

**Proceedings of the forest Advisory Committee Meeting held on 29th & 30th
April, 2014 (B.K. Singh, Director (FC))**

Agenda Item no. 01: Diversion of 164.563 ha of forest land for upgrading to 2/4 lane of NH-15 (Amritsar-Bathinda-Ferozepur-Faridkot) in favour of M/s Executive Engineer, Central Works Division, PWD, Punjab.

The Committee discussed the above proposal of diversion of 164.563 ha of forest land for upgrading to 2/4 lane of NH-15 (Amritsar-Bathinda-Ferozepur-Faridkot) in favor of M/s Executive Engineer, Central Works Division, PWD, Punjab. The Committee noted as under:-

1. The legal status of the 52.0485 ha of the forest land in Ferozepur Forest Division, 39.7619 ha of forest land in Amritsar Forest Division, 30.90 ha of forest land in Bathinda Forest Division and 41.8526 ha in Faridkot Forest are Protected Forest. The density of vegetation for Bathinda and Faridkot is mentioned as 0.4, in Amritsar as 0.1 but it is not mentioned in case of Ferozepur.
2. The forest area proposed for diversion does not form part of any national park, wild life sanctuary, biosphere reserve, tiger reserve.
3. Compensatory afforestation has been planned on double degraded forest land.
4. No. of trees to be felled- 30,586 trees and 831 poles (666 in Amritsar and 165 in Faridkot)
5. No violation of the Forest (Conservation) Act, 1980 has been reported.
6. No alternative alignment has been considered by the user agency to ensure that minimum forest land has been proposed for diversion. Addl. PCCF, Regional Office, Chandigarh in his Inspection Note has commented that it is a case of widening of the existing National Highway and there are no other alternatives for locating the project on the non-forest land.
7. DGPS map of the area proposed for diversion is enclosed.
8. DGPS coordinates of the area proposed for compensatory afforestation is enclosed.
9. Requisite documents for compliance under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013 have not been submitted.
10. In view of the clarification issued by the Ministry of Tribal Affairs, Government of India vide its letter No. 23011/11/2013-FRA (Pt. III) dated 21.01.2014, *inter-alia*, suggesting as "*the request of Government of Haryana to be exempted from the provisions of Forest Rights Act (FRA), as far as diversion of forest land is concerned has been examined by this Ministry and this Ministry is of the view that Directorate of Census Operations, Haryana, is not the competent authority in the instant case to state that there is no Scheduled Tribe or Other Traditional Forest Dwellers in Haryana State; the competent authority is the Gram Sabha. Any particular state or project cannot be exempted from the requirement of Forest Rights Act 2006, through an executive instruction. In any case,*



people living near the forests should be consulted because they may have community interest in these forest", 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 and 05th February, 2013, in support thereof;

11. Distance of the project from Harike Wildlife Sanctuary is 1.5 km. Map showing location of Protected Areas in 10 Km radius of the project has been submitted.
12. The User Agency has stated that Environment clearance would be required as per EIA Notification, 2006. Hence, it will require recommendation of the Standing Committee of NBWL.
13. The user agency has given an undertaking to deposit the amount of compensatory afforestation and Net Present Value.

After discussion, the Committee recommended that following additional information/documents may be sought from the State Government:-

- (i) Requisite documents for compliance under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013.
- (ii) The status of approval by the Standing Committee of National Board for Wildlife and also approval under the Environmental (Protection) Act, 1986.
- (iii) It shall be ensured by the State Government that plantation along both sides and central verge is carried out by User Agency in accordance with the IRC specifications, with maintenance of 7-10 years. The user agency shall also submit design for providing at least 2-3 rows of long rotation indigenous trees, as per provision of IRC-SP-21-2009 (Guidelines on landscaping & tree plantation), on either side of the road before final clearance.
- (iv) Compensatory afforestation shall be carried out over double the degraded forest land in blocks instead of linear form along the roads and if required a revised CA Scheme shall be submitted.

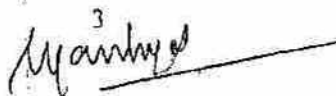
Agenda Item no. 02: Diversion of 45.0032 ha (114.6111 ha in Sangrur+17.0211 ha in Mansa + 13.3710 ha in Bathinda) of forest land for improvement of Bhawanigarh-Sunam-Bhikhi-Kotshamir road from km. 18.300 - 108.770 B/s, Sheron Distt. Mile No. 39.5-60 B/s Minor No. 11 of Sheron Distt. 0-Bhawanigarh-Kotshamir road under Forest Division and Distt. Sangrur, Mansa and Bathinda, Punjab.

The Committee discussed the above proposal of diversion of 45.0032 ha (114.6111 ha in Sangrur+17.0211 ha in Mansa + 13.3710 ha in Bathinda) of forest land for improvement of Bhawanigarh-Sunam-Bhikhi-Kotshamir road from km. 18.300 - 108.770 B/s, Sheron Distt. Mile No. 39.5-60 B/s Minor No. 11 of Sheron Distt. 0-Bhawanigarh-Kotshamir road under

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Forest Division and Distt. Sangrur, Mansa and Bathinda, Punjab. The Committee noted as under:-

1. The legal status of the 45.0032 ha (114.6111 ha in Sangrur+17.0211 ha in Mansa + 13.3710 ha in Bathinda) of forest land is Protected Forest. The density of vegetation for Sangrur and Mansa is 0.2 to 0.3 and for Bathinda it is 0.4.
2. The forest area proposed for diversion does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve
3. Compensatory afforestation has been planned on double degraded forest land.
4. 12408 trees and 5843 plants and 532 poles will be affected in the Divisions.
5. No violation of the Forest (Conservation) Act, 1980 has been reported.
6. No alternative alignment has been considered by the user agency to ensure that minimum forest land has been proposed for diversion.
7. There are 17 adjoining villages and 61 villages in the vicinity of proposed layout site and approx. 10,02,000 people will be benefitted from the above proposal.
8. Shape file of DGPS map on toposheet of diverted forest land is enclosed.
9. Toposheet maps of the proposed CA in three Forest Divisions Sangrur, Mansa and Bathinda area enclosed.
10. It was suggested that the State Government should raise block plantation over degraded forest land twice in extent to the forest land be diverted.
11. Requisite documents for compliance under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013 have not been submitted.
12. In view of the clarification issued by the Ministry of Tribal Affairs, Government of India vide its letter No. 23011/11/2013-FRA (Pt. III) dated 21.01.2014, *Inter-alia*, suggesting as "the request of Government of Haryana to be exempted from the provisions of Forest Rights Act (FRA), as far as diversion of forest land is concerned has been examined by this Ministry and this Ministry is of the view that Directorate of Census Operations, Haryana, is not the competent authority in the instant case to state that there is no Scheduled Tribe or Other Traditional Forest Dwellers in Haryana State; the competent authority is the Gram Sabha. Any particular state or project cannot be exempted from the requirement of Forest Rights Act 2006, through an executive instruction. In any case, people living near the forests should be consulted because they may have community interest in these forest", 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 and 05th February, 2013, in support thereof;
13. The User Agency has stated that Environment clearance will not be required.
14. The user agency has given an undertaking to deposit the amount of compensatory afforestation and Net Present Value.

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After discussion, the Committee recommended that following additional information/documents may be sought from the State Government:-

- (i) Requisite documents for compliance under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013.
- (ii) It will be ensured by the State Government that plantation along both the sides and central verge of the road is carried out by User Agency in accordance with IRC specifications, with maintenance of 7-10 years. The user agency shall also submit design of providing at least 2-3 rows of long rotation Indigenous trees, as per provision of IRC-SP-21-2009 (Guidelines on landscaping & tree plantation), on either side of the road before final clearance.
- (iii) Compensatory afforestation shall be carried out over double the degraded forest land in blocks instead of linear form along the roads and if required a revised CA Scheme shall be submitted.

Agenda Item no. 03: Diversion of 67.89 ha of forest land for widening & strengthening of Ropar-Chamkaur Sahib-Neelo-Doraha Road (Section RD 25375-54735 i.e. Behlulpur Bridge to Dorahaupto NH-1) in favour of PWD in Ludhiana & Rupnagar Forest Division in Ludhiana & Rupnagar district of Punjab.

The Committee discussed the above proposal of diversion of 67.89 ha of forest land for widening and strengthening of Ropar-Chamkaur Sahib-Neelo-Doraha Road (Section RD 25375-54735 i.e. Behlulpur Bridge to Dorahaupto NH-1) in favour of PWD in Ludhiana & Rupnagar Forest Division in Ludhiana & Rupnagar district of Punjab. The Committee noted as under:-

1. The final approval to the above mentioned proposal was granted in Sept., 2012, wherein, total number of trees marked were 18,548 trees (in Ropar 4282+14266 in Ludhiana), 1505 poles (in Ropar 931+514 in Ludhiana) and 6560 plants in Ludhiana Division and 318 palm in Ropar forest division.
2. The inspection of the areas was done by Conservator of Forests Shiwalik/Bist and DFOs, Ropar and Ludhiana.
3. A case for felling of 131 additional trees and 48 poles of Ropar Forest Division has already been submitted to Ministry vide their letter dated 15.11.2013.
4. Further, case for felling of 977 additional trees were submitted on the report of CF, Bist Circle who has reported that some trees which are falling in the alignment of the road could not be marked earlier due to deposition of soil heaps and undulating area.
5. 1108 (131+977) additional trees are required to be felled in the above said diverted area. These trees are standing in the area which has already been diverted for road widening.

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6. As requested by the Ministry, State Government has got the area inspected by the CCF/CF (Territorial) and has submitted a detailed report with justification for marking these additional trees.
7. As per the report of inspection carried out by the officials of Ludhiana Forest Division, following has been reported:-
 - a. Earlier, the field staffs of Doraha Range and Samrala Range were told by the user agency to enlist the trees falling in the diverted area. A list was made in the presence of the representatives of the user agency and the contractor and only those trees were marked which made hindrance in the construction of road.
 - b. Another list of 977 trees (382+595) was made for removal from the same diverted area.

After discussion, the Committee recommended the felling of 1108 additional trees as proposed by the State Government with general and standard conditions as in the final approval issued in September, 2012.

Agenda Item no. 04: Diversion of 57.00 ha of forest land in favour of Sova Ispat Ltd. for underground coal mining project under Bankura (North) Forest Division in Bankura District of West Bengal.

The Committee discussed the above proposal of diversion of 57.00 ha of forest land in favour of Sova Ispat Ltd. for underground coal mining project under Bankura (North) Forest Division in Bankura District of West Bengal. The User Agency also made a detailed presentation on allocation of coal block, mining plan, tribal and other forest dwellers rights, present mining status etc.

Based on the above proposal and presentation, the Committee further noted as under:-

1. The legal status of the forest land is Protected Forest.
2. This is a proposal for underground mining in forest area. It will also not require forest surface area or involve any felling of tree.
3. The forest area proposed for diversion does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve etc.
4. The project envisages coal mining by both opencast and underground methods. Clearance from MoEF under Environment (Protection) Act, 1986 has been obtained in 2010 only.
5. The Mining lease has been granted subject to the condition that no mining operation shall be carried out in forest land without prior approval under the Forest (Conservation) Act, 1980. So far no violation of Forest (Conservation) Act, 1980 has been reported by DCF in Part II.
6. The proposed forest land falls in Ardhagram Coal Block and was allocated jointly to Sova Ispat Limited (as Leader) and Jai Balaji Sponge Limited on 6th December, 2007 in pursuance of the provisions contained in section 3(3) (a) (iii) of the Coal Mines (Nationalization) Act, 1973. It was earlier with Eastern Coal Limited ECL). Hence, it

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does not involve transfer of lease, but will require transfer of land from physical possession of ECL.

7. The mining is being proposed for the captive use of Steel Plant and proposed Thermal Power Plant located in the proximity of the block.
8. The Mining plan has been approved by the Ministry of Coal on 17th December, 2008 and a copy of the plan has been attached. The project involves mining of coal in two phases. The first phase in a small part in non forest area by open cast mining and rest part by underground mining. The proposal envisages production of a peak rated capacity of 0.40 million tonnes of coal per year. At present, open cast mining is going on in non forest broken area.
9. The approved Mining Plan proposes to commence operation with limited open cast mining in a pre-selected area considering geological and mineability aspects. The open cast area (phase-I) does not involve mining in forest land and, in fact, mining has been taken up in non forest areas broken by Eastern Coalfields Limited (ECL).
10. The surface area is highly developed with one rail track, 7 well established villages, and market places etc., hence only partial extraction of coal is possible. No mining can be done under the safety zone of the above surface features like nullah, water bodies, railway line and highways etc. Thus extractable reserve is only 17.52 Mt out of total revised geological reserve of 71.66 Mt and net minerable reserve of 23.11 Mt. out of this 92% will be from underground mining.
11. The user agency has given undertaking to pay all the cost for catchment area treatment /Soil and Moisture Conservation activities as will be planned in conformity with the CA, as may be demanded by the Forest Department.
12. Nodal Officer recommended that no physical breaking of earth will take place and no trees are required to be felled.
13. No forest land is required for any surface infrastructure as per approved Mining Plan. Hence, it is envisaged that there will be no requirement of any surface right over forest land.
14. The copy of subsidence plan prepared by the Central Institute of Mining and Fuel Research) has been submitted.
15. No surface rights over forest land in the proposed mining activity have been envisaged, hence no compensatory afforestation is proposed. However, declaration for compensatory afforestation in case of land subsidence and consequent damage to forest land has been enclosed.
16. The user agency has given declaration to pay the cost of compensatory afforestation including five year maintenance, required by the Forest Department in future due to land subsidence beyond the permissible limit, as per norms of Forest (Conservation) Act, 1980 and F(C) Rule, 2003.
17. It will generate employment of 900 employees and indirect employment to 4000 workforce for 48 years.
18. GPS reading along with Latitude & Longitude readings of the forest area within the lease boundary has been enclosed.

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19. Map showing distance from protected areas (i.e. National Parks, Sanctuaries, etc.) has not been enclosed.
20. The user agency has submitted FRA certificate issued by the District Magistrate & Chairman, Dist. Level Forest Rights Committee, Bankura stating that plot no. 111 having total area 1.43 ha within Chuaberia mouza J.I. No. 34 under Mejia P.S. may not be considered under such clearance since there is a Sch. Tribe occupant (partial) on the said plot under Forest Rights Act-2006. The above certificate has been issued based on resolutions giving consent of the Forest Right Committees and Gram Sabhas of seven Mouzas namely Gopalpur, Khiraitore, Jemua, gopalganjm, Parbatipur, Chueberia and Shyampur. However, Requisite documents for compliance under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013 has not been submitted as per prescribed proforma.


After discussion, the Committee recommended the above proposal with general conditions and standard conditions. However, the file will be processed for stage-I approval only after submission of following documents:-

1. Requisite documents for compliance under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013.
2. Map showing distance from protected areas (i.e. National Parks, Sanctuaries, etc.).

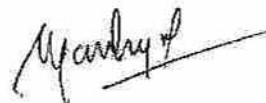
Agenda Item no. 05: Diversion of 86.6255 ha (18.604 ha in Darjeeling Forest Division + 12.3436 ha in Kurseong Forest Division + 8.8489 ha in Wildlife-I Division + 46.829 ha under Kalimpong Forest Division) of forest land in favour of the North-Frontier Railway, Jalpaiguri for construction of Sevok-Rongpo New Broad Gauge Railway line.

The Committee discussed the above proposal of diversion of 86.6255 ha (18.604 ha in Darjeeling Forest Division + 12.3436 ha in Kurseong Forest Division + 8.8489 ha in Wildlife-I Division + 46.829 ha under Kalimpong Forest Division) of forest land in favour of the North-Frontier Railway, Jalpaiguri for construction of Sevok-Rongpo New Broad Gauge Railway line. The Committee noted as under:-

1. The State Government has submitted the proposal in two parts, first for 39.7945 ha and the second for 46.8292 ha respectively. However, earlier the proposals were sent without uploading the same on the website and, accordingly, the proposals were sent back to the State Government vide Ministry's letters No. 8-12/2014-FC dated 03rd March, 2014 and No. 11-161/2014 dated 11th April, 2014 respectively, for uploading the proposals on the Ministry's website and to send the acknowledgement slip



2. It is pertinent to mention that vide letter No. 688-For/O/L/10T-02/14 dated 2nd April, 2014, the State Government has again submitted that no proposal has been found enclosed as mentioned in the Ministry's letter No. 8-12/2014-FC dated 03.03.2014. Hence Part A, Part II, III, IV and V of the first part is not available in the file.
3. In this situation, the fact sheet has been prepared as below, wherein, the details regarding proposal for diversion of 39.7945 has of Reserved Forest (18.604 ha in Darjeeling Forest Division + 12.3436 ha in Kurseong Forest Division + 8.8489 ha in Wildlife-I Division) has not been reflected.
2. Trees required to be felled/lopped:- Timber - 1522, Poles - 1195, Firewood - 472 stacks and Bamboo - 133 clumps.
3. The proposed project falls within the Reserved Forest Land of Tashiding 1 & 2, Mongbor - 1 to 6, Bhalukop-1 to 9, Sangser - 1 to 6, Mongchu - 1 to 4, Rangpo - 1 & 2.
4. Compensatory Afforestation scheme would be implemented on the line of integrated afforestation programme (IAP) or Joint Forest Management (JFM) with activities like soil and moisture conservation works, monitoring & evaluation along with the maintenance of plantation for a period of five years including barbed wire, fencing for the protection of plantation for the support activity of the poor people involved in JFM includes infrastructure development like drinking water facilities, patrolling path, cause way, culverts, etc.
5. Employment of temporary nature will be generated during the implementation stage of the project. Approx. 40,00,000 man-days will be generated.
6. Details of displacement of people due to the project will be provided after joint inspection with local administration and forest department.
7. Rehabilitation plan will be submitted after joint inspection.
8. It is exempted from Environment (Protection) Act, 1986 as per Govt. notification no. and railway Board's letter No. 2003/W-1/PQI/NF/DONER/1 dated 10.12.2208.
9. Afforestation will be done by the Forest Department in their own land and user is ready to bear the cost and abides to the terms and condition on the procedure in vogue.
10. Undertaking by the user agency that verification of type of tree and measurement of girth will be done at the time of filling form 'B' by the department and same will be verified by the user agency at the time of auction and payment for afforestation and cutting trees will be borne by the user agency on the basis of cost evaluation done by the department.
11. Detailed CA Scheme - Compensatory Afforestation scheme would be implemented on the line of integrated afforestation programme (IAP) or Joint Forest Management (JFM) with activities like soil and moisture conservation works, monitoring & evaluation along with the maintenance of plantation for a period of five years including barbed wire, fencing for the protection of plantation for the support activity of the poor people involved in JFM including infrastructure development like



drinking water facilities, patrolling paths, cause ways, culverts, etc. Total cost of CA is Rs. 6,96,85,000/-.

12. Species of trees to be planted for CA – *Shorea robusta*, *Terminalia myriocarpa*, *Terminalia acronotata*, *Pterospermum acerifolium*, *Tectona grandis*, *Michelia champaca*, *Langerstroemia flos reginae*, *Alstonia scholaris*, etc.

13. The site inspection was undertaken and following observations were made:-

(a) There is not alternative route for the construction of underground railways.

(b) There is no rare/endangered species of flora and fauna reported.

(c) The forest area proposed does not have any defence installation/establishment/ archaeological heritage site, monument and the proposed sites is for the construction of the Sevok-Rangpo New BG line.

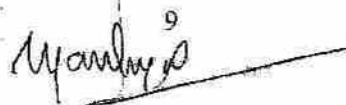
(d) The area of the proposed site is 46.892 ha and barest minimum.

(e) The clearance/NOC under Forest Rights Act from the District Magistrate, Darjeeling for the 26 households has not been received by his office. The NOC under FRA is mandatory for all the forest clearance.

14. Recommendation of the CF – As per the field verification, the proposed area did not show any presence of endangered flora and fauna neither it falls under any Wildlife Sanctuary and National Park. The purpose of diversion of forest land as applied by user agency i.e. Northern Frontier Railway for the proposed railway line, hence diversion of the aforesaid forest land become unavoidable. However, the user agency should ensure the proper disposal of muck so that there should not be any siltation in Teesta River. Appropriate soil conservation measures should be adopted where ever it is necessary.

After discussion, the Committee recommended that following additional information/documents may be sought from the State Government:-

- (i) The State Government shall provide complete proposal for the first part also i.e., for 39.7945 ha including Part A, part II, III, IV and Part V and all mandatory documents like DGPS maps of forest land to be diverted and land on which Compensatory afforestation is proposed.
- (ii) Status of approval from Standing Committee of National Board for Wild life and Hon'ble Supreme Court if the Railway line passes through the Protected areas i.e. Wildlife Sanctuary, National Park and Conservation Areas etc.
- (iii) Requisite documents for compliance under Scheduled Tribe & other Forest Dwellers (Recognition of Forest Rights) Act, 2006, as per MoEF's guidelines dated 03.08.2009 and 05th February, 2013.
- (iv) Map showing distance from protected areas (i.e. National Parks, Sanctuaries, etc.).
- (v) Justification for alignment and alternatives considered.
- (vi) The Compensatory Afforestation Scheme shall be for 10 years as per the guideline of the Ministry and accordingly it shall be modified.
- (vii) All other undertaking shall be for the entire project.

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Agenda Item no. 06: Proposal for diversion of 88.96 ha of forest land in village Bhadala, Bakhavadi, Devpara, Godladhar, Kaduka, Kanesara, Khadvadi, Lilapur, Rajavadijam, Veraval, Virnagar, TA. Jasdan, Dungarpur Ta. Rajkot Dist. Rajkot for setting up of 62.40 MW Wind Power Project under Forest Conservation act, 1980.

