaiya	30	402/1/2	6	Bhardi	14.38	88/2	7	Muderi	47	47/1
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7	Muderi	47	47/1																															

E	Maps with details	Yes
F	C.A. area should be clearly shown on the map, patches wise and their contiguity to the forest area, etc.	Yes
E	Total financial outlay of 10 years CA programme	4606.629 lakhs

- (x) Whether proposal involves violation of Forest (Conservation) Act ? : **No.**
- (xi) Whether the proposal involves rehabilitation of displaced people? : **No.**
- (xii) Reclamation Plan details and Financial Allocation: **Not applicable.**
- (xiii) Cost benefit ratio : **1: 3.02 (5% interest) & 1:1.76 (10% interest)**
- (xiv) Utility of project: **for water storage and irrigation in command area.**
- (xv) Number of Scheduled Case and Scheduled Tribe involved in the Project: **No.**
- (xvi) Compliance of FRA 2006-DC Certificate: **is submitted from DC, Sagar MP.**
- (xvii) Whether the land being diverted has any socio-cultural / religious value: **No**
- (xviii) Whether any sacred groves or very old growth of tree of forest exist in the area proposed for diversion? : **No**
- (xix) Recommendation of Nodal officer and the State government:
- The Nodal officer – recommended.
 - The State Government –recommended.
- (xx) Details of comments of the APCCF (LM), MP on alternate routes/alignments for locating the projects. : **Recommended by APCCF (LM), MP**
- (xxi) Specific observation of inspecting Officer:
- (xxii) The site inspection was carried out on 05.04.2018.
- (xxiii) **Specific observation and suggestion for project based on Site Inspection:-**

- The area is very dry which can be seen through the cropping patter and economic condition of the farmers. As per National Water Policy, 2012, it is proposed to seek the detailed drinking water supply plan / scheme from State Govt of Madhya Pradesh **or** minimum of 20% of the water on annual basis shall be used for providing clean & potable drinking water to the villagers.
 - The project proposal is only for dam and it was told during site inspection that irrigation shall be through pressurized pipes. Future, the User Agency may be sought to submit the suitable submission for non-requirement of forest land for irrigation Canal and DISNET, etc.
 - The forestry plantation is tough job & for growth of any plants basic things like minimum soil depth, minimum moisture holding capacity and minimum nutrition is required.
- The CA area and observations

Sl. no	Village	Area (ha.)	Khasara	DSS remarks
1	Mragawali	96	1/1/2	45 ha MDF, Agriculture, Encroachment.
2	Maswasi Grant	50	3/2	Agriculture, Encroachment.
3	Sahajpuri kalan	6.7	1/4	Agriculture, Habitation
4	Kharkhari	4.68	1/3	Bare rocky area
5	Bhelaiya	30	402/1/2	Agriculture, Encroachment.
6	Bhardi	14.38	88/2	Bare rocky area , Agriculture.
7	Muderi	47	47/1	47 ha MDF, Agriculture, Habitation.

- Sl. No.1 & 7 shows MDF. We may accept it with condition that State Govt. shall provide the details of degraded forest area where they shall carry out in leave of MDF area.
- Sl. No. 4 & 6 shows bare rocky area. So, it is proposed to seek alternative land.
- All area shows agriculture, encroachment & habitation.

(xxiv) Recommendations of APCCF(C), R.O., Bhopal :

In view of the details mentioned in the site inspection report of Dy. Conservator of Forest (C), undersigned recommends the proposal for the diversion of 248.76 ha. of forest land for construction of Kadan medium irrigation project in favour of Water Resources Department, Sagar

district of Madhya Pradesh under Forest (Conservation) Act, 1980 keeping in view all the conditions & observations as contained in DCF(C)'s Site Inspection Report.

6. Specific recommendation of the DFO:-

- (i) Kadan medium project is of national important and it will provided water for irrigation of the land. Therefore it is recommended for approval.
7. The Total area proposed for CA is found to be 308 ha. Whereas 248.76 ha. Mentioned in the instant proposal there is a discrepancy of 59.24 ha. Is observed.
8. There are presence of settlements & agriculture fields inside the proposed area for diversion and same is depicted through high resolution satellite data.