The Committee discussed the above proposal for diversion of 88.96 ha of forest land in village Bhadala, Bakhavadi, Devpara, Godladhar, Kaduka, Kanesara, Khadvadi, Lilapur, Rajavadijam, Veraval, Virnagar, TA. Jasdan, Dungarpur Ta. Rajkot Dist. Rajkot for setting up of 62.40 MW Wind Power Project under Forest Conservation Act, 1980. The Committee noted as under:-

1. The proposed Wind Power Project is designed for production of 54.40 MW electricity envisaging the installation of 68 wind turbines of 0.80 MW capacity each.
2. It involves 80.92 ha of Reserved Forest/Sec-4/ Unclass having density of vegetation below > 0.1. The reduction in the area from 88.96 ha to 80.92 ha is due to reduction in no of turbine from 78 turbines to 68 turbine.
3. 1129 trees are required to be felled in the demanded area. Girth wise and species wise statement has also been submitted. It includes 849 of 10-23 cm., 119 trees of 24-30 cm. and 161 cm. of 31-40 cm. girth.
4. The area is not vulnerable to erosion.
5. The Wind Turbine Generators are stand alone structure with a distance of at least 350 m between two adjacent turbines. As such, the presence of the wind turbines may not have any adverse impact on the movement or habitat of the wildlife present in the area.
6. Compensatory afforestation is proposed over 88.96 ha (equivalent) in forest land at village: Bhadla, Bakhavadi, Devpara, Godladhar, Kaduka, Kanesar, Khadvadi, Lilapur, Rajavadijam, Veraval, Virnagar Ta. Jasdan, Dungarpur Ta. Rajkot of Rajkot District. Schedule of plantation Programme in 10 years at a total cost of Rs. 2,10,04,844/-. Species found there are Saniyar, Jinjo and other species of Grasses.
7. The user agency has given undertaking to pay all the cost including NPV, CA and Treatment plan for Soil and Moisture Conservation.
8. Project will increase generation of the energy by the State through non-conventional energy sources which is eco-friendly and it doesn't require any raw material or fuel generation. This kind of project will bring economic, educational and social development of the local area.
9. The project area is not a part of protected area / Sanctuary / National Park and the project area is at minimum distance of 8 km and maximum distance of 25 km from the Hingolghat Sanctuary. The Chief Wildlife Warden, Gujarat State, Gandhinagar has issued conditional "No Objection Certification".
10. No environment clearance is required as Wind Power Project is not included in the list of projects requiring Environmental Clearance from the Central Government in

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Schedule-1. Moreover, the wind power projects are accepted as environment friendly projects all over the World.

11. No violation of the Forest (Conservation) Act, 1980 has been reported.
12. Under the Forest Rights Act, 2006, the user agency has submitted the Certificates of the concerned Gram Panchayats and Certificates of Collector, Rajkot.
13. The Addl. Principal Chief Conservator of Forests (Land) and Nodal Officer (FCA), Gujarat has recommended the proposal.
14. The user agency had submitted the proposal for 88.96 ha in Rajkot District. The other user agency named Suzlon Energy Ltd. has submitted two different proposals for 55.27 ha and 20.05 ha which subsequently has caused the overlapping of the demanded forest area. After due consideration, the State Government has decided to process the proposal of Enercon (India) Ltd. excluding the overlapping area between two user agencies. As far as land under overlapping is concerned, the State Government shall examine the proposals of both the user agencies and shall submit a separate proposal for the same as may be decided.
15. The State Government has recommended this proposal subject to the following conditions:-
 - (i) The forest land requested for turbine adjoining roads shall be accessible to Suzlon Energy Ltd. or any other wind farm developing company.
 - (ii) If the user agency establishes turbines with the capacity of more than 1MW anywhere, then the user agency shall increase the capacity of the turbines to at least 1MW for this proposal as undertaken by the user agency.
 - (iii) As per Gujarat Energy Development Agency's letter dated 14.03.2014, the user agency shall obtain "No Objection Certificate" from the Gujarat Energy Development Authority.
 - (iv) The user agency has submitted the combined width of 16 mts for roads and transmission line and where road is not required, 7 mts width is asked for electric line. As per the Central Government's guidelines dated 14.05.2004, 65% to 70% of the demanded area shall be developed as Medicinal Plants Garden and medicinal dwarf plants shall be planted between each wind turbine at the cost of the user agency.

After discussion, the FAC recommended the proposal with general conditions, standard conditions and following additional conditions:-

1. The State Government and the user agency shall undertake to implement the mitigation measures, which may be suggested at the conclusion of the study assigned by this Ministry to the BNHS to assess impact of wind mills of different capacity on avifauna and bats and the recommendations made by the Committee constituted by this Ministry under Chairmanship of the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bhopal to assess and define the impact zone of wind energy projects in forest areas for the purpose of assigning NPV.


2. The user agency has submitted the combined width of 16 mts for roads and transmission line and where road is not required, 7 mts width is asked for electric line. As per the Central Government's guidelines dated 14.05.2004, 65% to 70% of the demanded area shall be developed as Medicinal Plants Garden and medicinal dwarf plants shall be planted between each wind turbine at the cost of the user agency.


Agenda Item no. D7: Diversion of 679.44 ha of forest land for renewal of Salt lease for manufacture of salt in favour of M/s Saurashtra Salt Industries Limited in Jamnagar Marine National Park Forest Division in Jamnagar District of Gujarat.

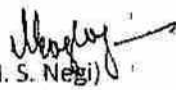
The Committee discussed the above proposal of diversion of 679.44 ha of forest land for renewal of Salt lease for manufacture of salt in favour of M/s Saurashtra Salt Industries Limited in Jamnagar Marine National Park Forest Division in Jamnagar District of Gujarat. The Committee noted that the user agency has requested for making a detailed presentation in the next meeting.

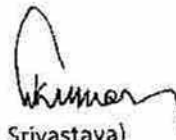
After discussion, the FAC recommended the proposal may be deferred to the next meeting.

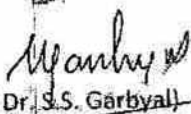

(Confirmed by e-mail)
(Dr. Mohammad Firoz Ahmed)
Member


(Confirmed by e-mail)
(Prof. N.P. Todaria)
Member


(Confirmed by e-mail)
(Chintamani Pandey)
Additional Commissioner (NRM),
Member


(M. S. Negi)
IG(FC) & Member Secretary


(A. K. Srivastava)
Addl Director General of Forests (FC)


(Dr. S.S. Garbhal)
Director General Of Forests and Special Secretary) Chairman

**Government of India
Ministry of Environment & Forests
FC Division**

**MINUTES OF THE FOREST ADVISORY COMMITTEE (FAC)
MEETING HELD ON 29th-30th APRIL, 2014**

[T.C. Nautiyal, AIGF (FC)]
(Total 9 Pages)

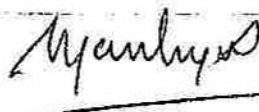
Agenda Item No.1

Diversion of 65.50 ha of forest land in favour of NHAI for laying of NH-22 Parwanoo to Solan (Km 67.000) to 106/000 within the jurisdiction of Solan Forest Division Distt. Solan Himachal Pradesh.

File No. 8-11/2014-FC

The FAC discussed the above proposal and noted as below:

1. The legal status of the forest land is road side Reserve forest/DPF/Shamlet
2. The density of vegetation in the area proposed for diversion is 0.4
3. However Forest Cover Map and DGPS Map of the area to be diverted are not enclosed.
4. A total of 21581 trees and 5206 pole crop are to be felled.
5. The forest area is not vulnerable to erosion.
6. The proposed area is not a part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve or elephant corridor.
7. The area does not have rare/endangered species of flora/fauna and does not constitute part of National Park/Wildlife Sanctuary/Biosphere reserve, Elephant Corridor etc.
8. The area is not part of protected archaeological / heritage site / defence establishment nor any other important monument is located in the area.
9. No violation of FC Act 1980 has been reported and the requirement of land is barest minimum and unavoidable.
10. Justification for locating the project in the forest area giving alternatives was examined and reasons for their rejection is provided in Form A.
11. Compensatory afforestation has been proposed over degraded forest land (131 ha) twice in extent to the forest area being diverted in the forests divisions of Jhangeshu(62 ha), Maltu(23 ha)Karadev (25 ha) and Nathon Prathu(21 ha) with 10 year maintenance at a total cost of Rs 3,01,83,740/-.
12. A certificate indicating non availability of the Non Forest land for compensatory afforestation has been submitted duly signed by the Chief Secretary of the State .
13. Suitability Certificate of the land identified for CA has been submitted by the competent authority.



14. Muck disposal is not provided as the road is being constructed by cut and fill method as per the project proponent.
15. DGPS Map showing forest area identified for CA and adjoining forest boundaries is not submitted by the Project Proponent.
16. Compliance of Scheduled Tribe and other Traditional Forest dwellers (Recognition of Forest Rights) Act, 2006 has been submitted by the State Government. However Certificates submitted by the District Collector are not in accordance with the MoEF guidelines dated 5.02.2013.
17. The project proponent has submitted undertaking to bear the cost of NPV and any additional cost due to change in rates of NPV.
18. The proposal has been recommended by the State Government.

After detailed discussion on the proposal, the FAC recommended the proposal with general and standard conditions as applicable in road widening cases.

The committee also recommended that the approval of the competent authority in the Ministry shall be solicited only after scrutiny of the following information on its receipt from State Government.

1. Documentary evidences for settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the Guidelines dated 03.08 2009 read with guidelines dated 5.02.2013 and 5.7 2013 issued by the MoEF in this regard .
2. Forest Cover Map duly authenticated by the competent authority.
3. Differential GPS map showing Geo-referenced boundary in shape file of the forest land proposed for diversion duly authenticated by the competent authority in the State Government.
4. Differential GPS Map showing forest area identified for CA and adjoining forest boundaries .

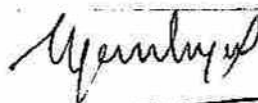
Agenda Item No.2

Diversion of 202.35 ha of Reserved Forest land in favour of M/s Arcelor Mittal India Limited for mining of Iron ore & Manganese in Saranda Forest Division of West Singhbhum district in Jharkhand

F.No. 8-49/2013-FC

After detailed discussion on the proposal and interaction with the project proponent, the FAC observed as below.

1. The proposal was discussed in details in its meeting dated 16th and 17th January 2014 and after detailed discussion on the proposal and interaction with the project proponent, it was recommended that the state government may be asked to furnish the following information/ documents.



- i. Integrated Wildlife Management Plan duly approved by the state government.
 - ii. Comments of the Chief Wild Life Warden on the status of the proposed mining lease via a vis Integrated Wildlife Management Plan being finalised by the state government
2. After examination of the reply submitted by the State Government vide letter dated 4.3.2014 it is observed that
- a. As per the letter of the PCCF Jharkhand enclosed with the state government's letter cited above, the existing and proposed leases are excluded from the conservation reserve proposed in draft Integrated Wildlife Management Plan (IWMP).
 - b. Integrated Wildlife Management Plan (IWMP) prepared by the expert committee was discussed in the State Government under the chairmanship of the principal secretary (forests) in the month of January 2014 and the IWMP has been returned to the expert committee with certain observations.
 - c. No comments have been furnished by the CWLW on the status of the proposed mining lease via a vis Integrated Wildlife Management Plan being finalised by the state government.

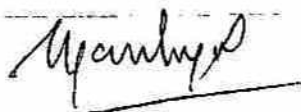
In view of the fact that draft IWMP has been returned to the expert committee, the FAC recommended that state Government of Jharkhand should be requested to expedite finalisation of the IWMP and clarify its stand about the status of forest land falling inside this proposed lease vis a vis draft IWMP. **The state government should clearly state whether the forest area falling in this lease is outside the conservation reserve or not as per the IWMP.** It was also brought to the notice of the FAC that a floral and faunal study in and around the mining lease is being carried out by NIT Rourkela. The report of this study shall also be placed before the FAC so that it can exercise its diligence in due course.

Agenda Item No.3

Discussion on recommendations of the committee constituted by MOEF in pursuance of condition stipulated in stage-1 approval for diversion of 247.50 ha of forest land in Kiriburu-Meghahatuburu group of Iron Ore mines in favour of M/s SAIL in West Singhbhum district of Jharkhand.

F.No.8-125/2014-FC

The FAC discussed the recommendation of the team of officials from MoEF headed by the IGF(PE) which was constituted by the MoEF in compliance of condition stipulated in stage-1 approval for diversion of 247.50 ha of forest land in Kiriburu-



Meghahatuburu group of Iron Ore mines in favour of M/s SAIL in West Singhbhum district of Jharkhand placed before it and observed as below.

1. Condition no. 10 of the Stage-I approval for diversion of 247.50 ha of forest land in Kiriburu-Meghahatuburu group of Iron Ore mines in favour of M/s SAIL in West Singhbhum district of Jharkhand stipulates as given under:

"A team of officials from MoEF including Project Elephant and reputed local NGOs will visit the area and submit its report before the submission of compliance report suggesting/recommending mitigative measures to be implemented at the cost of user agency".

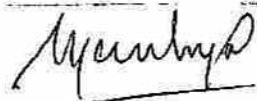
2. In compliance to above condition of Stage-I approval, this Ministry vide letter of even number dated 05.01.2011 constituted the committee comprised of officials from MoEF including Project Elephant and reputed local NGOs.
3. The team, as constituted by MoEF, visited the area during 23rd May to 25 May, 2013. Committee submitted its report. One of the recommendations of the team was as follows.

"The decision of providing fencing around the leased area (condition no 2), which creates barrier for movement of animals may be reconsidered in view of the fact that, while the broken up area will be generally not approached by wildlife, the reclaimed areas and unused areas across the leased area may be used sometimes by certain animals for crossing over to the other side of the leased areas (i.e. to maintain east-west movement across the Kiriburu-Meghahatuburu ridge). Even if large animals such as elephants presently do not cross the ridge, a number of smaller animals presumably still move across the ridge, and such movement should not be cut off. The purpose of maintaining the integrity of the leased area in terms of boundary consolidation can be served by boundary stones/pillars of suitable size and shape".

4. As brought to the knowledge of the committee the MoEF examined the recommendations of the team and inter alia decided to accept the above recommendation. Accordingly condition no 2 of the stage I approval for diversion of 247.50 ha of forest land in Kiriburu-Meghahatuburu group of Iron Ore mines in favour of M/s SAIL has been amended as under

"User agency shall ensure demarcation (of the boundary) and safety from biotic pressure, of safety zone by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPS coordinates, deploying adequate number of watchers for Protection and regeneration of the safety zone area (7.5 metre strip all along the outer boundary of the mining lease area), as required, shall be done at the project cost. Besides this, afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under safety zone shall also be done at the project cost."

5. The MoEF has further referred the matter to the FAC with a request to furnish its opinion whether the above amended condition can be accepted as a standard condition applicable to all the mining cases.
6. The committee has deliberated upon the recommendation of the team mentioned at para 3 above and the amended condition proposed by the MoEF at para 4 above and is of the view that observation of the team about movement of the animals through the reclaimed and unused areas of the mine lease of Kiriburu-



Meghahatuburu group of Iron Ore mines is equally applicable to other mine leases, especially the mine leases surrounded by the forest. However in cases of the leases adjoining the habitations there may not be any animal movement across the boundary of lease adjacent to the habitation. On the other hand there is possibility of damage to the vegetation of the safety zone due to biotic interference. The regeneration of the safety zone vegetation which is to be taken up by the user agency can also be damaged due to biotic interferences. Therefore the stretch of the boundary adjoining the habitations/roads needs to be protected by the fencing.

Therefore the committee recommended that existing condition which reads as "*Fencing, protection and regeneration of the safety zone area (7.5 metre strip all along the outer boundary of the mining lease area), wherever feasible, shall be done at the project cost. Besides this, afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under safety zone shall also be done at the project cost*" should be replaced by the following conditions

- i. "User agency shall ensure demarcation of boundary of safety zone (7.5 metre strip all along the outer boundary of the mining lease area), and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPS coordinates and deploying adequate number of watchers in supervision of the state Forest Department.
- ii. In case of the mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/roads should be properly fenced by the user agency at the project cost to protect the vegetation /regeneration activities in the safety zone.
- iii. Safety zone shall be maintained as green belt around the mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the user agency at the project cost under the supervision of the State Forest Department.
- iv. Afforestation on degraded forest land, to be selected elsewhere, measuring one and a half times the area under safety zone shall also be done by the user agency at the project cost under the supervision of the State Forest Department"

Accordingly the MOEF may suitably amend the para No 4.7 (i) on the FC guidelines.

Agenda Item No.4

Diversion of 265.658 ha of forest land for construction of 400 KV transmission line in Chandwa-Gaya by M/s Powergrid Corporation of India Ltd.

8-03/2014-FC

The FAC discussed the above proposal and noted as below:

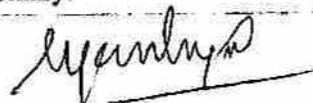
The FAC examined the proposal and the site inspection report of the regional office of the MoEF, went through the presentation made by the user agency and observed as below:

1. The legal status of the forest land is Protected forest 192.999 ha and JJ :72.659 ha

2. Density of vegetation at Latehar is from 0.2 to 0.4 and at Chatra North 0.5 Total trees enumerated is 8064 out of which 3036 are below 60 CM girth and 5058 are of above 60 CM girth.
3. The proposed area is vulnerable to soil erosion. Since a large number of trees are being cut, this will increase vulnerability of soil erosion.
4. The area does not have rare/endangered species of flora/fauna and does not constitute part of National Park/Wildlife Sanctuary/Biosphere reserve, Elephant Corridor etc. However there are few instances of elephant movement in the region. Further in Chatra South, though present alignment of transmission line is not passing through the Lawalong Wildlife Sanctuary but is aligned at a distance of 4.5 to 6 kms away from boundary of Lawalong Wildlife Sanctuary.
5. There is no protected archaeological/heritage site/defence establishment in the proposed area.
6. No violation of FC Act 1980 has been reported and the requirement of land is barest minimum and unavoidable.
7. Compensatory afforestation has been proposed over 533 ha degraded forest land in three patches which is twice in extent to the forest land proposed for diversion .
8. The total financial outlay of CA in Chatra North is Rs 1,17,08,500, Chatra South Rs 2,81,22,703, Latehar Rs 96,12,000. CA scheme with 10 years maintenance has been submitted for Chatra North and South Forest Division while CA scheme with 7 years of maintenance has been submitted for Latehar Forest Division.
9. CA area has been depicted on thematic maps. The Divisional Forest Officers, Chatra South forest division and Chatra North Forest division have submitted certificates regarding suitability of the area for Compensatory Afforestation however the same has not been submitted by Latehar Forest Division .
10. The project proponent has submitted undertakings to bear the cost of CA and NPV.
11. The project proponent has submitted certificate issued by the District Collector, Chatra and Latehar for settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the MoEF advisory dated 3.08.2009 read with Guidelines dated 5.02.2013 and 5.07.2013. A copy of record of proceedings of Gram Sabha have been submitted by the project proponent.
12. The proposal has been recommended by the State Government and the Regional Office of the MoEF.

After detailed discussion on the proposal , the FAC recommended the proposal with general and standard conditions as applicable in transmission line cases and with following additional conditions .

1. Considering the vulnerability of the area for soil erosion a comprehensive soil erosion plan shall be prepared and implemented by the user agency in consultation with and under supervision of state Forest Department
2. The User Agency under its CSR activity will arrange to provide and install solar lighting in the forest camps located in the remote regions of the three forest divisions through which the line is to pass .
3. No new road will be constructed inside the forest area .Height of the conductors shall be kept optimum to ensure safe movement of elephants and other animals. The user agency shall assist CWLW in implementation of wildlife management plan of Lawalong Wildlife Sanctuary.



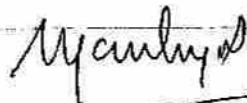
4. User Agency in consultation with State Forest Department should explore the feasibility of transplantation of project affected trees and wherever possible should transplant them.
5. The committee also recommended that the approval of the competent authority in the Ministry shall be solicited only after receipt of the following information from State Government .
 1. Land suitability certificate in respect of the CA land identified in the Latehar Forest Division .
 2. Duly authenticated DGPS maps of the areas identified for CA

Agenda Item No.5 Renewal of diversion of 165.175 ha of forest land for mining of copper for Khetri Copper mine in favour of Hindustan Copper Limited, Rajasthan

8-98/2013-FC

The FAC discussed the above proposal, heard the presentation made by the user agency and noted as below:

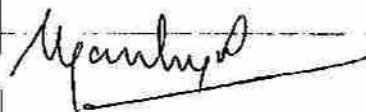
1. Legal status of the forest land proposed for diversion is Protected Forest in Khetri area of Jhunjhunu district Rajasthan .
2. SOI Map not enclosed DGPS Map not enclosed ; Forest Cover map –not enclosed ; 10 Km radius map of the area indicating the position of Protected Areas and other mining leases is not enclosed.
3. The density of vegetation in the area proposed for diversion is 0.2- 0.3
4. No trees are to be felled as the mining is to be carried out underground .
5. The proposed area is not a part of National Park, Wildlife Sanctuary, biosphere reserve, tiger reserve or elephant corridor.
6. The area does not have rare/endangered species of flora/fauna and does not constitute part of National Park/Wildlife Sanctuary/Biosphere reserve, Elephant Corridor etc.
7. The area is not part of protected archaeological / heritage site / defence establishment or any other important monument is located in the area.
8. Mining plan has been submitted by the user agency.
9. The Mining lease was initially sanctioned on 23.02.1963 for a period of 20 years. As per the information provided in the proposal (Part-I), initially, the Khetri mine was comprised of two separate leases namely Banwas-Gothra Mining Lease and Banwas mining lease involving total lease area of 481.72 Ha (327.97 Ha Forest Land) and 129.50 Ha (nil forest land) respectively. First renewal of Banwas Gothra mining lease was sanctioned on 23.02.1983 for a period of 10 years. The project proponent, after first renewal, surrendered 183.78 ha of forest land from Banwas Gothra Mining lease. Second renewal was granted on 23.02.1993 for 20 years for an area of 297.94 ha involving 164.44 ha of forest land. The mining lease of the project proponent stands expired on 22.02.2013.



10. Banwas-Gothra Mining Lease and Banwas mining leases were amalgamated into a single lease on 14.11.2000 involving total lease area of 397.07 ha (164.44 ha forest land) An area of 0.735 ha of forest land applied for diversion is located outside the mining lease area
11. The MoEF vide its letter no. 8-6/1997-FC dated 10.02.1998 granted diversion of 165.175 ha of forest land subject to compliance of certain conditions prescribed therein. The State Government has also submitted the compliance of conditions stipulated in the Stage-II approval. In the compliance report the State Government has inter-alia reported that the user agency had deposited Rs. 97,020/- against 5.88 ha degraded forest land. In lieu which in the year 1999-2000, the forest department has afforested 49.44 ha land area in village - Ram Kumarpura district - Jhunjhunu, Rajasthan.
12. However, Regional Office of the MoEF, Lucknow in its site inspection report has reported that out of 165.175 ha of forest land proposed for renewal for mining lease, 36.5760 ha area is in actual use on the surface. The area of 0.0232 ha land has already been excavated for Mine openings for U/G mining for the construction of shafts and rest of land has been reclaimed and plantation is done.
13. From the proposal it is not clear since when the user agency is using 36.576 ha of forest land on the surface and whether cost of compensatory Afforestation in lieu of this entire 36.567 ha land has been realised from the user agency.
14. No violation of FC Act 1980 has been reported and the requirement of land is barest minimum and unavoidable.
15. Documentary evidences for settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the Guidelines issued by the MoEF has not been submitted.
16. 3 Dimensional Subsidence Analysis Report from ISM Dhanbad or any of the IITs has not been submitted.
11. The proposal has been recommended by the State Government and regional office of MoEF.