It is proposed that the proposal along with site inspection report received from the Regional Office (Western Zone), Bhopal may be placed before the Forest Advisory Committee in its forthcoming meeting scheduled to be held on **26th April, 2018** for its examination and appropriate recommendations.

Naresh Kumar, DIGF (FC)

Agenda No. 1

F. No. 7-79/2015-FC (Pt. IV)

Sub: Issue of NPV in I.A. No. 2707/2009 in the matter titled as the Registrar, Kuvempu University Vs. Union of India & Others in W.P. (Civil) No. 202/1995 titled T. N. Godavarman Vs. Union of India

The FAC in its meeting held on 15/06/2017 discussed the above mentioned proposal and observed as follows:-

The State Govt. of Karnataka in 1978 granted lease over an area of 230 acres of Singanamane Reserve Forest in Shivamogga district in Bhadra Reservoir Project area of Karnataka in favour of the Mysore University for a period of 20 years. Meanwhile, Kuvempu University was established in 1987. In 1980s, the said area of 230 acres of Reserved Forest was constituted as Wild Life Sanctuary. In addition to this, Forest (Conservation) Act was enacted in 1980 prohibiting use of forest land for any non-forest use without prior permission of the Central Government.

The State Forest Department claimed that the lease granted to the Mysore University in 1978 had expired in 1998 and therefore the Kuvempu University cannot unlawfully occupy the area in question and construct buildings on it. Subsequently, the Kuvempu University approached the State Forest Department for renewal of the said lease. The matter was in turn referred to the Central Wild Life Board. The Central Wild Life Board imposed/suggested certain conditions including imposition of NPV amount to a cost of Rs. 43 crores on the ground that the said area is a Wild life Sanctuary. An equivalent area of revenue land was identified in the Chikkamagalore District to be added to the Bhadra Wild Life Sanctuary.

Thereafter, the Kuvempu University approached the State Govt. of Karnataka and on the basis of the suggestions filed an interim application in the Hon'ble Supreme Court of India for the exemption of NPV and permit the State Forest Department to renew the lease. The Hon'ble Court referred the matter to the CEC which made a report (on the basis of available records and not spot visit) recommending the renewal of the lease in favour of the Kuvempu University on the condition that the University should pay NPV at the normal rate treating the land to be reserve forest land.

Thereafter, the matter again came up for hearing in the Hon'ble Court to consider the report made by CEC. The instant IA i.e. I. A. No. 2707 of 2009 was considered along with other similar 300 (approx.) applications and all the applications were referred/ transferred to the MOEF&CC for further consideration and decision in accordance with law.

As per the available records, facts related to the instant matter are furnished as under:

1. The Government of Karnataka vide order dated 21.2.1979 accorded sanction for the lease of 230 acres of forest land situated in Singanamane Minor Forest and another 20 acres of forest land situated partly in Singanamane Minor Forest and partly in Aldhara Reserve Forest to the University of Mysore (now Kuvempu University) for the purpose of construction of conference hall, guest house, buildings etc. at a lease rent of Rs. 50 per acre per annum. The Government of Karnataka by its order dated 17.12.1981 fixed the lease period of 20 years for the above said lease of forest land. Subsequently, in partial modification of the earlier order, the Government of Karnataka vide order dated 11.05.1987 restricted the extent of the lease area to 230 acres in Singanamane Minor Forest. Thereafter the lease agreement was executed between the Chief Conservator of Forests (General) and the Registrar, University of Mysore on 13.07.1987 for a term of 20 years starting from 28.02.1979.