After detailed discussion on the proposal, the FAC recommended that following information may be sought from the State for further consideration of the proposal by FAC

1. Survey of India in 1:50000 scale Map showing the area proposed for diversion.
2. Duly authenticated DGPS Map of the area proposed for diversion.
3. Forest Cover map of the area proposed for diversion.
4. The 10 KM area map indicating ecologically sensitive areas and PAs around the mining lease
5. Documentary evidences for settlements of rights under the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with the Guidelines issued by the MoEF in this regard.
6. State Government to clarify since when the user agency is using 36.576 ha of forest land on the surface and whether land cost of compensatory Afforestation in lieu of this entire 36.567 ha has been realised from the user agency and CA has been raised.
7. 3 Dimensional Subsidence Analysis report from ISM Dhanbad or any of the IITs



The committee also recommended that Nodal Officer FC of the State Government and officer from MoEF's Regional Office, Lucknow should be asked to attend the next meeting of the FAC to clarify the issue related to actual area under surface use by the user agency and the compensatory afforestation taken up in lieu of this surface use of forest land.



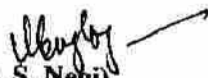
(C M Pandey)
Additional
Comm(NRM)
(Ministry of
Agriculture
Member



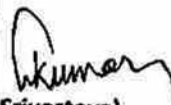
(Prof. N.P. Todaria)
Member



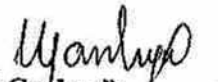
(Dr. Mohammad Firoz
Ahmed)
Member



(M. S. Negi)
IGF (FC)
Member-Secretary



(A.K. Srivastava)
ADGF(FC)
Member



(S.S. Garbhal)
DGF & SS
Chairman

FAC meeting Minutes 29/30.04.2014

Minutes of the meeting of the Forest Advisory Committee in respect of Agenda Items discussed on first day on 29 /30th April,2014.

Agenda items pertaining to AIGF(M.Rajkumar)

Agenda No.1

F. No. 8-95/2013-FC

Diversion of 193.161 ha of forest land for construction of 800 KV S/C Champa-Kurukshetra transmission in favour of M/s Power Grid Corporation of India Ltd in Bilaspur district of Chhattisgarh.

The Committee discussed the proposal for diversion of 193.161 ha of forest land for construction of 800 KV S/C Champa-Kurukshetra transmission in favour of M/s Power Grid Corporation of India Ltd in Bilaspur district of Chhattisgarh and noted as below.

- (i). The legal status of the forest land is protected forest and revenue forest. The density of the area proposed for diversion varies from 0.1 to 0.6 involving 21,514 trees of sal and miscellaneous species in 69 meters RoW. However only 5454 no of trees in the three meter corridor below the conductors will be required to be felled.
- (ii). Compensatory afforestation has been proposed over the degraded forest land, twice in extent to the area being diverted. The concerned DCF has issued certificate on the suitability of land for raising CA.
- (iii). The requirement of the forest land as proposed by the user agency is unavoidable and barest minimum for the project. Alternatives of line routes have been explored and alternative with minimum forest area involvement is recommended for approval.
- (iv). The proposal does not involve any displacement of people as the area is uninhabited.
- (v). Project area does not form part of any protected area. It is not a part of National Park, Wildlife Sanctuary, Biosphere Reserves, Tiger reserve, Elephant corridor etc.
- (vi). No rare/endangered/unique species of flora and fauna have been found/recorded in the area.
- (vii). Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted partially by the State Government. The District

Agenda Items pertaining to M.Rajkumar ,AIG(FC)

Page 1



FAC meeting Minutes 29/30.04.2014

Collector, Bilaspur, has certified that complete process for settlement of rights has been carried out for Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Certificates submitted by the Districts Collector are in accordance with the MoEF Guidelines dated 5.02.2013. However copies of record of proceedings of the concerned Gram Sabha(s) has not been submitted by the State Government.

(vii) Compensatory afforestation has been proposed over degraded forest land (386.322 ha), twice in extent to the forest area being diverted.

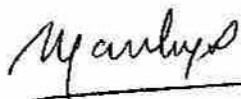
(vii). Duly authenticated DGPS maps for area proposed for diversion and the SOI map clearly depicting the CA area have not been submitted.

(ix). The State Government and the Regional Office of the MoEF in Bhopal has recommended the proposal.

After detailed discussions, the Committee recommended the proposal for diversion of forest land for construction of 800 KV S/C Champa-Kurukshetra transmission in favour of M/s Power Grid Corporation of India Ltd in Bilaspur district of Chhattisgarh with general and standard conditions applicable to power transmission line projects and following additional condition.

Felling shall be limited to 5454 no of trees falling under the three meter corridors below the conductors. However wherever required lopping of the trees can be permitted by the State Government. The committee further recommended that the above recommendations will be placed before the competent authority after scrutiny of the following information on receipt of the same from the State Government.

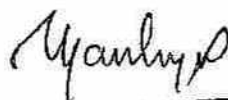
- i. The record of proceedings of Gram Sabha on settlement of rights under the Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with MoEF's Guidelines dated 3.08.2009 read with Guidelines dated 5th July, 2013.
- ii. Duly authenticated DGPS maps of the area proposed for diversion, area identified for CA & SOI map clearly depicting the CA area.



Diversion of 257.168 ha of forest land in favour of M/s Power Grid Corporation of India Limited for construction of 765 KV S/C Ranchi-Korba Transmission Line in Raigarh, Jashpur and Korba Districts in the State of Chhattisgarh

The FAC examined the proposal, heard the presentation made by the user agency and noted as below

1. Proposal envisages construction of 765 KV S/C Ranchi PS to Korba (Dharamjaygarh) Transmission line regarding, "Transmission System Phase-I generation in Jharkhand and West Bengal-Part-A2" by Power Grid Corporation of India Limited. The line emanates from Ranchi (Jharkhand) to Korba passing through Jashour, Raigarh and Korba Districts in Chhattisgarh
2. The status of the forest is PF, RF, Orange and Revenue Forest The density of the area proposed for diversion varies from 0.1 to 0.5 involving 31915 trees of sal and miscellaneous species in 64 meters RoW.
3. Compensatory afforestation has been proposed over 514.344 ha of the degraded forest land, (273.274 ha in six patches of Dharamjaigarh forest division, 77.504 ha in three patches of Jashpur Forest Division and 163.558 ha in four patches of Korba Forest Division) which is twice in extent to the area being diverted. The concerned DCF has issued certificate on the suitability of land for raising CA.
4. The instant project is of utmost important as the same is transferring power from surplus ER to deficit WR. In addition to power transfer from Eastern to Western Region, various generation capacities additions are also envisaged in the vicinity of Korba generation complex (WR). Therefore from pooling point substation at Ranchi, the instant transmission line will transfer the surplus power from ER to WR pooling station Korba in order to distribute the same to beneficiaries at WR. It will not only help in providing economical power to the ultimate users (including backward areas and agricultural/industrial demand) but also improve the health of the grid. Also, by connecting the two regions it will play a



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significant role in formation of National Grid and in turn cater the power requirement for present industrial and agricultural growth of the country.

5. The requirement of the forest land as proposed by the user agency is unavoidable and barest minimum for the project. Three alternatives of line routes have been explored and accordingly alternative with minimum forest area is recommended for approval. The details of forest area and number of trees shall be affected are mentioned below:

- i. Alternative – I: 257.168 ha (Route length -41.095 kms)
- ii. Alternative – II: 302.662 ha (Route length -47.291 kms)
- iii. Alternative – III: 401.164 ha (Route length -62.682 kms)

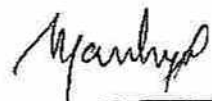
The alternative-I is proposed for diversion due to the fact that it involves lesser forest area, lesser dense forest and lesser numbers of trees.

6. The the proposal does not involve any displacement of people as the area is uninhabited.

7. Project area does not form part of any protected area. It is not a part of National Park, Wildlife Sanctuary, Biosphere Reserves, Tiger reserve, Elephant corridor etc. The concerned DCF of the State Forest Departments have certified that there is no National Park, Wildlife Sanctuary, Biosphere Reserve Tiger Reserve, Elephant Corridor, etc. in 10 Km radius from the boundary of the area proposed for division.

8. No rare/endangered/unique species of flora and fauna have been found/recorded in the area.

9. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted partially by the State Government. The District Collectors, Jhampur, Raigarh and Korba have certified that complete process for settlement of rights has been carried out for Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Certificates submitted by the Districts Collector are in accordance with the MoEF Guidelines dated 5.02.2013 read with guidelines



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5/2/2015 and 5/7/2015 . However copies of record of proceedings of the concerned Gram Sabha(s) has not been submitted by the State Government.

10. Duly authenticated DGPS maps for area proposed for diversion and the SOI map clearly depicting the CA area has not been submitted.

11. The State Government and the Regional Office of the MoEF in Bhopal has recommended the proposal.

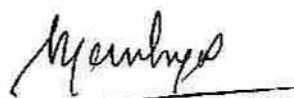
12. The CCF (central) has recommended that conditions of raising medicinal plants may be modified by raising dwarf local species as planting of medicinal plant may not be feasible all the along the transmission line and as such they may not be part of the local flora. Proper care has to be taken to constrict line sloppy areas to avoid erosion and proper soil conservation measures have to be taken to restore the site.

After detailed discussions, the Committee recommended the proposal for diversion of 257.168 ha of forest land in favour of M/s Power Grid Corporation of India Limited for construction of 765 KV S/C Ranchi-Korba Transmission Line in Raigarh, Jashpur and Korba Districts in the State of Chhattisgarh with general and standard conditions applicable to power transmission line projects and following additional condition:

Out of the total 31915 trees shown as affected trees the trees actually falling within three meter width below conductor will be worked out by the state Government in consultation with user agency and reported to the ministry. Felling of only these trees will be permitted. However lopping can be permitted by the state Government wherever required.

The committee further recommended that the above recommendations will be placed before the competent authority after scrutiny of the following information on receipt of the same from the State Government.

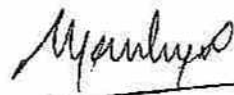
- i. The record of proceedings of Gram Sabha on settlement of rights under the Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with MoEF's Guidelines dated 3.08.2009 read with Guidelines dated 5th July, 2013.



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- ii. Duly authenticated DGPS maps of the area proposed for diversion, area identified for CA & SOI map clearly depicting the CA area .

The committee further recommended that to accommodate the recommendations of the regional office regarding raising of local dwarf tree species under the conductors instead of medicinal plants the standard conditions may suitably be modified.



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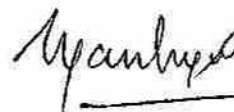
Agenda No.3

8-05/2011-FC

Diversion of 413.745 ha of forest land for Baildila iron ore mining project in favour of M/s NMDC Limited in Dantewada Forest Division in Dantewada district of Chhattisgarh.

The FAC after examination of proposal and interaction with representatives of user agency and the Nodal officer, Chattisgarh observed as below:

1. The legal status of the land proposed for diversion is Reserve forest.
2. The proposal was considered by the Forest Advisory Committee (FAC) in its Meeting held on 26.08.2011 and the Committee recommended for rejection of the proposal on the following grounds:
 - a. The area is located deep in undisturbed forest area.
 - b. High biodiversity value of the area and hilly terrain (involving 122 ha),
 - c. No reclamation in any of the earlier mined areas has been carried out by the NMDC.
 - d. Adequacy of the existing reserve of NDMC to meet their need,
3. The above recommendations of the FAC were accepted by the Ministry and accordingly, the State Government was informed about the rejection of the proposal vide this Ministry's letter dated 9th January, 2012.
4. The State Government of Chhattisgarh vide its letter dated 5.06.2013 forwarded the justification furnished by the user agency to the observation of the FAC along with Approved progressive Mine Closure Plan, Biodiversity Survey and Conservation Plan and has requested the MoEF to reconsider the proposal.
5. Hon'ble Chief Minister of Chhattisgarh vide his DO letter dated 23.01.2014 (F/A) has also requested this Ministry to grant forest clearance to the project proposal. Hon'ble Chief Minister has made following submissions for the consideration of this Ministry:



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- i. Subsequent to approval of Ministry of Mines, Government of India on 13.02.2007, Mineral Resources Department Government of Chhattisgarh conveyed its in-principal approval to the NMDC with a condition to obtain the required permission under FC Act, 1980.
 - ii. Bailadila iron ore deposit No. 13 will be developed jointly by a joint venture company of NMDC and CMDC Limited and the iron ore produced from this mine would be used for meeting the requirement of local sponge iron/steel making units which are facing problems in getting sufficient supply of Iron ore from the existing Mines of NMDC in Chhattisgarh.
 - iii. Country is gearing up for increasing its steel production capacity, the State of Chhattisgarh, being a major iron ore producing state of the country has to play a major role in supply of iron ore to the industries based in the state generating ample opportunities for direct and indirect employment particularly in the naxal affected tribal region of Bastar (C.G.)
6. In view of the justification given by the state government and user agency the proposal is being reconsidered by the MoEF with due approval of the competent Authority.
 7. The State Government, in its justification for reconsideration of the proposal, has also submitted that proposed iron ore project will be implemented by the Joint Venture Company (51:49) set up by the Chhattisgarh Mineral Development Corporation (CMDC) and National Mineral Development Corporation (NMDC) with an objective of the project is to provide iron ore to the industries based in the State of Chhattisgarh.
 8. The project proponent, regarding reclamation of earlier mines, has indicated that all mining leases are active and presently no mined out area is available for reclamation. As such excavation is continuing till date within the broken land. It is also mentioned that proposed reclamation strategy is covered in the progressive mine closure Plan. Mined out area of 591.125 ha has been proposed to be covered under the reclamation as per the Mining scheme.
 9. With regards to adequacy to existing mining reserve of NDMC to meet their iron ore needs, it has been mentioned that NMDC has been working in the Bailadila Iron complex since 1968. The State Government of Chhattisgarh has more than 85 sponge



iron ore plants and given the external commitments of supplying iron ores, NMDC is able to meet only a part of iron ore requirements of the plants located in the State of Chhattisgarh. Beside this a new 3 MTPA Integrated Steel Plant at Nagarnar, Bastar, Chhattisgarh is also coming up shortly. The current production capacity of iron ore from Bailadila Sector is 36 MTPA against the projected demand of 50 MTPA leaving a shortfall of 14 MTPA. Existing production of iron from existing mines of NMDC cannot meet the total requirement of ore. Thus there is need of opening new iron ore mines in the Bailadila.

10. Further, with regards to biodiversity value of the area, NDMC has suggested a Habitat Development Programme over 412 ha to be divided into 20 annual working areas. A plan of worth Rs. 8.05 crores for a period of 20 years has been submitted by the NMDC for covering soil and water conservation, improvement of fodder and grass lands, improvement of tree cover, conservation awareness and ecological monitoring etc.

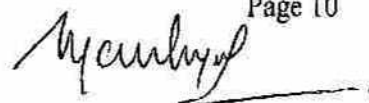
The report of the site inspection which was carried out by the Regional Office of the MoEF on 8th March 2011 reveals that majority of the proposed area is a dense forest with crown density from 0.6 to 0.8. The user agency and the Nodal Officer, Forest Conservation, of the State Government has however questioned the observation in the Site inspection Report during the presentation made before the committee. According to them the area proposed for the mining lease is already disturbed.

11. Site Inspection Officer has raised questions over the requirement of the land proposed for some of the items in the mine lease as per detail below.

- a. An area of 29.538 ha has been proposed for "mining roads". This area is over and above about 3.5 kms of "approach road" proposed over 6.970 ha of forest land. Assuming a width of 20 m for these roads as proposed for approach road in the same table (which is in itself unrealistic given the mountainous terrain of the location of the proposal), the length of the mining road works out to be 14.769 kms, which appears to be unrealistic.
- b. An area of 16.00 ha has been sought for infrastructure. However, structure-wise detailed bread-up of the same has not been provided.

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- c. An area of 182.228 ha has been sought as **"Undisturbed area between infrastructure facilities"**. There appears to be no need for this area to be transferred to the user agency and this can be deleted from the proposal.
 - d. Out of the total area required for the project, the requirement of forest land for active mining would be only 167.45 ha (122.00 ha for mining and 42.45 ha for OB dumping). This area requirement for mining would be **for a period of 45 years**
12. In response to MoEFs observation that none of the earlier mined out areas have been reclaimed the user agency has intimated that at present, there are six approved mining leases of NMDC having 2696.224 ha of forest land. All these mining leases are active and presently no mined out area is available for reclamation. At the same time it has been stated that Deposit no 14 of the Bailadila complex ,where mining started in 1963, has been exhausted. No information about its reclamation has been furnished by the user agency/state Government. This issue needs to be clarified.
13. The user agency has proposed to use existing infrastructure of the deposit no.14 and 11. Therefore recommendation of the Site Inspection Officer of the regional office about requirement for the infrastructure appears to have some ground.
14. Compensatory Afforestation has been proposed over double the degraded forest land (PF) i.e. 827.490 with total financial outlay is Rs.6,59,33,651/- with 7 years maintenance in 18 patches in PF . Since the User agency, a Joint Venture company with 51% share of the Chhatishgarh Mineral Development Corporation, a state PSU, is not a Central Government's PSU CA will have to be raised over Non Forest Land.
15. Duly authenticated Differential GPS maps of the land proposed for diversion and land identified for CA, 10 Km radius map indicating the position of the Protected Areas and other mines and forest cover map have not been provided.
16. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with MoEF's guidelines dated 3/8/2009 and 5th July 2013 has not been submitted by the State Government..



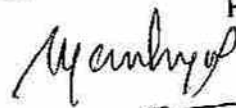
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17. The proposal has been recommended by the State Government.

18. The Regional Office of the MoEF has recommended the proposal subject to the condition that, NMDC, a Govt. of India undertaking shall furnish suitable justification against the issues raised in para-20 of the report which has not been complied with till date.

After further deliberation, the committee recommended that

- i. In view of the contradiction in observation of the user agency and the Nodal Officer of the State Government and the Regional Office of the MoEF about the physical status of the forest Regional Office may be asked to re- inspect the site along with some senior officer of the State Government and submit a detailed Site Inspection Report along with Clear and unambiguous recommendations.
- ii. The State Government may submit their comments on the observation of the Site Inspection Officer in Site Inspection Report of 2011 about the requirement of the forest land for some of the item of works.
- iii. The User Agency should also furnish the status of reclamation of mined areas in the deposit 14 of Bailadila complex which is being mined since 1963 and now exhausted of the minerals .
- iv. The State Government may also require to submit following information
 - a. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance with MoEF's guidelines dated 3/8/2009 and 5th July 2013
 - b. Duly authenticated Differential GPS maps of the land proposed for diversion and land identified for CA, 10 Km radius map indicating the position of the Protected Areas and other mines and forest cover map of the proposed area.
 - c. Revised CA scheme after identifying non forest land for CA, along with site suitability certificate.



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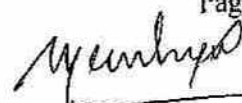
Agenda No.4

8-85/2011-FC

Revised proposal regarding diversion of 5056.5 ha (reduced to 4577.84 ha) of forest land in favour of M/s NHPC Limited for construction of Dibang Multipurpose Project (3000 MW) on Dibang River in Lower Dibang valley district of Arunachal Pradesh.

The FAC after examination of proposal and interaction with representatives of user agency observed as below:

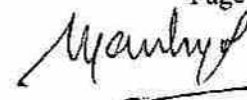
1. (i). This proposal was rejected by the FAC during its meeting held on 12.07.2013 on the grounds viz. huge forest area with very good forest cover, irreparable and adverse impact on general eco-system of the area by felling of more than 3.5 lakhs of trees, several other HEP have been proposed in the same river valley apart from Dibang HEP, unavailability of study on cumulative impact of all the HEP, etc. The Committee is also of the opinion that ecological, environmental and social costs of diversion of such a vast track of forest land, which is a major source of livelihood of the tribal population of the State, will far outweigh the benefits likely to accrue from the project.
2. Subsequently, the proposal, along with the recommendation of the FAC, was also discussed in the meeting held between Secretary, Ministry of Environment and Forests and the Secretary, Ministry of Power on 13.08.2013 and after detailed deliberation on the proposal it was decided that the User Agency shall explore the possibility to reduce the requirement of forest land for the project and a revised proposal may accordingly be submitted to the MoEF for further consideration.
3. The proposal was also discussed in the meeting of the Cabinet Committee on Investment held on 9.12.2013. The Cabinet Secretariat vide their OM dated 13.12.2013 forwarded the minutes of the meeting. The following extract of the minutes of the said meeting relates to the FC Division



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"The Committee considered the note dated 25.10.2013 from the Ministry of Power (Vidyut Mantralaya) and in the light of all relevant facts, decided that Ministry of Environment and Forests may grant the requisite clearance for diversion of forest land expeditiously. The Committee further directed that appropriate measures for increasing the environment flow in the 1.2 Km along stretch between the dam and Tail Water Level (TWL) of the dam to Power House be taken and if required, adjustments in the project parameter be made at a later stage keeping in view the report of Water and Power Consultancy Services (India) Ltd."

4. The State Government of Arunachal Pradesh vide their letter No. FOR.10/Cor./2003/Vol-IV/287 dated 13.02.2014 submitted revised proposal, involving diversion of 4577.84 ha of forest land.
5. The State Government has reported that, NHPC Limited vide letter no. NH/DMP/GM/14/381 dated 10.02.2014 have proposed two alternatives for reduction of forest area to be diverted by reducing the dam height by 5 m and 10 m, which will reduce the requirement of forest land by 300 ha. and 445 ha. respectively. The above reduction in dam height will lead to reduction in power generation to the tune of 2.3% and 2.0% respectively. It is also anticipated that no. of trees to be affected will marginally come down from 3.55 lac to 3.24 lac by reducing forest area to 4577.84 ha. On discussion with the NHPC officials stationed at Itanagar, it is revealed that NHPC may not be in position to reduce the height of the dam any further, as it would significantly affect the power generation from the dam.
6. It was also brought to the knowledge of the committee that earlier the NHPC had submitted three alternatives directly to the Ministry wherein reduction in Dam height by 10m, 30m and 40m was proposed. However these alternatives have not been mentioned in the revised proposal from the State Government. .
7. Corresponding details pertaining to the revised proposal, such as suitable map (SOI toposheet, DGPS map, forest cover map, etc) have not been submitted by the State Government. In addition to this compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has also not been submitted by the State Government.