2. The leased forest land forms part of **Bhadra Wildlife Sanctuary for which the preliminary notification was issued on 07.09.1974** and the final notification was issued on **09.03.1998**. The lease forest area also forms part of the Bhadra Tiger Reserve declared by order dated 20.12.2007 of the State of Karnataka.
3. The proposal for the renewal of the lease in favour of Applicant University was considered by the Standing Committee of the Indian Board of Wildlife (IBWL) in its meeting held on **12.07.2002** and has been recommended subject to following conditions :
 - (1) The University should start M.SC Course in Wild Life Science;
 - (2) The University should organize capsule courses on the use of information technology for wild life management.
 - (3) The University should refrain from using chemical fertilizers, pesticides in its lawns, horticulture gardens and agriculture fields; and
 - (4) The State Government will compensate for reduction of the area of the sanctuary by adding 339 Ha. of contiguous forest land to the sanctuary expeditiously in a period of 90 days.
4. In compliance of the above said decision taken by the IBWL the Deputy Commissioner, Chikmagalur District has by his order dated 26.05.2009 **transferred 301.27 acres of land** to the Forest Department. The Deputy Commissioner vide his letter dated 26.05.2009 addressed to the Regional Commissioner, Mysore Revenue Division, Mysore also recommended transfer of 648.408 acres of land to the Forest Department. Apparently no formal order for the same has till date been issued.
5. The Applicant University, in accordance with Apex Court orders dated 30.10.2002, 28.03.2008 and 09.05.2008 in IA No. 826 and connected IA's (NPV matter), is required to pay NPV for the forest land involved in the present case. The Applicant University in addition, in accordance with the guidelines issued by the MoEF regarding implementation of the Forest (Conservation) Act, 1980, is required to pay the cost of the compensatory afforestation. The present Application has been filed seeking exemption from the payment of NPV and the cost of compensatory afforestation and also seeking permission for renewal of the lease in favour of the Applicant University.
6. The Karnataka Forest Department filed an affidavit dated 16.7.2010 before the CEC wherein it was stated that the Applicant University's prayer for exemption from the payment of NPV and compensatory afforestation is not maintainable either in law or on the facts of the case, in view of Hon'ble Supreme Court's order dated 30.10.2002, 28.03.2008 and 9.5.2008 (pertaining to NPV)
7. CEC is of the view that after considering the following facts:
 - (a) The forest land involved in the present case was leased to the Applicant University for a period of 20 years prior to the enactment of the Forest (Conservation) Act, 1980,
 - (b) The use of the forest land by the Applicant University for the construction of conference hall, guest house and other buildings took place prior to this Hon'ble Court's order dated 30.10.2002 and
 - (c) The nature of the project (which is primarily a non-revenue earning public utility government project),

The instant case qualifies for considering exemption from payment of the full amount of the NPV. The forest land involved in the present case falls within the Bhadra Wildlife Sanctuary and thereafter as per Hon'ble Supreme Court's orders dated 28.3.2009 and 9.5.2009, the Applicant University is required to pay NPV @ 5 times i.e. the normal applicable rates of the NPV.

Recommendation made in the CEC Report dated 12th September 2013

1. The CEC was of the view that instead of payment of 5 times of the normal rates of the NPV, Hon'ble Supreme Court may consider the case of the Applicant University as a special case permitting it to deposit the NPV at the normal rate of the NPV. The cost of the compensatory afforestation is payable by the user agency in accordance with the guidelines issued by the MoEF for implementation of the Forest (Conservation) Act, 1980 and not in compliance of the directions issued by the Hon'ble Supreme Court and therefore no exemption from the payment of the same may be considered by the Hon'ble Court. In view of the facts and circumstances of the present case and after considering that the use of the forest land falling within the Bhadra Wildlife Sanctuary is in public interest and no viable alternative is feasible the CEC was of the view that the renewal of lease in favour of Applicant University may be permitted.
2. The CEC recommended that the Hon'ble Court may consider permitting use of 230 acre of forest land falling within the Bhadra Wildlife Sanctuary for renewal of lease in favour of Applicant Kuvempu University subject to the following conditions:
 - i) The condition on which the proposal has been cleared by the Standing Committee of the India Boards of Wildlife in its meeting held on 12.07.2002 will be strictly complied with; and
 - ii) The NPV for the forest land will be deposited at the normal rates (instead of five times of the normal of the NPV).

The operative part of the order dated 05/10/2015 passed by the Hon'ble Supreme Court of India passed in I.A. No. 2707/2009 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.”