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8. In the revised proposal no clarification about the non-suitability of the land identified for Compensatory Afforestation, as per observation of the Regional Office Shillong made in the Site Inspection Report, has been furnished by the state government..
9. The proposed forest land for Dibang Multipurpose Project is the major habitat of scheduled I flora and Fauna. All the major Schedule -I species like Elephant, Hollock Gibbon, Mishmi Takin, Clouded Leopard, Tiger, Leopard cat, Fishing cat, Mithun Slow Loris, Snow Leopard and Himalayan Black Bear etc are found in the area.
10. The Density of the Forest in the proposed area varies from 0.10 to 0.70.
11. As per the SIR of RO Shillong, there will be a significant effect on removal of trees in the general ecosystem of the area. As the proposed diversion site is having a steep slope with patches of Jhum cultivated area, removal of the trees will affect the micro climate of the area and the Wildlife and Flora endemic in the proposed submergence area. The trees and shrubs all along the submergence will have to be removed so that they will not be left submerged thereby causing decomposition and lead to the accumulation of the methane gas causing Green House effect. The construction of the dam itself may leads to the increase in the temperature in the submergence area which may also effect the micro aqua habitat.
12. CAT plan has not been submitted.
13. The committee was of the view that revised proposal envisages reduction in dam height by 10 meter which will brings down the submergence of the forest area by only 445ha, a reduction by less than 9%. Further number of affected trees is marginally coming down to 3.24 lakhs from 3.5 lakh. Such a marginal reduction in requirement of the forest land for the project may not be able to reduce the adverse impact of project on such a biodiversity rich mature forest ecosystem to the extent which could make the project environmentally as well as socio-economically viable in forest dependent tribal society of Arunachal Pradesh. The revised proposal, therefore, does not address the concerns raised by the FAC in its last meeting. Further if we look into the reduction in power generation due to reduction of the Dam height by 10 m it is to the tune of only 2.3%. The User Agency has not given any convincing



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justification for their stand of not reducing the Dam height by more than 10 meter.
Impact of reduction of the Dam height on the economic feasibility of the project has not been put forth before the committee.

In view of the above the committee has recommended for rejection of the proposal and felt that the proposed area is very rich in Bio- Diversity aqua sensitive eco system being at the edge of hills and flood plains and having large number of endemic and endangered flora and fauna. Moreover, such project is most likely to have considerable downstream impact including impact on the Dibru-Saikowa NP in Assam which is not yet studied..

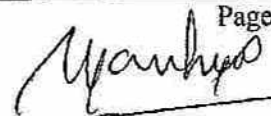
Agenda No.5

8-82/2010-FC

Diversion of 313.88 Ha of Forest Land for construction of Tato-II Hydro Electric Project(700MW) on Siyom River in favour of M/s Tato Hydro Power Private Limited in West Siang District of Arunachal Pradesh.

After examination of the proposal and listening the presentation of the user agency the committee noted that

- i. The proposal has been under consideration of the Forest Advisory committee since 30-31 May 2011 and pendency is due to non- submission Cumulative Impact Assessment / Carrying Capacity study for Siang- Siom basin.
- ii. In recent past as a follow up action on the decisions taken in the meeting held between Minister of State (Independent charge) for Environment and Forest and Minister of State (Independent charge) for Power on 6th August 2013 the ministry requested the FAC to consider the proposal on receipt of interim findings on Cumulative Impact Assessment Study conducted by the Central Water Commission.
- iii. The FAC discussed the proposal in its meeting held on 13-14 August 2013. As interim findings on Cumulative Impact Assessment Study conducted by Central Water Commission could not be placed before the FAC by the State Government/User Agency the FAC recommended that the proposal may again be placed before the FAC after interim findings on Cumulative Impact Assessment Study conducted by Central Water Commission are submitted to the MoEF by the State Government/User Agency/Ministry of Power.
- iv. Subsequently in the process of taking this matter to Cabinet Committee on Investment the Ministry of Power (MOP) sought the comments of the MoEF on MOP's proposal of considering the project for clearance on the ground of being first project in the Siang River Basin. Final Reports on Cumulative Impact & Carrying Capacity Study of Siang Sub basin including Down Stream Impacts prepared by the Central Water



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Commission have been received from the Central Water Commission. The report is yet to be accepted by the Ministry.

- v. The Project proposal was discussed during the meeting of FAC held on 16-17 January 2014 and decision was deferred for the next meeting on the request of the Project proponent, Tato Hydropower Private Limited.
- vi. The Project proposal was again discussed in meeting of FAC held on 13-14 February. The project proponent sought the time to study the report and accordingly deferred for current meeting.
- vii. The Project Proponent now made the presentation about the project and their comments on the recommendations of the report and has intimated the committee that it may not be possible for them to reduce the dam height as was recommended by the report.
- viii. It was also brought to the notice of the committee that the Cumulative Impact & Carrying Capacity Study of Siang Sub basin including Down Stream Impacts prepared by the Central Water Commission is being examined by the Expert Appraisal Committee for Hydro Electric Project in the Impact Assessment Division of the MoEF and final decision of the ministry about acceptance of the report will be communicated shortly.
- ix. The proposal does not contain the report on compliance of provision of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as per the Ministry's advisory issued from time to time which is mandatory for granting approval for diversion of Forest land for non-forestry purpose under Forest(Conservation) Act 1980.

After detailed deliberations the committee recommended that final decision of the ministry about acceptance of the report may be awaited. In the meantime Compliance of provisions of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 as per the Ministry's advisory issued from time to time shall be completed by the state Government.

Agenda No.6

F.No.8-31/2010-FC

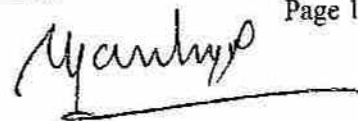
Seeking advise of FAC on the various aspects especially wildlife related issues of the proposal in compliance of order dated 24.03.2014 passed by Hon'ble National Green Tribunal in respect of Diversion of 1898.328 ha of Forest Land for Parsa East and Kente basan coal block open cast mining project in Hasdeo Arand Forest area in the State of Chattisgarh.

The FAC went through the request of the Ministry for giving fresh advice on all aspects of the proposal for diversion of 1898.328 ha of Forest Land for Parsa East and Kente basan coal block open cast mining project in Hasdeo Arand Forest area in the State of Chattisgarh in compliance of the direction of the Honourable National Green Tribunal and observed as below.

1. 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.
2. Matter was concluded after series of hearing conducted by the Hon'ble NGT and judgment was delivered on 24.03.2014 wherein the Hon'ble NGT inter-alia directed as under:

"1. 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;

2. The case is remanded to the MoEF with directions to seek fresh advice of the FAC within reasonable time on all aspects of the 48 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.

3. 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.


4. 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."

- i. From the examination of the operational part of the order dated 24.03.2014 of the NGT, it has been observed that FAC has to give fresh advice with emphasis on the following issues. 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 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.

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- 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.
4. FAC may 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.
5. It was brought to the knowledge of the committee the project proponent (Rajasthan Rajya Vidyut Utpadan Nigam Ltd) has approached the Hon'ble Supreme court(CA No.4395 of 2014) against the Honorable NGT's order.

The FAC after examination of the issue recommended that since the matter is sub-judice decision on the matter may be deferred.



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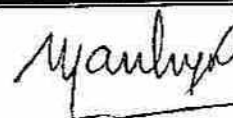
Agenda No.7

F.No.8-412/1989-FC(pt)

Diversion of 146.31 ha of forest land for construction of Rihand Super Thermal Power Project Stage-III (2x500 MW) Ash Dam and Ash Pipe line in favour of in favour of NTPC in the Sonebhadra district of Uttar Pradesh .

The FAC after examination of proposal and interaction with representatives of user agency observed as below

1. Proposal along with the Site inspection report was considered by the FAC in its meeting held on 12th to 13th September, 2013 and the Committee, after discussion on the proposal, recommended that current proposal for diversion of 146.31 ha of forest land shall be considered for diversion by the Central Government after compliances on the actions, as given below, is completed by the State Government/user agency. As this proposal is an off shoot of the earlier proposal and without obtaining compliance on the first proposal and subsequent grant of stage II, new proposal cannot be considered.
 - (i)The State Government shall submit the justification for forwarding the current proposal without ensuring the compliance of the stage –I approval for the diversion of 744 ha of forest land granted vide MOEF letter dated 23.08.1991.
 - (ii)The State Government, should seek amendments in the Stage-I approval dated 23.08.1991 on account of reduction in the forest area from 744 ha to 280.508 ha, along with detailed justification and the reasons for not seeking the amendment of in principle approval till date.
 - (iii)The user agency shall submit the detailed justification for commencing the work of the project without obtaining the final approval under F(C) Act 1980.
2. The above recommendation of the FAC were communicated to the State Government vide this Ministry's letter of even number dated 8.10.2013. The State Government of



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Uttar Pradesh vide their letter dated 13.03.2014 submitted the information as per the observation of the FAC. Summary of the same is given as under:

A. The user agency shall submit the justification forwarding the current proposal without ensuring the compliance of the stage-I approval for the diversion of 744 ha of forest land granted vide MOEF letter dated 23.08.1991

- i. It is mentioned by the State Government and the project proponent that State Government after ensuring the compliance of Stage-I approval, forwarded the compliance report to CCF (Central), Regional Office (Central Region) of MOEF, Lucknow vide letter dated 06.06.2013 from CCF/ Nodal Officer, Uttar Pradesh. This letter was forwarded to MOEF, Delhi along with the Site Inspection Report of CCF (Central), Lucknow vide letter dated 12.08.2013. in this background the following has been mentioned by the project proponent:
 - a. In accordance with the orders of Honorable Supreme Court of India 463.492 ha of Section-4 forest land has been settled in favor of villagers (Para 8). Thus the forest land involved is reduced to 280.508 ha (744 ha - 463.492 ha = 280.508 ha)
 - b. NTPC has made payments for compensatory Afforestation for double the area of forest land i.e. 561 ha (2 x 280.508 ha).
 - c. The details of payments made by the user agency against NPV have also been given in Para 6 of the letter dated 31.05.2013.
 - d. The Solicitor General of India has also opined that NTPC is liable to pay compensatory afforestation and NPV vis-a-vis 280.508 Ha of forest land.

B. The State Government, should seek amendments in the Stage-I approval dated 23.08.1991 on account of reduction in the forest area from 744 ha to

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280.508 ha, along with detailed justification and the reasons for not seeking the amendment of in principle approval till date.

- a. Nodal Officer and Conservator of Forests, Lucknow vide letter dated 15.02.1996 addressed to AIG (Forest Conservation), MOEF, Delhi had requested for an amendment in Stage-I approval due to change in forest area from 744 ha to 280.508 ha.
- b. Further, CCF/ Nodal Officer, Lucknow vide letter dated 13.08.2010 addressed to AIG (Forest Conservation), MOEF, Delhi again requested for an amendment in Stage-I approval due to change in forest area from 744 ha to 280.508 ha.
- c. The then DFO, Renukoot giving the full details for changes in forest area as well as compliance of conditions was forwarded vide letter dated 13.08.2010 of CCF/ Nodal Officer, Lucknow to MOEF, Delhi vide letter dated 08.08.2010 .

In addition to above, the project proponent has also submitted the detailed justification for above.

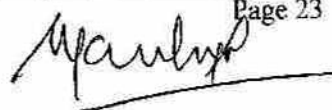
The construction of the project started on 09.02.1983. However, even before the start of construction, a writ petition was pending in the Hon'ble Supreme Court of India since 06.05.1982 and the legal status of Section-4 Forest Land (whether to be considered as forest land or non-forest private land) was sub-judice. As the land allotted to NTPC was also covered under writ Petition and the order of Hon'ble Supreme Court, NTPC got itself impleaded in the petition and requested for release of land in favor of NTPC. Hon'ble Supreme Court, realizing the importance of the project, passed several orders and appointed commissioners to facilitate the release of land in favor of NTPC. Accordingly, the part of Section-4 forest land occupied by the villagers was settled in four of villagers and later transferred to NTPC in accordance to the directives of Hon'ble Supreme Court.

C. The user agency shall submit the detailed justification for commencing the work of the project without obtaining the final approval under F(C) Act 1980.

In this regard the project proponent has mentioned following:

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- a. The land allotted to the project consisted of four types of land - Govt. Gram Sabha Land, Private Land, Section-20 Forest Land and Section-4 Forest Land. Realizing the importance of forest land as well as the regulations associated with it, NTPC did not utilize Section-20 Forest Land at all. The area of Section-20 Forest Land included in proposal for forest clearance was 188.047 Ha. However, till today, NTPC has not utilized any Section-20 Forest Land for the project and the same has also been verified during the site inspection held on 20.11.2012.
- b. In case of Section-4 Forest Land, the legal status was sub-judice and out of total 555.744 ha of Section-4 Forest Land included in proposal for forest clearance, 463.564 ha was settled in favor of villagers and only 92.18 ha remained as Section-4 forest land. Out of 92.18 ha, NTPC has utilized 62.892 ha of Section-4 forest land till date. Remaining 29.288 ha is still in possession of Forest Department as verified during the site inspection held on 20.11.2012. It is also pertinent to mention here that this 62.892 ha of Section-4 forest land existed in small patches and hence could not be avoided by NTPC.
- c. Hon'ble Supreme Court vide order dated 08.02.1989 directed one of its commissioners to facilitate transfer of land to NTPC and observed that the lands which are subjected to the notification under Section-4 of the Forest Act would also come within the purview of the Section-2 of the Forest (Conservation) Act, 1980 and it would, therefore, be necessary for NTPC to obtain appropriate clearance under that Act from appropriate authority. Immediately after this order NTPC applied for forest clearance and Stage-I forest clearance was accorded by MOEF vide letter dated 23.08.1991. However, by this time construction of Stage-I of the project (2x500 MW) was already completed. A copy of letter dated 24.10.1989 from OSD (Forests), Government of UP to AIG at (Flag-I), MOEF, Delhi regarding transfer of forest land through the Member, Board of Commissioners appointed by Honorable Supreme Court under the judgment dated 14.12.1988 is enclosed at (Flag-1).
- d. It is submitted that provisions of Section 131 of the U.P. Zamindari Abolition & Land Reforms Act, 1950 was amended through the Gazette of Uttar Pradesh dated

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15.4.1987 with effect from 30 June 1978. It is further submitted that by virtue of the provisions of Section 131-A of the U.P. Zamindari Abolition & Land Reforms Act, 1950, the Land notified under Section-4 of the Indian Forest Act, 1927, which was settled in favour of villagers being in cultivatory possession of land vested in a Gaon Sabha under section 117 of the Act, 1950, or belonging to the State Government, in the portion of District Mirzapur, south of Kaimur Range, other than land notified under section 20 of the Indian Forest Act, 1927, before the 30th day of June, 1978, shall be deemed to have become Bhumidhar over such land with effect from the 30th day of June, 1978. Copy of the Gazette of Uttar Pradesh dated 15.4.1987 is enclosed at (Flag-K).

- e. After completion of land settlement proceedings, the net forest area involved in Rihand STPP was established and NTPC has already deposited the payments towards Compensatory Afforestation and Net Present Value, as and when demanded by State Govt. and hence complied with the conditions of Stage-I clearance.
3. In view of the above justification, the project proponent has made following submissions:
 - a. NTPC has carried out the construction activities on Section-4 land transferred to it by State Govt. through the Member, Board of Commissioners appointed by Hon'ble Supreme Court under the judgment dated 14.12.1988.
 - b. NTPC has made its best efforts to minimize the utilization of forest land —188.047 Ha. of Section-20 Forest Land initially intended to be utilized has not been utilized at all, though the payments towards CA and NPV have been made for 188.047 Ha of Section-20 Forest Land.
 - c. Out of 92.18 ha of Section-4 Forest Land, NTPC has utilized 62.892 ha only, though the payments towards CA and NPV have been made for entire 92.18 ha of Section-4 Forest Land.
 - d. NTPC has already obtained Stage-I clearance and complied with the conditions of the Stage-I clearance. The delay in obtaining Stage-II forest clearance, has been due to the delay in settlement of cases related to Section-4 forest land occupied by



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villagers.

- e. In 1980s, there was acute shortage of power in the country. Rihand STPP was conceived as major project to be set up with the help from British Govt. A time bound implementation of the project was the essence of the time.
 - f. It is therefore requested that the Stage-I clearance for Rihand STPP issued vide MOEF letter dated 23.08.1991 may kindly be amended for change in area (from 744 ha to 280.508 ha) and Stage-II clearance for 280.508 ha of forest land may kindly be issued.
 - g. It is further requested that forest clearance for diversion of 146.31 Ha. of forest land for construction of Rihand Super Thermal Power Project, Stage-III (2x500 MW) Ash Dyke and Ash Pipeline may kindly be issued. Both the units under Stage-III have already been commissioned and the ash dyke is urgently required for the units to continue power generation.
3. Regional office, Lucknow of the MoEF has recommended that current proposal for Diversion of 146.31 ha of forest land for construction of Rihand Super Thermal Power Project Stage-III (2x500 MW) Ash Dam and Ash Pipe line in favour of NTPC in the Sonbhadra district of Uttar Pradesh should be considered only after Settlement of diversion of 744 ha of forest land, pending for final approval under the FC Act, on which the thermal power station complex have been established.
4. Regional office, Lucknow of the MoEF in its Site Inspection Report has intimated that construction work for phase -III is in progress within the area of 744 ha for which final approval is yet to be issued.
5. From the clarification submitted by the State Government and after detailed deliberations following is concluded
- a. This is the case of regularization of violation under FC Act as the project (stage I) was already completed by the time stage-I approval was granted in 1991. The user agency applied for central Government approval

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under F© Act1980 on the direction of the Hon'ble Supreme Court issued its order dated 8th Feb. 1989 in which legal status of the land involved in the project was decided by the court.

b. The project proponent failed to submit compliance of the stage I approval dated 23.08.1991 till 6/6/2013. The delay was stated to be due to the delay in settlement of cases related to Section-4 forest land occupied by villagers.

c. Out of 744ha of forest land (555.744ha RF under section 4 and 188.047 RF under section 20 of the Indian Forest Act 1927) for which approval under F(c) Act was sought **62.892ha of Forest land has been used by the user agency in violation of the Forest (conservation) Act, 1980 since 1983, the date of commencement of the project.** (Out of 555.744ha of Section 4 land 463.564ha of land was settled in favor of villagers vide Supreme Court's order dated 08.02.1989. Out of remaining 92.18 ha Section 4 forest land 29.288 ha land is in possession of State Forest Department. Balance 188.047 ha of RF land under section 20 of the IFAs has not been utilized by the User Agency for the project.)

d. Out 280.227 ha of forest land (92.18 ha of RF under Section 4 of IFA and 188.047 ha RF under Section 20 of IFA) only 62.892 ha has been actually utilized by the user agency for non-forestry purpose and the project for which forest land was requested is already completed. Therefore there is no justification for diversion of 217.335 ha of forest land (29.288 ha of section-4 land already in possession of State Forest Department and 188.047 ha of RF land under section 20 which has not been utilized for the non-forestry purpose till the completion of the project.

e. Since the NTPC is central Government PSU they are entitled for Compensatory Afforestation over double the degraded forest land.

6. In view of the above, the FAC recommended the following.

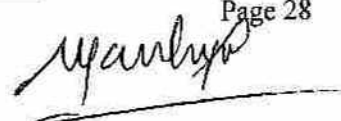
a. Stage I approval accorded by the MoEF may be amended to the extent that diversion of only 62.892ha of Forest Land which has actually been utilized for



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the project subject to the general, standard conditions and following additional conditions

- i. State Government shall raise penal compensatory afforestation from funds to be realized from the user agency, over degraded forest land twice in extent to the forest land utilized for non-forest purpose without obtaining approval under the FC Act; (62.892ha).
 - ii. State Government shall realize from the user agency penal NPV @ 20 % of the rates applicable on the date of grant of the amended Stage-I approval, of forest land utilized for non-forest purpose(62.892ha) without obtaining approval under the FC Act for each year or fraction thereof. (**Explanation:** In case a patch of forest land has been utilized for non-forest purpose without obtaining approval under the FC Act for 3 years, penal NPV to be realised in respect of such forest land will be at the rate of 60 % of the rates applicable on the date of grant of stage-I approval.);
 - iii. State Government should initiate action against the user agency in accordance with the provisions of the Indian Forest Act, 1927 or relevant local Forest Act of the State Government for use of 62.893ha of forest land without prior approval of the State Government.
 - iv. State Government should initiate an enquiry to find out whether state government officials prima facie failed to restrain the user agency to utilize the forest land during the period from 1983, year of commencement of the project to 08/02/1989, the day Honorable Supreme court ordered transfer of land to NTPC and subsequent period. And initiate proceedings against the official found guilty.
- b. 'The above recommendation of the committee will be placed before the competent authority only after examination of following information on receipt from the state Government.



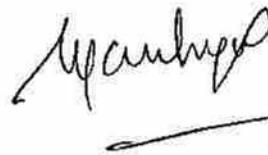
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- i. Re-confirmation from the State Government that 29.288 ha of forest land which is claimed to have been not utilized by the user agency is in possession of the Forest Department.
 - ii. Status of the 188.047 ha of RF under section 20 of the IFA 1927 which is claimed to have not been utilized by the user agency. Whether the land is transferred to the user agency or is in possession of the Forest Department.
 - iii. Location of 62.892 ha of forest land on SOI topo sheet and DGPS maps of the forest land.
 - iv. Letter of the commissioner appointed by the Hon'ble Supreme Court restraining the concerned DFO from stopping the project activities as claimed by the user agency during presentation.
 - v. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance of the MoEF's guidelines dated 03/08/2009 read with guidelines dated 5th July 2013 has to be submitted by the State Government.
- c. The current proposal of Diversion of 146.31 ha of forest land for construction of Rihand Super Thermal Power Project Stage-III (2x500 MW) Ash Dam and Ash Pipe line in favour of NTPC in the Sonbhadra district of Uttar Pradesh will be considered by the FAC only after issue of amended stage- I approval, subsequent submission of compliance report and issue of stage II approval. In the meantime the state government may keep ready following information which will be required if the MoEF takes decision to consider this proposal after issue of stage II approval of the previous project
- i. Since item of works proposed are not site specific the user agency shall submit detailed justification for establishing the Ash dam and Ash Pipe line at the proposed location along with report on exploring at least three alternatives which should also highlight the availability/non-availability of Non-Forest land.