8. **FAC Recommendation on 15/06/2017:** After careful consideration of the facts placed before it, FAC opined to obtain comments of State Government of Karnataka on the petitions received from Hon'ble Apex Court. The matter will be considered in next FAC meeting.
9. As per above recommendation of FAC, the State Government of Karnataka was requested vide this Ministry's letter dated 22/09/2017 to furnish their comments. But the comments are awaited, accordingly, the State Government vide this Ministry's letter dated 15/02/2018 and 12th March 2018 reminded the State Government with a request to depute an official/counsel/representative conversant with subject along-with the comments of State Government, but no person was present from the applicants side, the FAC decided that the agenda may be deferred for the next FAC meeting to enable this ministry to take a fair and lawful decision in the matter.

The Project proponent is again requested vide letter dated 20th April, 2018 to depute a representative, so that the case may be presented before the FAC on 26/04/2018 at 10:00 AM in Krishna Conference Hall, 4th Floor, Jal Block, Indira Paryavaran Bhawan, New Delhi to enable this ministry to take a fair and lawful decision in the matter.

In view of the above the fact related to the above proposal are placed before FAC for their examination & appropriate recommendation.

Agenda No. 2

F.No.7-79/2015-FC (Pt.V)

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. 3826 of 2014 in I.A. No. 826&859 in I.A. No. 566/2002 in W.P. (Civil) No. 202/1995 in the matter titled as T. N Godavarman vs. Union of India.

Vide placed at F/R is a representation as received (F/R) on behalf of Defence Estates Office, Siliguri Circle in reference to the letter dated 12.05.2016 of this Ministry related to the Matters of Exemptions from the Payment of NPV. **The submissions made in the representation are as under:**

2. *The Ministry of Defence vide its letter dated 27th March 1991 accorded sanction for acquisition of 198.10 acres (80.2040 Ha. of land) in Menshithang, Chungthang, North Sikkim for establishment of formation of logistic node at an estimated cost of Rs. 3,26,70,777/-.*
3. *Subsequently gazette notifications dated 24.09.1991, 22.09.1992 and 26.05.1994 were issued and published by Sikkim Govt. with respect to the land measuring 198.10 acres in Menshithang, Chungthang, North Sikkim (Applicant's land in question.*
4. *On account of cost of acquisition in respect of 56.59 acres of Pvt. Land in Menshithan, the Applicant (Defence Estates Officer, Siliguri Circle) has paid Rs. 74, 58,044/- on 27.09.1993 via Bank Draft. Thereafter, the Applicant paid Rs. 2,2189,481/- on 02.03.1994 on account of cost of acquisition in respect of 141.51 acres of Forest Land in Menshithan.*
5. *The DEO, Siliguri took possession of the area measuring 141.51 acres of Forest Land from the Forest Department and handed over to the Local Military Authority on 19.05.1994. Further, on account of*

compensatory afforestation charges for acquisition of 141.51 acres of Forest Land, the Applicant paid Rs. 1,86,12,525/- to the Sikkim Forest Department.

6. Thereafter, the PCCF cum Secy., Deptt. of Forest, Environment and Wildlife Management, Govt. Sikkim vide Memo dated 19.12.2005 informed Secy., MOEF that the User Agency has complied with the conditions stipulated in Stage-I Clearance and forwarded the proposal for obtaining final approval of MOEF&CC under section – 2 of the FC Act, 1980.
7. Subsequently, the MOEF&CC [Sr. AIGF (FC Division)] vide F.No. 8-349/1989-FC order dated 06.04.2009 granted final approval under Section 2 of the FC Act, 1980 for diversion of 141.51 acres /57.292 Ha. of Forest Land in Menshithan, North Sikkim subject to fulfilment of certain conditions.
8. In view of the above, the Applicant has requested to kindly examine the case and consider the matter for exemption of NPV in light of the Hon'ble Supreme Court of India order dated 05/10/2015 in I. A. No. 3826 of 2014 in I.A. No. 826&859 in I.A. No. 566/2002 in W.P. (Civil) No. 202/1995.
9. The operative part of the order dated **05/10/2015** passed by the Hon'ble Supreme Court of India passed in I.A. No. 2707/2009 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/matrs specified in Annexure – III to the note supplied by Shri Harish Salve, learned amicus curiae.”

10. It is to further state that;

1. The applicant, DEO, Siliguri Circle has not paid NPV and the same is confirmed by this Ministry's letter dated 8th January, 2014, placed at **F/A**.
 2. The Applicant has himself approached Hon'ble Supreme Court for exemption from payment of NPV vide IA No. 3826/2014 in IA No. 826 & 854 in IA No. 566 in W.P.(C) No. 202/1995. **(Flagged)**
 3. The instant case is the only matter pertaining to Defence / Para Military among all the 17 IAs forwarded to this Ministry by the Supreme Court Registry.
- 11.** The Stage-I approval letter dated 30th April, 1992 and Stage-II approval letter dated 06th April, 2009 are placed below at **F/B&F/C** respectively for consideration.
- 12.** No apparent justification is provided for seeking exemption except that in para 9 of the IA filed by the application it has been mentioned that "9. It is respectfully submitted that this Hon'ble Court in its order dated 09.05.2008 does not include "establishment of Formation of logistic node and administrative

installation by the Defence establishment". The only exemption to the defence authority is the road constructed by the Defence in the border area i.e. clause no.(x) of the order dated 28.03.2008"

13. The above facts placed before FAC in its meeting held on 20.07.2017 and the Committee observed the following:

The instant matter pertains to State of Sikkim wherein 141.51 acres of forest land was diverted with Stage-II permission having been granted on 6.4.2009. The User Agency had petitioned before the Hon'ble Supreme Court.

- I.** The FAC observed that this matter was transferred by the Supreme Court to the Ministry to decide the policy issue pertaining to payment of NPV.
- II.** The FAC considered the facts as available with the Ministry and decided to take up the matter in the subsequent FAC in the presence of the user agency who would have to be present with all details and documents in support of the submission for exemption from payment of NPV.
- III.** The FAC requested the Ministry to serve notice to the party to remain present with the above sought details for the consideration of the FAC.
 1. The Defence State Officer, Silliguri Circle vide his letter no. SK/203/ACQ/Vol-V/56 dated 13.09.2017 referring their earlier letter dated 14/07/2016 and this Ministry letter dated 12th May, 2016 requested to intimate the present position of the case.
 2. The Project Proponent was requested to depute an official/counsel/representative conversant with subject along-with the comments of State Government to represent the case before the Forest Advisory Committee on 23rd of February, 2018 and 22nd March, 2018, but no person was present from the applicants side, the FAC decided that the agenda may be deferred for the next FAC meeting to enable this ministry to take a fair and lawful decision in the matter.
 3. The Project proponent is again requested vide letter dated 20th April, 2018 to depute a representative, so that the case may be presented before the FAC on 22/03/2018 at 10:00 AM in Krishna Conference Hall, 4th Floor, Jal Block, Indira Paryavaran Bhawan, New Delhi to enable this ministry to take a fair and lawful decision in the matter.

In view of the above the fact related to the above proposal are placed before FAC for their examination & appropriate recommendation.

Agenda No. 3

F. No. 7-79/2015-FC (Pt. VII)

Subject: -IA No. 2247 has been filed by the Ootacamund Gymkhana Club seeking directions regarding the golf course being run by it in Wenlockdowns Reserved Forest in District Nilgiris, Tamil Nadu. The following prayer have been made in the IA.

Facts of the present Interlocutory application are as follows:

- 1) The Applicant, Ootacamund Gymkhana Club was established in the year 1896 and runs a 18 hole golf course in Wenlockdowns Reserved Forest, District Nilgiris, Tamil Nadu.

- 2) The Wenlockdowns Reserved Forest has been notified under Section 16 of the then Madras Forest Act, 1882 on 26.3.1900. Simultaneously, special Rules for the above said Reserved Forest were notified under Section 21 of the Madras Act, 1882. The Rule 9 provides that:

“Golfing within the Reserved Forest shall be permitted the Collector’s permission nor shall any building connected with the game be erected without his sanction.”