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- ii. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance of the MoEF's guidelines dated 03/08/2009 read with guidelines dated 5th July 2013 has to be submitted by the State Government
- d. The state government may further be advised to
 - i. Stop the construction work for phase -III which is in progress within the area of 744 ha for which final approval is yet to be issued.
 - ii. State Government should inquire into the matter and initiate action against the user agency in accordance with the provisions of the Indian Forest Act, 1927 or relevant local Forest Act of the State Government for starting the construction work for phase -III without prior approval of the State Government.



A handwritten signature in black ink, appearing to read 'M. Rajkumar', is written over a horizontal line.

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Agenda No.8

F.No.8-17/2012-FC

Diversion of 122.50 ha of Forest land for establishment of Special Training School in favour of Commandant ,81 Battalion,CRPF, Ambikapur in east Sarguja forest division, Chattisgarh.

The FAC after examination of proposal and interaction with representatives of user agency and the Nodal Officer, Chattisgarh observed as below

1. The proposal was considered by the Forest Advisory Committee in its meeting held on 17th to 18th September 2012 and the Committee noted that no permanent construction is proposed in the area and accordingly, the Committee felt that permanent diversion of the forest land may not actually be needed. However, the Committee desired that in case, permanent diversion is needed, the user agency may submit detailed land use plan for further consideration of the Committee.
2. The recommendations of the forest advisory Committee were communicated to the State Government vide letter dated 9th October, 2012.
3. Subsequently, the project proponent, vide letter dated 26.02.2013 has informed that there are approx 20,000-22,000 CRPF personnel posted in the State and there have been reported several casualties with CRPF personnel for want of knowledge of local topography and forests. The State Government has further informed that Site Inspection report of the area has already been submitted by the Regional Office, Bhopal. The project proponent has accordingly, requested this Ministry to consider the proposal and accord forest clearance to the proposal.
4. On the request of the project proponent, this Ministry vide its letter dated 8th April, 2013 requested the State Government to depute the Nodal Officer and the representative of the User Agency to make a detailed presentation before the FAC in its next meeting. However, no response was received from the State Government.

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5. Status of the Forest land is protected Forest. There are no grown up trees in the area proposed for diversion. The vegetation is of secondary nature. The vegetation in the area is not proposed to be disturbed in any manner. No construction work and felling of trees will be undertaken in the forest area proposed for diversion. Existing natural state of the area will be maintained. The forest land proposed for diversion shall be used for setting up of camps and for jungle training. All the required construction work will be taken in adjoining revenue land of 34.09 ha which is allotted to the user agency
6. Project area does not form part of any protected area. It is not a part of National Park, Wildlife Sanctuary, Biosphere Reserves, Tiger reserve, Elephant corridor etc.. The concerned DCF of the State Forest Departments have certified that there is no National Park, Wildlife Sanctuary, Biosphere Reserve Tiger Reserve, Elephant Corridor, etc.
7. No rare/endangered/unique species of flora and fauna have been found/recorded in the area.
8. The proposal does not involve any displacement of people.
9. Compensatory Afforestation has been proposed over double degraded forest area land over an area of 245 ha identified in Forest Range Dhaupur and Forest Range Rajpur of East Surguja Forest Division
10. No work in violation of the Forest (Conservation) Act, 1980 has been carried out.
11. Regional office has recommended diversion for 77.00 ha of forest land.

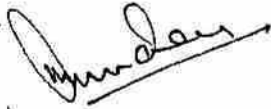
After thorough deliberation the committee recommended the proposal for diversion of 77.00 ha of forest land subject to general and standard conditions applicable to the project and following additional conditions

- i. No construction activity and felling with in the diverted area will be permitted.
- ii. User agency, in consultation of State Forest Department shall prepare regeneration plan which shall be as per the requirement jungle combat training and implement it.
- iii. Revised CA scheme will be prepared with a provision for maintenance of 7-10 years and accordingly cost of CA be realized from the user agency

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Committee further recommended that above recommendation will be place before the competent authority on receipt of following information from the State Government.

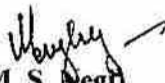
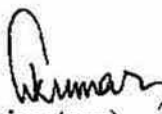
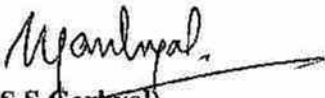
- i. Compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 in accordance of the MoEF's guidelines dated 03/08/2009 read with guidelines dated 5th July 2013 has to be submitted by the State Government.
- ii. DGPS maps of 77ha area being approved for diversion and of area identified for CA.



(C M Pandey)
Additional
Commissioner(NRM)
(Ministry of
Agriculture)
Member


(Prof.N.P.Todaria)
Member

(Dr. Mohammad
Firoz Ahmed)
Member


(M. S. Negi)
IGF (FC)
Member-Secretary
(A.K. Srivastava)
ADGF(FC)
Member
(S.S. Garbhal)
DGF & SS
Chairman

Government of India
Ministry of Environment & Forests
(Forest Conservation Division)

Proceedings of the Meeting of the Forest Advisory Committee Held On
29th - 30th April, 2014

No. of Pages: 40
No. of Proposals: 19
AIGF (HCC)

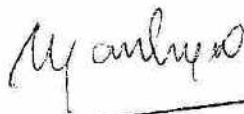
Agenda No. 1: Diversion of 48.986 hectares of forest land in favour of the Border Roads Organization (BRO) for widening of Simli - Gwaldam State Highways in Chamoli district, Uttarakhand (File No. 8-23/2014-FC)

FAC after examination of the proposal observed as below:

- (i) Forest land proposed to be diverted is required for widening of 53 Kilometer length of the existing highways;
- (ii) Apart from 48.986 hectares of forest land, project involves 25.214 hectares of private land also;
- (iii) Legal status of forest land proposed to be diverted is Reserved Forest;
- (iv) Crown density of vegetation available in the forest land proposed to be diverted is 0.40;
- (v) Project involves total 7,385 trees, out of which 4,478 trees are proposed to be felled. Out of the 4,478 trees proposed to be felled, 936 trees are standing on Reserved Forest, 123 trees are standing on civil forest land, 2,886 trees are standing on van panchayat land and 533 trees are standing on private land;
- (vi) Project does not involve diversion of forest land within a protected area. No protected area is located within 10 kilometer from boundary of forest land proposed to be diverted;
- (vii) No work in violation of the FC Act has been carried out; and
- (viii) Compensatory afforestation is proposed to be raised over degraded Reserved Forest land twice in extent to the area of forest land proposed to be diverted.

FAC after detailed deliberations recommended diversion of the said forest land subject to general conditions and standard conditions applicable to Border Road projects implemented by the Border Roads Organization (BRO).

FAC further recommended that, researchers from the Forestry Department of H.N.B. Garhwal University, Srinagar Garhwal or any other University/ Research institute may be allowed to collect measurement/data from trees to be felled from the forest land proposed to be diverted. After collection of data, the researchers may hand over the timber to the State Forest Department for its disposal as per the extant procedure.



Agenda No. 2: Diversion of 180 hectares of forest land in favour of National Technical Research Organization in Samardha Range of Bhopal Forest Division, District Bhopal (File No. 8-17/2014-FC)

FAC after examination of the proposal observed as below:

- (i) Forest land proposed to be diverted is required for setting up of a project of strategic importance by the National Technical Research Organisation (NTRO);
- (ii) Legal status of forest land proposed to be diverted is Protected Forest;
- (iii) Crown density of vegetation available in the forest land proposed to be diverted varies from 0.10 to about 0.40;
- (iv) Forest land proposed to be diverted contains 1,08,778 trees, out of which 71,758 trees are of below 60 cm girth. Remaining 37,020 trees are of above 60 cm girth. However, project will involve felling of *approx.* 10 % of trees available in the forest land proposed to be diverted;
- (v) Proposal does not involve displacement of people;
- (vi) Compensatory afforestation is proposed to be raised on 360.00 hectares of Revenue Forest land; and
- (vii) Project does not involve diversion of forest land within a protected area. No protected area is located within 10 kilometer from boundary of forest land proposed to be diverted.

FAC after detailed deliberations recommended diversion of the said forest land subject to general conditions and the following additional conditions:

- (i) User agency shall minimize felling of trees available in the forest land proposed to be diverted. In any case, not more than 10 % of trees available in the forest land proposed to be diverted shall be felled;
- (ii) To ensure long term protection, revenue forest land identified to raise compensatory afforestation shall be transferred and mutated in favour of State Forest Department and notified as Reserved Forest;
- (iii) User agency shall provide a detailed land use plan for the forest land proposed to be diverted to the State Government and the Ministry of Environment and Forest before grant of stage-II approval under the FC Act for diversion of the said forest land;
- (iv) User agency shall afforest blank and degraded patches located within the forest land proposed to be diverted which are not required to be utilised for non-forest activities related to the project as per the approved land use plan.

At only

Agenda No. 3: Matter pertaining to processing of proposals seeking prior approval of Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land located in Coal Blocks allocated to Private Companies for specified end use based on recommendation of the Screening Committee. [File No. 3-2/2009-FC (pt.-I)]

FAC after examination of the matter observed as below:

- (i) FAC in its meeting held on 13th February 2014 examined proposals seeking stage-I Forest Clearance to four captive coal blocks from among the 61 coal blocks as per details given in the list enclosed with the said letter, allocated to private companies for specified end use based on recommendation of the Screening Committee. These Blocks are Chakla, Tubed, Bijahan and Radhikapur (West).
- (ii) FAC during examination of these proposals took note of the Ministry of Coal's letter No. 13016/04/2014-CA-I dated 15th January 2014 wherein it has *inter-alia* been stated that coal blocks where Forest Clearance Stage-I (wherever required) have not been obtained till 5th February, 2014 will be de-allocated.
- (iii) FAC after detailed deliberations recommended that opinion of the Ministry of Coal may first be obtained whether keeping in view the time-lines stipulated in their said letter dated 15th January 2014 wherein it has *inter-alia* been stated that coal blocks where Forest Clearance Stage-I (wherever required) have not been obtained till 5th February, 2014 will be de-allocated, grant of stage-I approval under the FC Act for diversion of forest land located within these blocks can be considered by the MoEF? The FAC further recommended that comments received from the Ministry of Coal may be put up to FAC for consideration.
- (iv) Accordingly, MoEF vide O.M. dated 14th February 2014 requested the Ministry of Coal to indicate whether keeping in view their said letter dated 15th January 2014 prior approval of Central Government under the FC Act for diversion of forest land located within the above-mentioned four Blocks can be accorded by the MoEF.
- (v) In reply the Ministry of Coal vide their O.M. dated 19th February 2014 informed the MoEF as below:
 - (a) In this context they would like to reiterate that, in order to avoid such a situation, Secretary (Coal) had immediately after the decision by the CCEA and submission of the 'Statement' before the Supreme Court written to the MoEF stating that all such actions needs to be completed before the deadline of 05th February, 2014 as submitted in the 'Statement' before the Supreme Court. This was preceded by two Senior Officers of the level of Joint Secretary of the Ministry of Coal meeting Secretary, MoEF and other senior officers to apprise them about the decision of the CCEA and the timelines which had been set by CCEA.

M. Anil Kumar

- (b) The Coal Ministry has already taken necessary action as per the decisions of the CCEA. In view of the facts stated in MoEF letter, the MoEF may seek opinion of the Ministry of Law and Justice or approach the CCEA as deemed necessary.
- (vi) Hon'ble Supreme Court has concluded hearings on a PIL on alleged irregularities in allocation of Coal Blocks to private parties and reserved their judgment
- (vii) Allocattees of most of the coal blocks where requisite Forest Clearance Stage-I could not be obtained till 5th February, 2014 have approached various High Courts. In most of these cases, High Courts have directed to maintain *status quo* till further orders.

FAC after detailed deliberations recommended that the MoEF may await decision of the Hon'ble Supreme Court in the PIL on alleged irregularities in allocation of coal blocks to private parties. After receipt of the decision of the Hon'ble Supreme Court in the said PIL, from among 61 coal blocks allocated to private parties, the MoEF may process applications seeking Stage-I Forest Clearance to only those blocks whose allocation is upheld by the Hon'ble Supreme Court. Pending decision of the Hon'ble Supreme Court, the MoEF may process any of these applications only if any High Court or any other Court of Law specifically directs the MoEF to process such applications.

Agenda No. 4: Amendment to a condition stipulated in the stage-I approval under the Forest (Conservation) Act, 1980 accorded by the MoEF for diversion of 75.828 hectares of forest land for construction of railway line by South Eastern Railways from Food Corporation of India (FCI) shunting neck of Jharsuguda to Sardega (Gopalpur) in Sundargarh and Jharsuguda Forest Divisions (Jharsuguda to Chichhinda in Jharsuguda district involving 6.93 ha. of forest land) and Kanaktora to Sardega (Gopalpur) in Sundargarh District involving 68.898 hectares of forest land) for transportation of coal through railway infrastructure (File No. 8-67/2013-FC)

FAC after examination of the matter observed as below:

- (i) Government of Odisha vide their letter dated 19.08.2013 submitted a proposal to obtain prior approval of the Central Government, under section-2 of the FC Act for diversion of 75.828 hectares of forest land for construction of railway line by South Eastern Railways from Food Corporation of India (FCI) shunting neck of Jharsuguda to Sardega (Gopalpur) in Sundargarh and Jharsuguda Forest Divisions (Jharsuguda to Chichhinda in Jharsuguda district involving 6.93 ha. of forest land) and Kanaktora to Sardega (Gopalpur) in Sundargarh District involving 68.898 hectares of forest land) for transportation of coal through railway infrastructure.
- (ii) State Government in the said proposal reported that the user agency has undertaken construction of a major bridge over river IB and minor bridges in the initial 3 Kms of the said line in Jharsuguda district starting from Howrah-Mumbai main trunk railway line in the non-forest area. User agency has therefore, violated Para 4.4 of guidelines issued under the FC Act;



- (iii) FAC after examination of the said proposal in their meeting held on 12th -13th September 2013 recommended grant of approval under the FC Act for diversion of the said forest land subject to fulfilment of *inter-alia* the following condition:

"State government shall raise penal compensatory afforestation from the funds to be realized from the user agency, over degraded forest land equal in extent to the area of non-forest land utilised for execution of a part of the project pending receipt of prior approval of Central Government under the FC Act for diversion of forest land required for the project."

- (iv) The said recommendation of the FAC was accepted by competent authority in the Central Government. The said condition was thus included in the in-principle approval under the FC Act accorded by the MoEF vide letter dated 17th December 2013 for diversion of the said forest land.
- (v) Secretary (Coal) in his D.O. letter dated 31st December 2013 informed the Secretary, Environment and Forests, as below:
- (i) In the meeting of the PMG held today under the Chairmanship of Additional Secretary , Cabinet Secretariat , the representative of the Ministry of Railways informed the Group that while extending the Stage -I FC to the Jharsuguda - Barpalli railways line in Ib -Valley, Odisha, the FAC has laid as condition that State Govt. shall raise penal compensatory afforestation from the funds to be realized from the user agency over degraded forest land equal in extent to the area of non-forest land utilized for execution of a part of the project pending receipt of prior approval of Central Government under the FC Act for diversion of forest land required for the project.
 - (ii) As a result, it is given to understand the railways are reluctant to implements the project.
 - (iii) Jharsuguda - Barpalli railway line is one of the three critical railway projects being implemented for improving the coal evacuation situation from the potential coalfields in the country and the action of railways to initiate the project work in the non -forest area forming part of the project is aimed at expediting implementing the project. In such circumstances imposing penal compensatory afforestation clause by FAC is not justified.
- (vi) Secretary (Coal) in his said D.O. letter dated 31st December 2013 requested the Secretary, Environment and Forests to review the decision of FAC in regard to imposition of penal compensatory afforestation clause.

FAC after detailed deliberations observed that condition regarding realization of funds from the user agency for raising penal compensatory afforestation has been imposed keeping in view undisputed violation of para 4.4 of guidelines issued under the FC Act. The FAC therefore, recommended that request of the Ministry of coal to delete the said condition may not be accepted.



Agenda No. 5: Diversion of 51.3958 hectares of forest land in favour of M/s. Power Grid Corporation of India Limited for 35 years for construction of 400 KV DC (Kwad) Dehradun -Abdulapur Transmission line in district Dehradun, Uttarakhand. (File No. 8-9/2014-FC)

FAC after examination of the proposal and interaction with representatives of the user agency observed as below:

- (i) The transmission line proposed to be constructed will connect Haryana, Uttar Pradesh and Uttarakhand with the National Grid so as to facilitate transfer of surplus electricity with the National Grid;
- (ii) Legal status of forest land proposed to be diverted is Reserved Forest;
- (iii) Crown density of vegetation available in the forest land proposed to be diverted varies from 0.30 to 0.60;
- (iv) Forest land proposed to be diverted contains 6,501 trees, out of which 1,549 trees will be required to be felled for execution of the project. For the remaining trees, lopping of branches, wherever required, will only be undertaken to maintain stipulated clearance from the conductors;
- (v) Project does not involve diversion of forest land within any protected area. The forest land proposed to be diverted is located at 25 kilometer distance from the Rajaji National Park;
- (vi) Forest land proposed to be diverted is not very vulnerable to soil erosion. However, soil conservation measures will be required to be undertaken;
- (vii) No work in violation of the FC Act has been carried out;
- (viii) Compensatory afforestation is proposed to be raised over 105 hectares of degraded forest located in Langha and Timli Ranges in Kalsi Soil Conservation Division, Kalsi; and
- (ix) Proposal received from the Government of Uttarakhand contains requisite certificate regarding settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted.

FAC after detailed deliberations recommended diversion of the said forest land subject to general conditions, standard conditions applicable to transmission line projects and following additional condition:

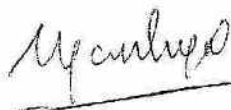
- (i) User agency under supervision of the State Forest Department shall take up soil conservation measures in the forest land proposed to be diverted as per the Soil Conservation Plan approved by the concerned Divisional Forest Officer or the Chief Conservator of Forests in the State Forest Department.



Agenda No. 6: Diversion of 65.976 hectares of forest land in favour of Department of Estates, Government of Uttarakhand for construction of Assembly, Secretariat, Minister's Bungalows and Offices at Raipur in Mussoorie Forest Division, Dehradun (File No. 8-10/ 2014-FC)

FAC after examination of the proposal and interaction with representatives of user agency observed as below:

- (i) Forest land proposed to be diverted is proposed to be utilised for construction of an integrated infrastructure complex consisting of Assembly, Secretariat, Office and Residences of Chief Minister, Speaker, Ministers, Residences of the State Legislatures and staff, parking and *helipad etc.* and a Frontier Headquarters of Indo Tibet Border Police (ITBP) at one location;
- (ii) State Government has reported that the present Assembly of the Uttarakhand being located in bed of the Rispana river is unsafe and it being located in middle of the city adversely affects traffic arrangements during the Assembly Sessions. The State Government also reported that even after more than ten years, after creation of a new State of Uttarakhand many Directorates and Headquarters of various Heads of Offices in Uttarakhand are running from rented building;
- (iii) Out of 65.979 hectares of forest land proposed to be diverted, 50 hectares of forest land is proposed to be utilised for setting up of infrastructure by State Government and the remaining 15.979 hectares of forest land is required for setting up of Frontier Headquarters of Indo Timber Border Police (ITBP);
- (iv) Legal status of forest land proposed to be diverted is Reserve Forests;
- (v) Crown density of vegetation available in the forest land proposed to be diverted is 0.20;
- (vi) Project involves felling of 2,341 trees;
- (vii) Project does not involve diversion of forest land within any protected area. The forest land proposed to be diverted is located at 25 kilometer distance from the Rajaji National Park. However, it has been reported by the State Government that in recent years movement of wild elephants has been observed in and around the forest land proposed to be diverted;
- (viii) Compensatory afforestation is proposed to be raised on 132 hectares of civil soyam land located in Mussoorie Forest Division;
- (ix) Proposal received from the State Government does not contain report on settlement of rights in accordance with provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 on the forest land proposed to be diverted;
- (x) Proposal received from the State Government does not contain detailed layout plan for use of forest land proposed to be diverted;



- (xi) Proposal received from the State Government contains a certificate from Revenue Department and Forest Department that requirement of forest land as proposed by the user agency is unavoidable and bare minimum. Details of alternatives examined have however, not been provided in the proposal.
- (xii) Forest land is proposed to be diverted for a non-site specific project. It is also proposed to be utilised for construction of residential buildings. Approval sought by the State Government is therefore, contrary to para 4.5 of guidelines issued under the FC Act which reads as below:

"4.5. Diversion for Construction of Houses

(i) On a proposal for construction of houses, the late Prime Minister had observed: "Destruction of our forest has already caused great damage to our environment. Therefore, I am not at all in favour of use of forest land for construction of houses..... The State Government should find other land for such purposes."

The Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses.

(ii) Diversion of forest land for construction of other buildings also will not be normally considered. However, such diversion may be allowed for construction of schools, hospitals/dispensary, community halls, cooperative, panchayats, tiny rural industrial sheds of the Government etc., which are to be put up for the benefit of the people of that area, but such diversion should be strictly limited to the actually needed area and further it should not exceed one hectare in each case."

FAC after detailed deliberations recommended that approval under the FC Act for diversion of the said forest land for execution of non-site specific activity involving construction of residential buildings may be accorded only if it is proved by the State Government with credible evidence that there are no other alternative sites for execution of the project. State Government may therefore, be requested to provide credible evidence in support of their claim that requirement of the said forest land is bare minimum and unavoidable. State Government may also be requested to provide following information/ documents:

- (i) Details of alternative sites examined for setting up of the project;
- (ii) Report on settlement of rights in accordance with provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted along with documentary evidence stipulated in the MoEF's letter No. 11-9/98-FC(pt.) dated 3rd August 2009;
- (iii) Detailed land use plan for the forest land proposed to be diverted; and
- (iv) Comments of the Chief Wildlife Warden on impact of project on wildlife in general and elephants in particular.