- 3) The Applicant Club has been carrying on the golfing activities over an extent of 193.56 acres of the said Reserved Forest. Earlier, no rent or charges was being paid by it. From 1962 onwards, and annual permit fee of Rs. 1/- per acre was being collected from it and it was fixed by the District Forest Officer, Nilgiris North as per the Chief Conservator of Forest letter dated 02.05.1961.

The annual permit has been renewed every year.

- 4) After the enactment of the Forest (Conservation) Act, 1980 the lease rent for 193.56 hectares of the Reserved Forest being used by the Applicant Club was fixed as per Government orders dated 21.7.1986 and 13.4.1991 and the Applicant Club was asked to remit the lease amount for the period 1986-87 to 1998-99 amounting to Rs. 593.05 lakh. However, the Applicant Club continued to pay the lease rent at the rate of Rs. 1/- per acre up to 1994-95. Subsequently, the Applicant Club as per Government order dated 8.1.1999, has paid Rs. 10.50 lakhs at the rate of Rs. 50,000/- per annum for the period from 1986-87 to 2006-07.

- 5) Since the golf course of the Applicant is located on Reserved Forest, its renewal requires approval under the Forest (Conservation) Act. The matter was considered by Hon’ble Supreme Court during the hearing held on 4.3.1997, when in respect of golf course being run by the Applicant Club, the following order was passed:

“The Golf Course at Kodaikanal and Udthagamandalam are permitted to function subject to the condition that the District Collector and the Dist. Forest Officer of the area concerned are associated with the functioning of the same till the approval of the Government of India is received.”

- 6) A request under section 2 of Forest (Conservation) Act, 1980 was received from the club authorities for the actual utilization area of 169.29 acres during 2005. The club authorities had since remitted a token amount of Rs. 9.50 lakhs @ Rs. 50,000/- per annum for the year 1986-87 to 2004-05.
- 7) The DFO, the Nilgiris North Reported that an extent of 78.33 Ha of forest land was originally leased to gymkhana club and the actual minimum area required for golf activity was restricted to 39.80 Ha and the balance area of 38.53 Ha, could be resumed by the department.
- 8) The district collector Nilgiris certified that there was no alternative suitable non forest land available for the existing Ootacamund Gymkhana Club. The conservator of forest Coimbatore has recommended for diversion of 39.80 ha of forest land to the club for a period of 20 years.

- 9) The Govt. of Tamil Nadu also endorsed the recommendation of the PCCF not to lease out forest land of an extent of 39.80 Ha on Wenlock down reserved forest in the Nilguries to the Gymkhana club for Golf activities and foreword I to the government of India MOEF (Bangalore) for its decision under section 2 of the FC Act, 1980.
- 10) The Government of India, Ministry of Environment and Forest, Regional Office (Bangalore) in letter No.4-TNC329/2007-BAN/763 dated 07.09.2007 has conveyed central government's inability to approve the project under FC Act,1980 in the interest of conservation of forest.
- 11) The proposal filed by the Application Club for seeking approval under the FC Act for the use of the Reserved Forest land for the Golf Club has been rejected by the MoEF by order dated 7.9.2007 after the Application Club did not agree to pay the NPV and compensatory afforestation charges. Thereafter a notice dated 31.3.2008 was issued by the Tamil Nadu Forest Department to the Applicant Club to hand over the land to the forest department. Against the said notice the applicant Club filed Writ Petition No. 10538-9/2008 before the Hon'ble Madras High Court.
- 12) The present IA has therefore been filed by the Applicant Club before the Hon'ble Supreme Court primarily seeking exemption from the payment of the NPV.