M. Anil Kumar

Agenda No. 7: Amendment to conditions stipulated in the in-principle approval under the Forest (Conservation) Act, 1980 accorded by the MoEF vide letter dated 24th February 1999 for diversion of 465.64 hectares of forest land (160.72 hectares already broken up area + 37.25 hectares unbroken area to be worked during present renewal period + balance 267.64 hectares to be maintained as forest) for renewal of mining lease in favour of M/s. Steel Authority of India Ltd. (SAIL) in Bolani iron ore mines, Keonjhar district (File No. 8-87/96-FC)

FAC after examination of the proposal and interaction with representatives of user agency observed as below:

- (i) In consideration of a proposal received from the Government of Odisha, MoEF vide letter dated 24th February 1999 accorded in-principle approval under the FC Act for diversion of 465.64 hectares of forest land (160.72 hectares already broken up area + 37.25 hectares unbroken area to be worked during first renewal period + balance 267.64 hectares to be maintained as forest) in favour of M/s. Steel Authority of India Ltd. (SAIL) for first renewal of their Bolani iron ore mines;
- (ii) In-principle approval accorded by the MoEF vide their said letter dated 24th February 1999 was subject to fulfilment of *inter-alia* the following condition:
"Immediate action should be taken for transfer and mutation of identified 304.89 hectares of non-forest land in favour of the State Forest Department."
- (iii) State Government in their letter dated 18th April 2009 informed the MoEF that out of the total 304.89 hectares of non-forest land identified for creation of compensatory afforestation, 2.00 hectares of non-forest land was found to be under encroachment, and requested the MoEF that the said condition stipulated in the in-principle approval may be partially amended to the effect that in lieu of 2 hectares of non-forest land found to be under encroachment, compensatory afforestation may be raised over degraded forest land twice in extent (i.e. 4 hectares of degraded forest land);
- (iv) MoEF keeping in view para 3.2 (ix) of guideless issued under the FC Act, which provides that as a special provision for Central Government/Central Government Undertaking Projects, compensatory afforestation in lieu of forest land diverted for execution of such projects may be raised on degraded forest land twice in extent of forest area being diverted, accepted the said request and communicated the same to the Government of Odisha vide letter dated 14th July 2009;
- (v) State Government in their letter dated 31st January 2014 informed the MoEF that the remaining 302.89 hectares of non-forest land identified for creation of compensatory afforestation has also been found to be under encroachment and requested the MoEF to further amend the said condition stipulated in the in-principle approval to the effect that compensatory afforestation in-lieu of the 302.89 hectares of non-forest land found to be

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under encroachment may be raised over degraded forest land twice in extent (i.e. $2 \times 302.89 = 605.78$ hectares);

- (vi) Para 4.2 of guidelines issues under the FC Act provides *inter-alia* that in cases where compliance of conditions stipulated in the in-principle approval is awaited for more than 5 (five) years from the State Governments, the in-principle approvals would summarily be revoked. The said para also provides that after the revocation of the in-principle approval, if the State Government/ user agency is still interested in the project, they would be required to submit a fresh proposal which shall be considered *de-novo*. Compliance of conditions stipulated in the in-principle approval in this proposal is awaited from the State Government for more than fifteen (15) years;
- (vii) Para 4.16 of guidelines issued under the FC Act provides *inter-alia* that the approval under the FC Act for diversion of forest land for grant/renewal of mining leases shall normally be granted for a period co-terminus with the period of mining lease proposed to be granted under Mines and Minerals (development and Regulation) Act 1957 (MMDR Act, 1957) or Rules framed thereunder, but not exceeding 30 years. The said para also provides that while recommending cases for approval under the FC Act, the user agency/ State Government shall indicate the period for which the mining lease is proposed to be granted /renewed under MMDR Act or Rules framed there under;
- (viii) In this proposal, State Government sought approval under the FC Act for diversion of the said forest land during first renewal of mining lease. First renewal of mining lease has already expired in 2002. MoEF did not receive any proposal to obtain approval under the FC Act for second renewal of mining lease *w.e.f.* the year 2002;
- (ix) In-principle approval under the FC Act for diversion of 465.64 hectares of forest land accorded by the MoEF vide their said letter dated 24th February 1999 was therefore, for the period co-terminus with the period of first renewal of mining lease which has already expired in 2002;
- (x) User agency, without waiting for grant of stage-II approval under the FC Act for diversion of the said forest land during first renewal of mining lease and without submitting an application to seek approval under the FC Act for second renewal of mining lease, is using forest land located within the said mining lease for processing, storage, and transportation of iron ore raised from their adjoining mining lease. The same amounts to violation of the FC Act and the Orissa Forest Act, 1972;
- (xi) The said mining lease is presently working under deemed second renewal of mining lease in terms of Rule 24 (A) (6) of the Mineral Concession Rules, 1960;



- (xii) Hon'ble Supreme Court in paragraph 24 of their Judgment dated 21st April 2014 in Writ Petition (Civil) No. 435 of 2012 in *Goa Foundation versus Union of India and others inter-alia* directed as below:

"24. The MC Rules have been made under Section 13 of the MMDR Act by the Central Government and obviously could not have been made in a manner inconsistent with the provisions of the Act. Sub-rule (6) of Rule 24A of the MC Rules provides that if an application for the renewal of a mining lease made within the time referred to in sub-rule (1) is not disposed of by the State Government before the date of expiry of the lease, the period of the lease shall be deemed to have been extended by a further period till the State Government passes order thereon. This sub-rule cannot apply to a renewal under sub-section (3) of Section 8 of the MMDR Act because the renewal under this provision cannot be made without express orders of the State Government recording reasons for renewal in the interest of mineral development. In other words, so long as there is a right of renewal in the lessee which in the case of a mining lease is for a maximum period of twenty years, the provision regarding deemed extension of a lease can operate, but if the right of renewal of a mining lease is dependent upon the State Government forming an opinion that in the interest of mineral development it is necessary to do so and the State Government recording reasons therefor, a provision regarding deemed extension till orders are passed by the State Government on the application of renewal cannot apply. We are, therefore, of the opinion that sub-rule (6) of Rule 24A of the MC Rules will apply to a case of first renewal under sub-section (2) of Section 8 of the MMDR Act other than a case covered under sub-rule (9) of Rule 24A of the MC Rules, but will not apply to renewal under sub-section (3) of Section 8 of the MMDR Act....."

- (xiii) Keeping in view the said direction of the Hon'ble Supreme Court the user agency does not have valid lease, even under deemed extension, for the said forest land.

FAC after detailed deliberations recommended that keeping in view that report on compliance to conditions stipulated in the in-principle approval is awaited for a period more than 15 years, the MoEF may revoke the said in-principle approval with immediate effect.

The FAC further recommended that keeping in view that forest land located within the said mining lease is being utilised for non-forest purpose without obtaining requisite approval under the FC Act, the MoEF may advise the State Government to take following immediate action:

- (i) Restrain the user agency from using the forest land located within the said mining lease for non-forest purpose till requisite approval under the FC Act is obtained;
- (ii) Realise from the user agency funds for creation of **penal compensatory afforestation** over degraded forest land, five times in extent to the area of forest land used for non-forest purpose without obtaining requisite approval under the FC Act;



- (iii) Realise from the user agency penal NPV of the forest land utilised for non-forest purpose without obtaining requisite approval under the FC Act, @ 20 % of the rates applicable on the date of issue of letter by the MoEF in this regard, for each year or fraction thereof, of the use of such forest land for non-forest purpose without obtaining requisite approval under the FC Act. (Explanation: In case total period for which a patch of forest land has been utilized for non-forest purpose without obtaining requisite approval under the FC Act is six years, NPV to be realised in respect of such forest land will be at the rate of 1.2 times the rates applicable on the date of issue of letter by the MoEF in this regard;
- (iv) Initiate disciplinary proceedings against the officials who *prima facie* failed to restrain the user agency to utilize the forest land for non-forest purpose without obtaining requisite approval under the FC Act; and
- (v) Initiate action against the user agency in accordance with the provisions of the Orissa Forest Act, 1972 for use of forest land for non-forest purpose without obtaining requisite approvals.

The FAC also recommended that the MoEF may advise its Regional Office having jurisdiction over the said forest land to further investigate violations of the FC Act in respect of the said forest land and file complaints against persons *prima facie* found guilty of such offence, in the court having jurisdiction in the matter.

Agenda No. 8: Diversion of 77.940 hectares of forest land including 2.562 hectares of Safety Zone area for development of mining infrastructure in Toda RF in M.L. 162 Mining Lease of M/s. Steel Authority of India Limited (SAIL) under Bonai Forest Division in Sundargarh District, Odisha during 2nd RML period (File No. 8-18/ 2014-FC)

FAC after examination of the proposal and interaction with representatives of user agency observed as below:

- (i) Out of the total 77.940 hectares of forest land located within the mining lease, 43.564 hectares of forest land is utilised for processing, temporary storage and transportation of ore from adjoining mining lease of the user agency (*i.e.* ML 130) to siding located in Barsuan valley. Installations like crushing plant, washing plant, jigging plant, screening plant, thickeners, and downhill conveyor, *etc.* have already been installed within the said 43.564 hectares of forest land within the mining lease;
- (ii) Out of the remaining 34.376 hectares of forest land located within the said mining lease, 2.562 hectares of forest land is located in safety zone of the mining lease and the balance 31.814 hectares of forest land is proposed to be utilised for installation of conveyor system of enhanced capacity, an iron ore beneficiation plant and as an intermediate area for movement of man & machines space between the infrastructure installed in the said mining lease;

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- (iii) Though the lease involves forest land, first renewal of mining lease was granted by the Mining and Geology Department, Government of Odisha on 18th January 1984 with retrospective effect from 29th April 1980, without obtaining prior approval of Central Government under the FC Act. Same amounts to violation of the FC Act;
- (iv) Even after expiry of first renewal of mining lease on 28th April 2000, user agency continued to use the installations like crushing plant, washing plant, jigging plant, screening plant, thickeners, and downhill conveyor etc. installed in the forest land located within the said mining lease;
- (v) The said mining lease is presently working under deemed second renewal of mining lease in terms of Rule 24 (A) (6) of the Mineral Concession Rules, 1960;
- (vi) Hon'ble Supreme Court in paragraph 24 of their Judgment dated 21st April 2014 in Writ Petition (Civil) No. 435 of 2012 in *Goa Foundation versus Union of India and others inter-alia* directed as below:

"24. The MC Rules have been made under Section 13 of the MMDR Act by the Central Government and obviously could not have been made in a manner inconsistent with the provisions of the Act. Sub-rule (6) of Rule 24A of the MC Rules provides that if an application for the renewal of a mining lease made within the time referred to in sub-rule (1) is not disposed of by the State Government before the date of expiry of the lease, the period of the lease shall be deemed to have been extended by a further period till the State Government passes order thereon. This sub-rule cannot apply to a renewal under sub-section (3) of Section 8 of the MMDR Act because the renewal under this provision cannot be made without express orders of the State Government recording reasons for renewal in the interest of mineral development. In other words, so long as there is a right of renewal in the lessee which in the case of a mining lease is for a maximum period of twenty years, the provision regarding deemed extension of a lease can operate, but if the right of renewal of a mining lease is dependent upon the State Government forming an opinion that in the interest of mineral development it is necessary to do so and the State Government recording reasons therefor, a provision regarding deemed extension till orders are passed by the State Government on the application of renewal cannot apply. We are, therefore, of the opinion that sub-rule (6) of Rule 24A of the MC Rules will apply to a case of first renewal under sub-section (2) of Section 8 of the MMDR Act other than a case covered under sub-rule (9) of Rule 24A of the MC Rules, but will not apply to renewal under sub-section (3) of Section 8 of the MMDR Act....."

- (vii) Keeping in view the said direction of the Hon'ble Supreme Court, the user agency does not have right to operate the mining lease in accordance with the provisions of the section 24 A (6) of the Mineral Concession Rules, 1960.
- (viii) The matter of several mines in Odisha working in accordance with the provisions of the Rule 24 (A) (6) of the Mineral Concession Rules, 1960, while decision on applications for

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their 2nd and subsequent renewals covered under sub-section (3) of Section 8 of MMDR Act has not been taken by the State Government, is presently pending before the Hon'ble Supreme Court. Hearings for passing interim order on the said matter have been concluded and the Hon'ble Supreme Court has reserved its judgment.

After detailed deliberations FAC recommended that before taking any decision on the said proposal, MoEF may await interim decision of the Hon'ble Supreme Court on the matter of several mines in Odisha working in accordance with the provisions of the Rule 24 (A) (6) of the Mineral Concession Rules, 1960 while decision on applications for their 2nd and subsequent renewals covered under sub-section (3) of Section 8 of MMDR Act has not been taken by the State Government.

FAC further recommended that meanwhile, keeping in view that forest land located within the said mining lease is being utilised for non-forest purpose without obtaining requisite approval under the FC Act, the MoEF may advise the State Government to take following immediate actions:

- (i) Restrain the user agency from using the forest land located within the said mining lease for non-forest purpose till requisite approval under the FC Act is obtained;
- (ii) Realise from the user agency funds for creation of **penal compensatory afforestation** over degraded forest land, five times in extent to the area of forest land used for non-forest purpose without obtaining requisite approval under the FC Act;
- (iii) Realise from the user agency **penal NPV** of the forest land utilised for non-forest without obtaining requisite approval under the FC Act, @ 20 % of the rates applicable on the date of issue of letter by the MoEF in this regard, for each year or fraction thereof, of the use of such forest land for non-forest purpose without obtaining requisite approval under the FC Act. (Explanation: In case total period for which a patch of forest land has been utilized for non-forest purpose without obtaining requisite approval under the FC Act is six years, NPV to be realised in respect of such forest land will be at the rate of 1.2 times the rates applicable on the date of issue of letter by the MoEF in this regard;
- (iv) Initiate disciplinary proceedings against the officials who *prima facie* failed to restrain the user agency to utilize the forest land for non-forest purpose without obtaining requisite approval under the FC Act; and
- (v) Initiate action against the user agency in accordance with the provisions of the Orissa Forest Act, 1972 for use of forest land for non-forest purpose without obtaining requisite approvals.

The FAC further recommended that the MoEF may advise its Regional Office having jurisdiction over the said forest land to investigate violations of the FC Act in respect of the said forest land and file complaints against persons *prima facie* found guilty of such offence, in the court having jurisdiction in the matter.

A. J. Chakrabarty

Agenda No. 9: Diversion of 430.42 hectares of forest land in Kondapuram and Kondaigudem R.F.s of Paloncha Division in favour of Singareni Collieries Company Limited (SCCL) for their Manuguru OC-IV Extension Project (File No. 8-79/2013-FC)

FAC after examination of the proposal and interaction with representatives of user agency observed as below:

- (i) The forest land proposed to be diverted is required for expansion of an existing Manuguru opencast-IV Project;
- (ii) Originally MoEF vide letter No. 8-14/94-FC dated 14.2.1997 accorded approval under the FC Act for diversion of 104 hectares of forest land for Manuguru opencast-IV project for a period of 30 years till 2027.
- (iii) In the 8 Million Tonnes Per Annum (MTPA) coal produced from the Manuguru area, 3 MTPA is contributed by the Manuguru opencast-IV project. The Manuguru opencast-IV mine has however, reached high wall limit and unless the adjoining forest area is allowed to be utilised, benches cannot progress and thus coal reserves cannot be extracted. User agency therefore, propose to utilize 430.42 hectares of additional forest land for extension of the Manuguru opencast-IV project;
- (iv) Out of 430.42 hectares of forest land proposed to be utilised for expansion of the Manuguru opencast-IV mine, 206.75 hectares of forest land is proposed to be utilised for quarry area, 200.91 hectares of forest land is proposed to be utilised for external dumping along with safe barrier drains and roads *etc.* and the remaining 22.76 hectares of forest land is proposed to be utilised for dumping of top soil with safe barrier drain and inspection paths *etc.*
- (v) Legal status of forest land proposed to be diverted is Reserve Forest;
- (vi) Crown density of vegetation available in the forest land proposed to be diverted is 0.40;
- (vii) Forest land proposed to be diverted contains 30,388 trees, out of which 21,305 trees are of less than 60 cm girth and the remaining 9,083 trees are of more than 60 cm girth;
- (viii) Forest land proposed to be diverted is not located in any protected area. The nearest protected areas *i.e.* Kinnerasani Wildlife Sanctuary is located at 10.46 km from boundary of forest land proposed to be diverted;
- (ix) Proposal does not involve displacement of any human habitation;
- (x) Compensatory afforestation is proposed to be raised in 430.42 hectares of non-forest land located in Warangal (N) (138.38 hectares), Bhadrachalam (N) (6.15 hectares) and Eluru (285.44 hectares) Forest Divisions. Detailed scheme for creation and maintenance of



compensatory afforestation at an estimated outlay of Rs. 1.101.2587 lakhs has been prepared;

- (xi) Proposal received from the Government of Andhra Pradesh contains requisite certificate regarding settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted; and
- (xii) Godavari River is located at approx. 3 km distance from the forest land proposed to be diverted. The entire forest land proposed to be diverted falls in the catchment of Godavari River and local stream Gorrepeta Vagu passes through the proposed dumping area.

FAC after detailed deliberations recommended diversion of the aid forest land subject to general conditions, standard conditions applicable to mining projects and the following additional conditions:

- (i) User agency in consultation with forest department shall prepare plan and provide funds for improvement of wildlife habitat, development and protection of a green belt and for restocking of degraded forests in compartment nos. 5, 6, 7, 8 of Kondapuram RF of Aswapuram Range and compartment no. 1, 3 & 44 of Bayyaram Range;
- (ii) User agency shall submit a schedule for surrender of mined out and reclaimed forest land in the lease as per existing progressive mine closure plan approved by the Coal Controller;
- (iii) State Government shall inspect the all mining areas of the SCCL in the state and submit the status of biologically reclamation of mined out areas with a proposal for taking over such biologically reclaimed areas from the user agency; and
- (iv) State Government shall implement the catchment area treatment plan from funds to be realized from the user agency as per a plan duly approved by the State Forest Department.

Agenda No. 10: Renewal of permission accorded by the Central Government in 1983 for assignment of 160.4164 hectares of forest land in district Nainital on 30 year's lease to Century Pulp and Paper, Lalkua [File No. 8-34/ 77-FRY (Coord) (pt.)]

FAC after examination of the matter observed as below:

- (i) The Govt. of India vide letter dated 8th October 1982 accorded approval under the FC Act to assign on lease for 30 years 160.4164 hectares (396.405 acres) of forest land to Century Pulp and Paper (CPP), Lalkua for construction of Paper Plant, Stores, Residences, Roads etc. The State Government vide letter dated 3rd December 1983 leased the said forest land in favour of CPP for 30 years. The said lease has expired on 2nd December 2013. State Government has therefore, submitted the proposal for renewal of lease for 30 years for

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the said 160.41 hectares of forest land. During the renewal, no new construction is proposed;

- (ii) As reported by the State Government, Century Pulp and Paper produce finest varieties of writing & printing papers, industrial papers, specialty papers and copier papers from diversified range of raw materials;
- (iii) Following has also been reported by the State Government:
- Project provides direct employment to 8,500 persons;
 - User agency is promoting agro-forestry activities in areas located in and around Haldwani during the last 30 years, which is benefiting large number of farmers;
 - User agency is providing free market facilities for marketing of timber produces by the farmers which is helping promotion of agro-forestry in the region;
 - As per the proposal the user agency will provide Rs. 1.00 crore for development of green belt in and around the Lalkua. User agency will also provide vehicle *etc.* to the Forest Department during the fire season;
 - User agency has not violated conditions stipulated in the approval accorded in the year 1983. No forest land has also been encroached by them; and
 - Renewal of the lease will not only help development of the State but will also create employment and income generating opportunities for the local residents.

- (iv) Item-wise break-up of the forest land proposed to be diverted is as below:

Sl. No.	Name of Structures	Area in ha
1	Plant Area	50.17
2	Storage Area	42.64
3	Residential Area	3.62
4	Labour Hutment Area	6.48
5	Road Area	12.12
6	Green Belt Area	45.47
Total		160.42

- (v) Construction of no new building has not been proposed. However, several official/residential buildings have already been constructed in the forest land diverted in



favour of the user agency. Details of buildings constructed in the forest land diverted in favour of the user agency are as below:

Sl. No.	Type	Nos.
1	A+ Type	5
2	A-1 Type	10
3	A-2 Single Storey	24
4	A-2 Multi Storey	24
5	A-3 Single Storey	48
6	A-3 Multi Storey	96
7	A-4 Single Storey	118
8	A-4 Multi Storey	108
9	Bachelor Hotel	12
10	A-6 Type -25 Acre	216
11	A-7 Type -25 Acre	240
12	A-6 Type - Ghora Nala	40
13	A-7 Type - Ghora Nala	80
Total		1021

- (vi) Legal status of forest land proposed to be diverted is Reserved Forest;
- (vii) Crown density of vegetation available in the forest land proposed to be diverted varies from 0 to 0.10;
- (viii) Proposal does not involve felling of any tree;
- (ix) Project does not involve diversion of forest land within a protected area. No protected area is located within 10 kilometer from boundary of forest land proposed to be diverted;
- (x) As per the existing guidelines, in lieu of forest land diverted in favour of the user agency compensatory afforestation is required to be created over non-forest land equal in extent to forest land diverted in favour of the user agency. Non-forest land and the funds required for creation and maintenance of compensatory afforestation are required to be provided by the user agency. At the time of initial diversion user agency provided funds for creation and maintenance of compensatory afforestation over degraded forest land

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equal in extent to the area of forest land diverted in their favour. For renewal of mining lease compensatory afforestation has been proposed to be raised over degraded forest land double in extent to the area of forest land proposed to be diverted. The site specific scheme for creation and maintenance of compensatory afforestation over degraded forest land twice in extent to the area of forest land proposed to be diverted in favour of the user agency at an estimated outlay of Rs.3,69,90,052/- has been prepared; and

- (xiii) Proposal received from the State Government does not contain report on settlement of rights in accordance with provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 on the forest land proposed to be diverted.

FAC after detailed deliberations recommended diversion of the said forest land subject to general conditions and the following additional conditions:

- (i) User agency shall provide financial assistance of Rs 1.00 crore to the State Forest Department for afforestation of blank and degraded forest areas located in vicinity of the project site;
- (ii) User agency shall provide financial assistance of Rs. 1.00 crore to the State Forest Department for setting up of high tech nursery for research and production of superior quality planting stock of eucalyptus and poplar to promote farm forestry;
- (iii) User agency shall afforest blank patches located within the forest land diverted in their favour;
- (iv) User agency shall provide financial assistance and other support for creation of awareness among the general public about importance of forest and wildlife;
- (v) Shops and other commercial establishment operating within the residential quarters constructed for employees of the user agency shall immediately be closed;
- (vi) Residential quarters constructed in the forest land diverted in favour of the user agency shall be utilised only for residences of bonafide employees of the user agency. All unauthorized occupants, including retired employees of the user agency, shall immediately be evicted from the residential quarters constructed on the forest land diverted in favour of the user agency;
- (vii) No new buildings shall be constructed on the forest land diverted in favour of the user agency;
- (viii) Restrain the user agency from using the forest land till requisite approval under the FC Act for renewal of lease is obtained;
- (ix) Realise from the user agency funds for creation of **penal compensatory afforestation** over degraded forest land, two times in extent to the area of forest land used for non-forest purpose without obtaining requisite approval under the FC Act;



- (x) Realise from the user agency penal NPV of the forest land utilised for non-forest without obtaining requisite approval under the FC Act, @ 20 % of the rates applicable on the date of issue of stage-I approval under the FC Act for renewal of lease, for each year or fraction thereof, of the use of such forest land for non-forest purpose without obtaining requisite approval under the FC Act for renewal of lease. (Explanation: In case total period for which a patch of forest land has been utilized for non-forest purpose without obtaining requisite approval under the FC Act is two years, NPV to be realised in respect of such forest land will be at the rate of 0.40 times the rates applicable on the date of issue of letter by the MoEF in this regard; and
- (xi) Initiate action against the user agency in accordance with the provisions of the Indian Forest Act, 1927 for use of forest land for non-forest purpose without obtaining requisite approval under the FC Act for renewal of lease.

FAC further recommended that approval of competent authority for diversion of the said forest land may be sought only after receipt of following information/ documents from the Government of Uttarakhand:

- (i) Details of suitable non-forest land equal in extent to the area of forest land proposed to be diverted in for creation of compensatory afforestation in lieu of forest land proposed to be diverted in favour of the user agency along with a detailed scheme for creation and 7 to 10 year maintenance of compensatory afforestation on the said non-forest land; and
- (ii) Report on completion of the process of settlement of rights in accordance with provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted along with documentary evidence stipulated in the MoEF's letter No. 11-9/98-FC(pt.) dated 3rd August 2009.

Agenda No. 11: Amendment to a condition stipulated in the in-principle approval under the Forest (Conservation) Act, 1980 accorded by the MoEF vide letter dated 12.09.2000 for diversion of 306.88 ha. of forest land in favour of M/s. Orissa Mining Corporation Limited in respect of Kalarangi Chromite Mine in Jajpur district of Odisha (File No. 8-112/ 97-FC)

FAC after examination of the matter observed as below:

- (i) MoEF vide letter dated 12.09.2000 accorded in-principle approval under the FC Act for diversion of 306.88 hectares of forest land in favour of M/s. Orissa Mining Corporation Limited in respect of their Kalarangi Chromite Mine in Jajpur district of Odisha subject to fulfilment of *inter-alia* the following condition:

"State Government should get the Environmental Impact Assessment studies and carrying capacity of Jajpur district conducted by an Institution of National/ International status and of repute to be approved by the Ministry. State Forest Department, CCF (Central), Regional Office Bhubaneswar and Indian Bureau of

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Mines should also be involved. The terms of reference of for the above study shall also be decided by the Ministry and shall be communicated along with for approval for the Institution which shall be carrying out such studies."

- (ii) MoEF vide letter dated 26.06.2008 conveyed its approval to the T.O.R. for the said study to be undertaken by the Indian Council of Forestry Research & Education (ICFRE), Dehradun. In the said letter this Ministry further informed the Government of Odisha that Indian Bureau of Mines (IBM) should also be involved in the Study;
- (iii) IBM has however, informed the Indian Council of Forestry Research and Education that due to non-availability shortage of trained manpower, IBM will not be in a position to participate in the said study;
- (iv) Accordingly, ICFRE in their letter dated 27th December 2013 requested the MoEF to nominate some other organization or allow ICFRE to find out suitable organization in place of IBM to carry out the above-mentioned study;
- (v) Para 4.2 of guidelines issues under the FC Act provides *inter-alia* that in cases where compliance of conditions stipulated in the in-principle approval is awaited for more than 5 (five) years from the State Governments, the in-principle approvals would summarily be revoked. The said para also provides that after the revocation of the in-principle approval, if the State Government/ user agency is still interested in the project, they would be required to submit a fresh proposal which shall be considered de-novo. Compliance of conditions stipulated in the in-principle approval in this proposal is awaited from the State Government for more than thirteen (13) years;

FAC after detailed deliberations recommended that keeping in view that in this case report on compliance of conditions stipulated in the in-principle approval is awaited for more than 5 (five) years from the State Governments, the in-principle approval accorded for diversion of the said forest land may be summarily revoked. After the revocation of the in-principle approval, if the State Government/ user agency is still interested in the project, they may submit a fresh proposal which shall be considered by MoEF de-novo.

Agenda No. 12: Amendment to a condition stipulated in the approval under the Forest (Conservation) Act, 1980 accorded by the MoEF for transfer of lease from Army to Bharat Dynamics Limited for 5360.11 hectares of forest land from the 6975.39 hectares of forest land involving 1322.88 hectares in Ranga Reddy district and 5652.51 hectares in Nalgonda District of Andhra Pradesh for whose diversion in favour of Indian Army for Rajkonda Field Firing Range (FFR) in-principle approval under the Forest (conservation) Act, 1980 was accorded by the Central Government (File No. 8-54/ 2007-FC).

FAC after examination of the matter observed as below:

- (i) MoEF vide letter No. 8-54/2007-FC dated 21st August, 2013 accorded approval under the FC Act for transfer of lease from Army to Bharat Dynamics Limited (BDL) for 5,360.11 hectares of forest land in Ranga Reddy and Nalgonda Districts of Andhra Pradesh for



Rajkonda Field Firing Range (FFR) subject to fulfilment of *inter-alia* a condition that "no firing activity would be undertaken between 1st April to 15th July."

- (ii) The said land would be used by BDL for establishing a Proof Firing Range for Anti-Tank Guided Missile (ATGMs) after due notification by the Government of Andhra Pradesh under 'The Manoeuvres, Field Firing and Artillery Practice Act, 1938'.
- (iii) Ministry of Defence informed that deliveries of missiles are required every quarter and proof firing is a pre-requisite condition for delivery of missiles to the Army. Ministry of Defence also informed that BDL activities relating to proof firing are confined to only a day or two of allocated days in a month and that too for a few hours. Thus, the activity of BDL on the site is not likely to interfere with any agricultural or forest activity.
- (iv) Ministry of Defence has therefore, requested that since delay in delivery of missile would not be desirable from the point of view of defence preparedness, the above condition of no firing activity during 1st April to 15th July may be deleted.
- (v) Above condition prohibiting firing activities during the period from 1st April to 15th July has been stipulated on recommendation of the FAC in their meeting held on 23rd January 2008. Though specific reasons to recommend imposition of the said condition have not been provided in minutes of the said meeting of the FAC, the said condition has probably been stipulated to prevent impact of firing activities on breeding of some wildlife species;
- (vi) MoEF vide letter dated 13th January 2014 therefore; requested the Government of Andhra Pradesh to furnish their comments on the said request of the Ministry of Defence. The State Government was also requested to examine the presence of wildlife, if any, available in the said area, whose breeding season falls in the period from 1st April to 15th July. Reply from the Government of Andhra Pradesh is awaited.
- (vii) Out of the total 5,360.11 hectares of forest land located in the said FFR, only 50 hectares of forest is actually utilised for proof firing of missiles.

FAC after detailed deliberations recommended that keeping in view that only a small fraction of forest land located within the FFR is actually utilised for proof firing of missiles and no specific reason for stipulating said condition are available, request of the Ministry of Defence to delete condition stipulated in the approval accorded under the FC Act for diversion of the said forest land that no firing activity would be undertaken between 1st April to 15th July may be accepted.

Agenda No. 13: Diversion of 4.16 hectares (including safety zone of 0.11 hectares) of forest land in addition to 45.46 hectares of forest land already diverted in Talabira-I Coal Mine within the mining lease area of 170.305 hectares by M/s. Hindalco Industry Ltd. in Sambalpur Forest Division of Sambalpur district if Odisha during original lease period [File No. 8-89/98-FC (vol.)]

FAC after examination of the matter observed as below:

- (i) Legal status of forest land proposed to be diverted is *Gramya jungle*;
- (ii) Crown density of vegetation available in the forest land proposed to be diverted is 0.10;
- (iii) Forest land proposed to be diverted is not located in any protected area. No protected area is located within 10 kilometer from boundary of forest land proposed to be diverted;
- (iv) The mining lease having total area of 170.305 hectares consists of 49.62 hectares of forest land and 120.85 hectares of non- forest Government land;
- (v) Out of 49.62 hectares of forest land, 45.46 hectares of forest land was initially proposed for mining and other allied activities and the remaining 4.16 hectares of forest land was earmarked as safety zone taking width of safety zone as 50 meters as per conditions of the Water Resources Department;
- (vi) Keeping in view para 4.7 (i) of guidelines issued under the FC Act (prior to its amendment on 12th July 2012) which *inter-alia* provided that forest area required for safety zone for mining operations should not be part of the forest area proposed for diversion, Government of Odisha submitted a proposal to obtain prior approval of Central Government under the FC Act for diversion of 45.46 hectares of forest land proposed to be utilised for mining and allied activities;
- (vii) MoEF in consideration of the said proposal accorded final approval under the FC Act for diversion of the said 45.46 hectares of forest land in favour of M/s. INDAL Ltd. vide letter dated 16th May 2002 subject to fulfilment *inter-alia* of a condition that validity of forest clearance is for a period of 20 years *w.e.f.* 16.5.2002 (*i.e.* valid till 15.5.2022) subject to availability of valid environmental clearance;
- (viii) State Government on 23rd May 2005 granted the mining lease for the said 170.305 hectares area in favour of M/S INDAL Ltd. for a period of 30 years. The lease was granted on 3rd June 2003 and registered on 7th June 2003. The lease is valid till 6th June 2033. Execution of lease for a period (*i.e.* 30 years) more than the period of validity of the forest clearance (*i.e.* 20 years) amounts to violation of the section 2 (iii) of the FC Act;
- (ix) Pursuant to a Scheme of Arrangement in terms of Section 391 to 394 of the Companies Act, 1956 between Indian Aluminium Company Limited and Hindalco Industries Ltd. sanctioned by the shareholder and creditors of Indal and Hindalco as well as by the High Court of judicature of Bombay and High Court of Judicature of Calcutta, the demerged undertaking (*i.e.* business of Indal other than foil unit at Koilur, Andhra Pradesh) has been transferred by way of demerger to Hindalco. Thereafter, Hindalco Industries Limited filed relevant forms to the Registrar of Companies, Maharashtra as per provision of Company Act, 1956. The Board of Director of Indal also intimated the State government above, *w.e.f.* 7.3.2005. Indal also intimated the State government about the change of names within the prescribed time as per Rule 62 of the Mineral Concession Rules, 1960. Thereafter, State Government in Steel & Mines Department



vide Proceedings No. 4336 dt 2.3.2006 has issued an order for the change of the name of lessee from M/s INDAL Ltd. to HINDALCO INDUSTRIES LTD. Accordingly, a modified mining lease deed was executed on 13th January 2007. Prior approval of Central Government under the FC Act for transfer of lease from M/s. INDAL Ltd. to HINDALCO INDUSTRIES LTD was however not been obtained. The same amounts to violation of paragraph 2.8 of guidelines issued under the FC Act;

- (x) In case width of safety zone is kept as 7.5 meters, as is provided in para 4.7 (ii) of guidelines issued under the FC Act, only 0.11 hectares of forest land falls within the safety zone. User agency has proposed to utilise the balance 4.05 hectares of forest land for mining and allied activities;
- (xi) MoEF vide letter dated 12th July 2012 has amended para 4.7 (i) of guidelines issued under the FC Act to provide that approval under the Act for diversion of entire forest land located within the mining lease, including the forest land located in safety zone, should be obtained before execution of mining lease in favour of the user agency;
- (xii) State Government has therefore, sought approval under the FC Act for diversion of the balance 4.16 hectares of forest land located within the said mining lease out of which 4.05 hectares of forest land will be utilised for mining and allied activities and 0.11 hectares will be kept intact within safety zone of the mining lease;
- (xiii) Central Government while according approval under the FC Act for diversion of 45.46 hectares of forest land stipulated compensatory afforestation over 51.10 hectares. Hence, 51.10 hectares of non-forest land has already been transferred and mutated in favour of the State Forest Department. User agency has also provided funds for afforestation of the said non-forest land. Compensatory afforestation in lieu of 4.16 hectares of additional forest land has therefore, already been raised;
- (xiv) Legal status of the additional forest land proposed to be diverted is *gramya jungle*;
- (xv) Crown density of vegetation available in the forest land proposed to be diverted is 0.10;
- (xvi) The 4.05 hectares of additional forest land proposed to be utilised for mining and allied activities contains 6,768 of poles which will be required to be felled for mining and allied activities;
- (xvii) Forest land proposed to diverted does not form a part of any National Park, wildlife sanctuary, bio-sphere Reserve, tiger Reserve, Elephant Corridor etc. No protected archaeological / heritage Site/defence establishment or any other important monument is located in the area;

FAC after detailed deliberations recommended grant of approval under the FC Act for diversion of the said forest land subject to general conditions, standard conditions applicable to mining project and the following additional conditions:

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- (i) State Government shall identify officials responsible for grant and execution of lease for a period (*i.e.* 30 years) more than the period of validity of the forest clearance (*i.e.* 20 years) and initiate disciplinary proceedings action against such officials;
- (ii) State Government shall identify the officials responsible for transfer of lease from M/s. Indal Ltd. to Hindalco Industries Ltd. without obtaining prior approval of Central Government under the FC Act; and
- (iii) Felling of trees in the applied area shall be taken up in phased manner strictly as per requirement prescribed in the approved Mining Plan. Prior permission of the concerned Divisional Forest Officer shall also be obtained before felling of trees.

FAC further recommended that the MoEF may advise its Regional Office having jurisdiction over the said forest land to investigate the circumstances under which (i) lease was granted and executed for a period (*i.e.* 30 years) more than the period of validity of the forest clearance (*i.e.* 20 years); and (ii) the lease was transferred from M/s Indal Ltd. to Hindalco Industries Ltd. without obtaining prior approval of Central Government under the FC Act, and file complaints against persons *prima-facie* found guilty of such offence, in the court having jurisdiction in the matter.

Agenda No. 14: Diversion of 72.54 hectares of forest land in Kurnool Division for Fore shore submergence area for Owk Reservoir (File No. 8-17/ 2009-FC)

FAC after examination of the matter observed as below:

- (i) Approval under the FC Act for diversion of 69.67 hectares of forest land, including 4.80 hectares of forest land required for Gollaleru drain has already been accorded by the MoEF for construction of SRBC Owk Reservoir Complex Stage-I with FRL +220 mts having capacity to accommodate 2.20 TMC of water. Stage-I of the said project has already been completed in 2004;
- (ii) User-agency has now decided to accommodate additional water in the Owk Reservoir Complex by increasing the existing FRL from +220 to +227 meters. The said increase in the FRL involves use of 72.54 hectares of additional forest land;
- (iii) Legal status of forest land proposed to be diverted is Reserved Forest;
- (iv) Crown density of vegetation available in the forest land proposed to be diverted varies from 0.10 to 0.20;
- (v) Forest land proposed for diversion contains 65 trees having girth at breast height below 60 cm. No trees having girth at breast height above 60 cm are available in the forest land proposed to be diverted;
- (vi) Project does not involve displacement of any person;
- (vii) Para 4.8 of guidelines issued under the FC Act provides that proposals for diversion of forest land for major and medium irrigation projects, shall invariably be accompanied

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by detailed Catchment Area Treatment (CAT) Plan. Proposal received from the State Government however, does not contain CAT Plan;

(viii) Forest land proposed to be diverted is not located in any protected area. No protected area is located within ten kilometer distance from boundary of forest land proposed to be diverted;

(ix) Proposal does not contain a report on settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted;

FAC after detailed deliberations recommended that the State Government may be requested to submit the following essential information/ documents:

- (i) A copy of Catchment Area Treatment (CAT) Plan duly approved by competent authority in the State Government;
- (ii) Details of work, if any, executed on stage-II of the project without obtaining prior approval of Central Government under the FC Act for diversion of forest land required for the stage-II, along with name and designation of officials *prima facie* responsible for execution of such work;
- (iii) Report on settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest and proposed to be diverted along with documentary evidence stipulated in MoEF's letter No. 11-9/98-FC (pt.) dated 3rd August 2008, in support thereof.

FAC further recommended that the Government of Andhra Pradesh may be advised to stop the work, if any, being executed for stage-II of the project without obtaining prior approval of Central Government under the FC Act for diversion of forest land required for the stage-II,

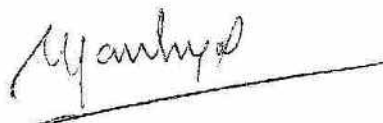
Agenda No. 15: Diversion of 1,283.570 hectares of forest land in favour of Madhya Pradesh State Mining Corporation Ltd. for coal mining in Amelia Coal Block located in Singrauli District, Madhya Pradesh (File No. 8-6/2007-FC)

FAC after examination of the proposal and interaction with representatives of user agency observed as below:

- (i) Legal status of forest land proposed to be diverted is 1,063 hectares of Reserved Forest, 119.21 hectares of Protected Forest, 2.00 hectares of Private Revenue Forest and 99.36 hectares of Government Revenue Forest;
- (ii) Crown density of vegetation available in the forest land proposed to be diverted varies from 0.20 to 0.60;
- (iii) Forest land proposed to be diverted contains 10, 87,347 trees. Important species available therein are *Shorea robusta*, *Terminalia tomentosa*, *Anogeissus latifolia*, *Madhuca indica*, *Butea monosperma*, *Dalbergia paniculata*, *Lagerstroemia spp.* etc.

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- (iv) As per guidelines issued under the FC Act, user agency is required to provide non-forest land equal in extent to the area of forest land proposed to be diverted, along with funds for afforestation of such non-forest land to raise compensatory afforestation in lieu of forest land proposed to be diverted in their favour. However, as per the proposal received from the State Government compensatory afforestation is proposed to be raised over degraded forest land twice in extent to the area of forest land proposed to be diverted;
- (v) Forest land proposed to be diverted is not located in any protected area. No protected area is located within 10 kilometer distance from boundary of forest land proposed to be diverted. Wild animals like spotted deer, jackals, wild boars, hyenas, langurs, macaques, bears and jungle cat are however, reported to exist in and around the forest land proposed to be diverted;
- (vi) Project involves displacement of about 120 families. Project received from the State Government however, does not contain a copy of plan for Resettlement and Rehabilitation of project affected families;
- (vii) FAC after examination of the proposal in their meeting held on 9th August 2007 recommended diversion of said forest land;
- (viii) In compliance with the Hon'ble Supreme Court's Order dated 27th April 2007 in IA No. 1413, 1414 etc. in Writ Petition (Civil) No. 202/1995 in the matter of T.N. Godavarman Thirumulpad *versus* Union of India and others, wherein the Hon'ble Supreme Court directed *inter-alia* that "...fresh cases may be cleared Project-wise by the FAC and thereafter such clearances shall be placed before this Court for approval....", the proposal along with recommendation of the FAC was placed before the Hon'ble Supreme Court. The Hon'ble Supreme Court referred the said proposal to the Central Empowered Committee (CEC) for their examination and appropriate recommendations;
- (ix) CEC after examination of the above proposal and another proposal seeking prior approval of Central government under the FC Act for diversion of 728.750 hectares of forest land in favour of the Madhya Pradesh State Mining Corporation (MPSMCL) for coal mining at Amelia (North) coal block, made following observation/recommendation in their fourth report:
 - (a) These projects involve felling of about 1.5 million trees - perhaps one of the few cases cleared so far under the FC Act involving such a large number of trees;
 - (b) Both the coal blocks have been allotted to MPSMCL vide letter dated 12th January 2006 by Ministry of Coal under the revised coal policy dated 12th December 2005. The Amelia Coal Block has a reserve of about 393 million tones whereas Amelia North has coal reserve of 120 million tones. The Amelia Coal Block is proposed to be worked on opencast method as well as below ground method simultaneously whereas Amelia North is proposed to be worked on open cast method. From



Amelia Block and Amelia North Block extraction of 8.4 million tones and 2.8 million tones of coal respectively is planned to be mined annually. In both the cases environmental clearance is awaited;

- (c) As per the information downloaded by the CEC from the internet, Sainik Mining & Allied Services Ltd. (a company of Sainik Aryan Group) has entered into a joint-venture agreement with the MPSMCL for development of the Amelia Coal Block. This vital information has not been divulged in the proposal sent under the FC Act. The ultimate beneficiary of the diversion of the forest land will be Sainik Aryan Group. As stated in CEC's earlier report dated 16th August 2007, the Sainik Mining & Allied Services Ltd. has also entered into a joint-venture agreement with the M/s. Orissa Mining Corporation for development of a coal block allotted to M/s Orissa Mining Corporation. The CEC has also filed a report dated 11th May 2005 in the Maruti matter, listed as IA No. 1311/1335 regarding the large scale organized theft of coal from the SECL mines by Sainik Aryan Group;
- (d) It would be appropriate that before taking a decision on the proposal for the diversion of forest land, the legality, validity and the public interest involved in development and operation of the coal block through a joint-venture company wherein the Government is a minority shareholder and the day-to-day operation are to be done by the private sector company, are carefully examined; and
- (e) The FAC has made recommendation for diversion of forest land without examining the relevant issues such as a likely adverse impact of the project on flora and fauna, whether mitigative measures are adequate to contain the adverse impact of the projects, number of labourers involved in the project and their energy needs, location of the mine vis-à-vis the forest boundary, details of approach road, number of trucks required to carry the mineral, details of the approved mining plan, necessity of the diversion of such a large block of forest area, advantage and disadvantage of opening both the mines at a time, production from existing mine vis-à-vis requirement of the existing/ proposed plants, public interest involved in the present case, checks and balances required to be put in place and other relevant factors. It is also seen that the compensatory afforestation is proposed to be done over degraded forest and not on non-forest land. Considering that about 1.5 million naturally grown trees are required to be felled - perhaps one of the biggest so far approved under the FC Act - a very detailed and careful examination of the proposal should have been carried out and the non-forest use of forest land should have been considered only if found absolutely necessary, in public interest and no other alternative was found feasible;
- (x) As per a copy of note entitled "submissions agreed to by the CEC & the MoEF" signed by the then IGF (FC) and Member-Secretary, CEC, it was agreed to by the CEC and the MoEF that the recommendations of the FAC for diversion of 1,283.57 hectares of forest



land for coal mining in Amelia Coal Block may not be accepted. It was also agreed that the State of Madhya Pradesh/Madhya Pradesh State Mining Corporation Ltd. may be asked to cancel the MoU entered into with M/s. Sainik Mining and Allied Services Ltd. and to invite fresh applications after giving wide publicity and laying transparent guidelines;

- (xi) After examination of the said proposal along with recommendations of the CEC, the Hon'ble Supreme Court in their order dated 20th February 2009 in I.A. No. 2167 in the W.P. (C) No. 202 of 1995 directed as below:

"CEC had made certain observations and objections regarding diversion of 1,283.57 ha of forest land for coal mining Sidhi District, M.P., diversion of 125 ha of forest land for iron ore mining in favour of M/s. Tungbhadra Minerals Pvt. Ltd, District Bellary, Karnataka and diversion of 109.27 ha. of forest land for iron ore mining in favour of M/s. Narayan Mines (P) Ltd, District Bellary, Karnataka. They have been considered and now the MoEF has expressed his inability to accept the FAC report in all the above three projects. Union of India may take appropriate decision and communicate the same to the parties."