The following prayers have been made in the Interlocutory application by the applicant;

- (a) Direct that since the Golf Course run by the applicant Ootacamund Gymkhana Club has been expressly noticed and permitted in the 26th March, 1900 notification, the land is not a forest land and in any event the sporting activity is a permissible nonprofit activity, for which neither compensatory afforestation cost and/ or net present value charges are payable.
- (b) Direct that the land on which Golf Course is functioning cannot be resumed by the State Government only on the ground that present value charges are not paid and order of stay dispossession.
- (c) Direct that the applicant is entitled to renewal of the lease/permit for the Golf Course on the existing terms i.e. on payment of a yearly amount of Rs. 50,000/-
- (d) After the grant of above prayers direct the Hon'ble High Court to dispose of the writ petitions no. 10358 and 10359 of 2008, on its own merits.
- (e) Grant ad-interim stay of the operation of the
- i. Order dated 7.9.2007 passed by the Deputy Conservator of Forests, (Central) till the Disposal of this application.
 - ii. Order dated 31.3.2008 passed by the DFO till the disposal of this application.

Recommendation made in the CEC Report dated 17th September,2009

1. The CEC is of the view that since the Applicant Club is running the golf course on Reserved Forest, it requires approval under the FC Act for the non forestry use of the forest land as well as for the renewal of the annual permits. Pursuant. to this Hon'ble Court's order dated 30.10.2002, at the time of the grant of approval under the FC Act, the NPV for the forest

land is payable by the Applicant Club. This Hon'ble Court has not granted exemption from the payment of NPV in respect of the Golf Courses located in the forest land.

2. On the request of the CEC, the District Collector, Nilgiris has got the forest area actually being used by the Applicant Club for golfing activity measured and identified. The details of the forest area Applicant Club are as under:

I.	Forest Area being used by the Applicant Club	
	i) For Golf Ground	30.64ha
	ii) Wooded Area within the Golf Ground	13.09ha.
	Total	<u>43.73 ha.</u>
II.	Wooded Area outside the Golf Ground	29.18 ha.
III.	Area with the Photo Film Manufacturing Company Ltd., Udhagai approach road and Wooded area	5.425 ha.
	Total	<u>78.335 ha.</u>

3. Since the Applicant Club is actually using 43.73 hectares of Reserved Forest, the annual permit may be restricted to the above area and the physical possession of the balance area may be formally taken over by the Forest Department. The approval under the FC Act may also be restricted to the 43.73 hectares of the Reserved Forest Area.
4. After considering that (a) the Applicant Club is a non-profit making organization registered under Section 25 of the Companies Act, 1956; (b) the golf course is being run by it since 1896; (c) the area under the Golf Club has been notified as Reserved Forest thereafter i.e. no 26.3.1900; and (d) the Rules notified simultaneously with that for the Reserved Forest specifically provide for the continuance of the existing Golf Club (s) in the Reserved Forest free of any charges it is recommended that:
 - (i) As a special case the applicant club namely, OotacamundGymkhana club may be permitted to pay the NPV in 10 equal annual installments instead of lump sumpayment;
 - (ii) One time approval under the FC Act may be obtained for annual renewals of permits for the golf course.Applicant Club, instead of doing so at the time of each annual renewal;
 - (iii) As directed by this Hon'ble Court by order dated 4.3.1997, the District Collector, Nilgiris and the District Forest Officer of the area concerned should be associated with the functioning of the Applicant Club; and
 - (iv) The approval under the FC Act and the annual renewal of permits should be restricted to 43.75 hectares of forest area actually being used by the Applicant Club. The physical possession of the balance forest area should be formally taken over by the Forest Department.

The operative part of the order dated 05/10/2015 passed by the Hon'ble Supreme Court of India passed in I.A. No. 2247/2009 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/maturs specified in Annexure – III to the note supplied by Shri Harish Salve, learned amicus curiae.”

- 13) Ministry vide its letter dated 12.05.2016, informed that the representative conversant with the subject to present the case before FAC in its meeting. Since the applicant / representative of applicant was not present before the FAC, FAC decided to take up this matter in next FAC meeting.
- 14) The Project proponent is again requested vide letter dated 20th April, 2018 to depute a representative, so that the case may be presented before the FAC on 22/03/2018 at 10:00 AM in Krishna Conference Hall, 4th Floor, Jal Block, Indira Paryavaran Bhawan, New Delhi to enable this ministry to take a fair and lawful decision in the matter.

In view of the above the fact related to the above proposal are placed before FAC for their examination & appropriate recommendation