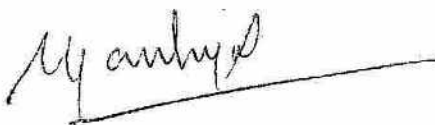
- (xii) The MoEF vide letter dated 2nd March 2009 communicated to the Government of Madhya Pradesh inability of the Central Government to grant approval under the FC Act for diversion of the said forest land;
- (xiii) User agency in their letter dated 25th July 2011 submitted detailed comments on the said observations of the CEC and requested the MoEF to reconsider its decision to decline approval under the FC Act for diversion of the said forest land;
- (xiv) MoEF vide letter dated 4th January 2012 sent a copy of the said representation of the user agency to the Government of Madhya Pradesh for their comments
- (xv) Government of Madhya Pradesh vide their letter dated 6th September 2012 sent para-wise comments of the State Government on the submission made by the user agency in their said letter dated 25th July 2011.
- (xvi) Following has *inter-alia* been stated by the Government of Madhya Pradesh in their said para-wise comments:
- (a) Selection of Joint venture partner for Development and Mining of Amelia Coal Block was done through a transparent bidding process after giving wide publicity in leading newspapers. A total of 16 tender forms were purchased by leading companies. M/s Sainik Mining and Allied Service Limited (SMASL) emerged as successful bidder as per the tender conditions. A joint-venture company namely, M.P. Sainik Coal Mining Private Ltd was formed in which the share holding pattern of SMASL, M.P. State Mining Corporation Ltd., (MPSMCL) & M.P. Power Generating Company Ltd (MPPGCL) was 70:26:4 respectively. The State Government

however, observed that in order to make this joint venture Company a Government Company as per the provisions of the allocation letter of Ministry of Coal and Coal Mines Nationalization Act, 1973 the shareholding pattern has been changed to MPSMCL 51% and SMASL 49%;

- (b) On receipt of the approval from Government of Madhya Pradesh, the revised Joint Venture Agreement has been signed on 19th April 2011 in which MPSMCL holds 51% and SMASL 49%. Thus the company has become a Govt. Company. The Managing Director of MPSMCL is the Chairman of the Board of JV Company out of total ten Directors, MPSMCL has nominated four Director and MPPGCL has nominated one Director;
- (c) Ministry of Coal, Govt. of India in its office memorandum dated 5th July 2011 issued to PMO has explicitly expressed its opinion that pursuant to amendment in Joint Venture Agreement and change in the shareholding pattern the JV Company qualifies as Government Company;
- (d) As per the joint venture agreement Article 5.2, MPSMCL's Share in the joint venture company shall be 51% of the issued and paid-up equity share capital and the same shall be offered to MPSMCL free of cost (no cash contribution) and the said 51% equity shares shall be treated as fully paid up and shall rank *pari passu* in all respect with the equity shares of the company. MPSMCL shall not be required to pay any amount in cash or otherwise any time for the 51% equity shares in the joint venture company;
- (e) As per the joint venture agreement, MPSMCL being the 51% shareholder, the joint venture company has become a Government Company as per the section 617 of the Companies Act 1956 and accordingly Memorandum & Article of Association has been revised. As per the clause 5 of Article of Association. The MPSMCL's share in the Joint venture Company is 51% and same has been offered to MPSMCL free of cost (no cash contribution);
- (f) As per the Article 8.1 (xiv), 60% of the coal produced from this coal block has been earmarked for MP Power Generation Company, State Govt. Undertaking with a firm discount of 20% on the prevailing price of CIL applicable to Northern Coalfield from time to time. Thus the main beneficiary of this project is the State Govt. The total annual discounted price has been calculated on the basis of the notified price of the NCL for E & F grade coal, which shall keep on changing depending on the notified price of NCL from time to time;
- (g) Provision has been made in the Article 8.1 (xiv) of the joint venture agreement for sale of the remaining 40% of coal. The same shall be sold as per the policy/guideline of the Government of Madhya Pradesh;



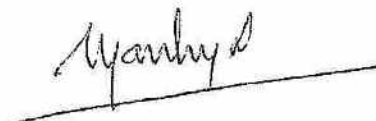
- (h) Forest land proposed to be diverted contains 2,19,469 trees of 60 cms and above girth. Thus the number of trees having girth of 60 cms. and above work out to be 171 trees per hectares. About 71,000 trees will be felled during the first five years covering an area of 413.80 hectares. Felling of trees in Phase-II after first five years of operations will be allowed only after at least twice the number of trees to be felled in Phase-I as well as Phase II are actually planted and the success of plantation is verified through independent monitoring and evaluation; and
- (i) The project would generate opportunity for employment of about 3000 skilled and unskilled persons.
- (xvii) Later on, the General Manager (Operations), the MPSMCL vide his letter dated 11.03.2013 informed the MoEF *inter-alia* as below:
- (a) They have been given to understand that Stage-I Forest clearances have also been accorded to Chhatarsal and Mahan coal blocks which are located on the south side of the Amelia coal block. In the changed scenario, the coal blocks both in the north and south of Amelia coal block have thus already been cleared by the MoEF, New Delhi for undertaking coal mining operations. The Amelia coal block is sandwiched between the said coal blocks and therefore, is already a fragmented block from a forest perspective; and
- (b) The Amelia coal block therefore, does not serve any purpose from a perspective of wildlife conservation or as a corridor since the entire basin comprising of various coal blocks has been cleared for non-forest activities. Further, due to the disturbance on account of such non-forest activities in vicinity of the Amelia coal block, the Amelia coal block will not help in contributing towards wildlife conservation and hence, deserves reconsideration for diversion for undertaking mining operations. This is more so considering the fact that an integrated wildlife conservation plan for all the nine coal blocks in the Singrauli Basin has already been approved by MoEF, New Delhi.
- (xiv) After examination of the matter MoEF vide letter dated 21st October 2013 requested the Government of Madhya Pradesh to provide certain additional information related to forest land already diverted for coal mining projects in Madhya Pradesh and actual coal production from these projects. MoEF in their said letter dated 21st October 2013 also requested the Government of Madhya Pradesh to explore feasibility to undertake only underground mining in the Amelia coal block;
- (xv) Government of Madhya Pradesh vide letter dated 28th January 2014 provided the information sought by MoEF;
- (xvi) Government of Madhya Pradesh in their said letter dated 28th January 2014 also provided comments on suggestion of this Ministry to explore feasibility to undertake only underground mining in the said project. Summary of these comments is as below:



- (a) Total geological coal reserve in Amelia coal block is 393.59 million tonnes, out of which the open-castable coal reserve is 214.45 million tonnes in 2 seams viz. VIII & VII. The underground mineable coal reserve in 6 coal seams is 179.14 million tonnes;
- (b) Top 2 seams viz., VIII & VII are open castable seams. Coal mining activity is to be undertaken in these seams initially. Underground coal mining operation should be carried out in the 6 seams to be worked by underground coal mining method below seam VIII & VII once these seams have been worked out by open cast method. If the top two seams are not worked then because of the underground coal mining working, there will be subsidence of all the coal lying above. Due to subsidence the coal of seam VIII & VII will be subjected to spontaneous combustion resulting in loss of entire coal available in these seams. It will also result in environmental problem in the area due to fire. This point was discussed in environmental clearance meeting in MoEF and committee agreed for mining top seams by open cast method and then bottom seam by underground method;
- (c) Keeping in view the above, it is essential that the top two seams viz., VIII & VII should be worked out first by open cast method and then only extraction of coal by Underground method should be undertaken;
- (d) Total 190.76 million tonnes coal is extractable by open cast method and 97.20 Million Tones is extractable by underground method. Major chunk of coal extraction is coming from the open cast method and if the coal mining operation is not taken up in the open castable patch then apart from losing open castable coal as explained above, the mining operation will not be economical.
- (e) Sequence of seam-wise mining operation has already been approved in Mining Plan duly approved by the by Ministry of Coal for working all seams by opencast & underground method as detailed above.

The FAC after detailed deliberations recommended that the Government of Madhya Pradesh may be requested to submit following information/ documents:

- (i) Proposal for creation of compensatory afforestation over non-forest land over equal in extent to the forest land proposed to be diverted;
- (ii) Complete process for settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted and submit documentary evidence stipulated in this Ministry's letter No. 11-9/98-FC (pt.) dated 3rd August 2009 in support thereof; and
- (iii) Complete details of plan for evacuation of coal proposed to be extracted from the Amelia Coal block, along with requirement of additional forest land, if any, for the purpose.



The FAC further recommended that the Regional Office (Western Zone) of the MoEF may also be requested to inspect the forest land once again and submit a report to the MoEF. On receipt of the above-indicated information/ documents from the State Government and site inspection report from the Regional Office, the proposal along with the said information/ documents/ report may again be placed before the FAC for examination and appropriate recommendations.

Agenda No. 16: Diversion of 87.612 hectares of forest land in favour of M/s. South Eastern Coalfields Limited (SECL) for their Dhanpuri-D opencast coal mining project located in Anuppur district of Madhya Pradesh (File No. 8-47/2010-FC)

FAC after examination of the proposal and interaction with representatives of user agency observed as below:

- (i) Legal status of the forest land proposed for diversion is Reserved Forest;
- (ii) Forest land proposed for diversion contains Sal forest of class III and IV having crown density from 0.40 to 0.50;
- (iii) Forest land proposed for diversion contains 3,965 trees of above 60 cm girth. Details of trees of below 60 cm girth available in the forest land proposed for diversion are not provided in the proposal;
- (iv) Compensatory afforestation is proposed to be undertaken on degraded forest land double in extent to the forest land proposed for diversion at an estimated outlays of Rs. 84,64,500/;
- (v) Out of the 87.612 hectares of forest land proposed to be diverted, 78.00 hectares of forest land is proposed to be utilised for opencast mining, 5.612 hectares for construction of a road, 2.00 hectares for diversion of a stream and 2.00 hectares for construction of a transmission line;
- (vi) Forest land proposed for diversion is located in two leases - 70.412 hectare in first lease having 1,615.537 hectares area, and the balance 17.200 hectare in second lease having 370.85 hectares area;
- (vii) Requisite documents regarding settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted have already been submitted by the State Government;
- (viii) The first lease was granted under the Mineral Concession Rules, 2006 on 1st May 1973 for a period of 30 years. The second lease was granted on 19th October 1978 for a period of 30 years. Representative of the user agency present in the meeting informed that the Ministry of Coal in their letter dated 25th April 2003 clarified that in accordance with the provision of the Coal India (Regulation of Transfer and Validation) Act, 2000 since the SECL was formed in November 1985 as a subsidiary company of Coal India Limited,



leases of the mines came under their operational control with its formation i.e. on 29.11.1985, these leases will be deemed to be fresh mining leases from dated 28.11.1985 and these leases are valid upto 28.11.2015 i.e. for a maximum period of 30 (thirty) years. Requisite approval under the FC Act to change the period of mining lease from a date after the FC Act came into force was not obtained. Change of the period of lease from 1985 to 2015 thus amounts to violation of the FC Act. Copy of lease deeds executed between the State Government and the user agency for the revised period w.e.f. 28.11.1985 have not been provided to the MoEF.

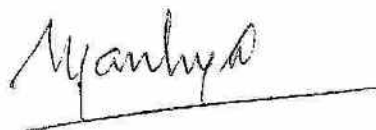
FAC after detailed deliberations recommended that the Government of Madhya Pradesh may be requested to provide following information/ document:

- (i) A copy of lease deeds executed between the State Government and the user agency for the revised period w.e.f. 28.11.1985 in respect of the mining leases in which the forest land proposed to be diverted is located;
- (ii) Details of prior approval of Central Government under the FC Act, if any, obtained for execution of revised lease deeds w.e.f. 28th November 1985;
- (iii) Details of forest land located in the said mining leases along with details of approvals under the FC Act obtained for use of forest land located within the said mining leases for mining and other non-forest activities after the FC Act came into force; and
- (iv) Year-wise details of use of forest land located within the said mining leases for non-forest purpose after the FC Act came into force.

Agenda No. 17: Proposal to obtain prior approval of Central Government under the Forest (Conservation) Act, 1980 for drilling of 10 bore holes of 4 inch diameter in 82.428 hectares of forest land located in Kanhan Range in South Chhindwara Forest Division, in district Chhindwara, Madhya Pradesh by M/s. Soni Minerals, 10 Tilak Nagar, Nagpur, Maharashtra (File No. 8-74/2013-FC)

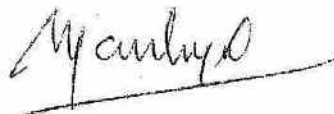
FAC after examination of the proposal observed as below:

- (i) Legal status of forest land proposed to be utilised for prospecting is Protected Forest;
- (ii) Crown density of vegetation available in the forest land proposed to be utilised for prospecting varies from 0.40 to 0.60;
- (iii) Forest land proposed to be utilised for prospecting is not located in any protected area. It is however, located at 30.50 Km from Pench Tiger Reserve, 104.70 Km from Satpuda Tiger Reserve, 21.08 Km from migratory corridor between the Pench and Satpuda Tiger Reserves and 98.05 Km from Pachmarhi Biosphere Reserve;
- (iv) Government of India in the Ministry of Mines vide their letter dated 3rd August 2011 and the Government of Madhya Pradesh in the Department of Mineral Resources vide their



letter dated 16th September 2011 accorded in-principle approval in favour of the user agency to undertake prospecting in the said forest land for two years;

- (v) Existing 4.41 meter wide Sawanga to Dudhalakala road is proposed to be utilised for execution of prospecting activities in the forest land;
- (vi) FAC after examination of the proposal in their meeting held on 17th -18th October 2013 recommended that the Government of Madhya Pradesh may be requested to provide following information/documents:
 - (a) A map indicating boundary of existing mining/ prospecting leases along with current status of mining/ prospecting in each such lease in the area located within 10 kilometer from boundary of the forest land proposed to be utilised for prospecting;
 - (b) Details of end use to utilize the ore to be raised from the area proposed to be utilised for prospecting;
 - (c) Details of other mining leases/ prospecting licenses granted in favour of the user agency.
- (vii) MoEF vide letter dated 6th November 2013 communicated the above recommendation of FAC to the Government of Madhya Pradesh for their necessary action.
- (viii) Government of Madhya Pradesh vide his letter dated 24th March 2014 informed as below:
 - (a) In respect of existing mining/ prospecting leases located within 10 km from boundary of forest land proposed to be diverted, a Survey of India toposheet in original in 1: 2,50,000 scale indicating areas in different colors duly countersigned by the Divisional Forest Officer (General), Chhindwara South Forest Division is enclosed;
 - (b) User agency in his affidavit has given details in respect of end use to utilize the ore to be raised from the area proposed to be utilised for prospecting; and
 - (c) As per details give in Collector, Chhindwara's letter dated 13th February 2014, Government of Madhya Pradesh in Mineral Resources Department vide their letter No. 2-48/2008/12/2/ dated 10th June 2009 has accorded approval for prospecting of manganese minerals in 7.088 hectares in Khapapadriwar Compartment No. 1588 by Modern Minerals Nagpur (Maharashtra) near the forest land proposed to be utilised for prospecting. The same has been indicated in the Survey of India Toposheet in original in 1: 2,50,000 scale countersigned by the Divisional Forest Officer (General), South Chhindwara Forest Division. The same is located at 3.00 km distance from 82.428 hectares of forest land proposed to be utilised by the user agency for prospecting of manganese ore in compartments No. 1590 and 1592 in accordance with the Mineral Resources Department, Ministry of



Mines' letter dated 16th September 2011 and Government of India, Ministry of Mines letter dated 3rd August 2011.


- (ix) The following has been indicated in affidavit submitted by the user agency as mentioned in paragraph (viii) (b) above:
- (a) The PL granted is required to be prospected thoroughly to confirm UNFC code which require detail prospecting and will not suffice the purpose by one bore hole. In case UNFC reserve is not established details of mining operation as well as quantum of Manganese ore available cannot be ascertained which will create hindrance for future investment based on this deposit;
 - (b) The manganese ore to be deposited from the area has end use in steel plant, ferro manganese as well as chemical industries. In case substantial economical and suitable grade acceptable to industry is available, they may consider putting up of captive plant in future.
 - (c) The deponent firm does not hold or has held any mining lease in any State of India till date.

FAC after detailed deliberations recommended grant of approval under the FC Act for drilling of 10 bore holes of 4 inch diameter in the said forest land for prospecting of manganese ore subject to standard conditions applicable to prospecting projects.

Agenda No. 18: Diversion of 360.90 hectares of forest land including 8.65 hectares of forest land for Safety Zone in Sulaipat Iron ore Mines of B.C. Dagara in villages Ukam, Langalsila, Murumdihi and Bhitarmada hills under Rairangpur Forest Division in Bamanghaty Sub Division under Mayurbhanj District, Odisha during 1st RML period [File No. 8-47/ 2004-FC (pt.)]

FAC after examination of the proposal and interaction with representatives of user agency observed as below:

- (i) The applied mining lease area was originally held by M/s TISCO Ltd. for 43 years with effect from the year 1919 to 1962. Subsequently, on relinquishment of the leasehold area by M/s TISCO Ltd, lease over 618.00 hectares was granted in favour of Sri Bajaranglal Padia, Rairangpur by the State Government on 25th October 1975 for a period of thirty (30) years. The original lease period expired on 24th October 2005;
- (ii) During the original lease period, the lease was transferred from Sri Bajaranglal Padia to Sri B.C. Dagara by way of a transfer lease deed executed on 10th October 1984 without prior approval of the Central Government;
- (iii) One year before the expiry of the original lease the present lessee filed renewal application on 18th October 2004 for 1st Renewal of the Mining Lease (RML) for the



entire 618.00 hectare. At present, the lease is under deemed extension under provision of 24A(6) of the Mineral Concession Rules, 1960;

- (iv) The original mining lease over 618.000 hectares executed on 25th October 1975 for a period of 30 years in favour of Sri Bajrang Lal Padia for Iron Ore was registered on 25th May 1976. Later on this lease was transferred in favour of Sri B. C. Dagara on 10.10.84 for the balance period of the lease under Rule 37 of MCR, 1960;
- (v) As per the original lease records and Sabik settlement, the extent of forest land in the mining lease was 376.900 hectares. The settlement operations in Mayurbhanj District were held after 25th October 1980. After the Hal settlement, some of the Government land has been changed to forest land. The total forest land as per Hal settlement is 461.04 hectares. Thus there is increase of 84.14 hectares of forest land;
- (vi) The lessee originally applied for 1st RML for the entire ML area of 618.00 hecatres. However, the lessee in their letter dated 21st May 2010 requested the Commissioner-cum-Secretary to Government, Steel & Mines Department in Government of Odisha to process the 1st RML application for an area of 430.99 hecatres and to remove/delete the balance non-mineralized area of 187.01 hecatres. Based on the approved Mining Scheme, the Mining Officer, Baripada Circle has certified that occurrence of iron ore has been established over the entire forest land of 360.90 hectares within the applied reduced RML area;
- (vii) It has been reported that an area of 330.94 hecatres of land has been broken up in this lease during operation of mines which includes 293.73 hecatres of forest land broken up prior to 1980. Out of 37.21 hecatres of non-forest land broken up in this lease, 22.268 hecatres of land was broken up prior to 1980 and the balance non-forest land of 14.942 hectares was after 1980;
- (viii) It has been reported that the user agency has carried out mining activity in non-forest area till 1st October 2009 after the expiry of lease on 24th October 2005. During the 1st RML period, MoEF vide their letter dated 9th December 2011 accorded Temporary Working Permission for iron ore mining over 293.73 hecatres of pre-1980 broken up forest land in this lease for a period of one year. MoEF vide letter dated 22nd November 2012 allowed the user agency to undertake mining over the broken up forest land for a further period not more than three months (i.e. till 21.02.2013);
- (ix) Meanwhile, the lessee filed I.A No. 3692 of 2013 in Writ Petition (Civil) No. 202 of 1995 in the matter of T.N. Godavarman Thirumulpad versus Union of India and others before the Hon'ble Supreme Court. Hon'ble Supreme Court in their order dated 10th February 2014 in the said I.A. directed as below:

"Considering the recommendation made by the Central Empowered Committee, we direct the Forest Department of the state of Odisha to take a decision within four weeks on the proposal submitted by the applicant Birat Chandra Dagara seeking

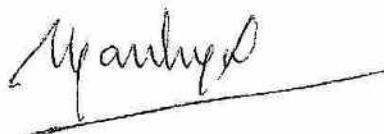


approval under Section 2 of Forest Conservation Act, 1980 for diversion of 360.90 ha of forest land including 8.65 ha of forest land for safety zone, for the 1st RML, of Suleipat Iron ore Mining Lease of the applicant.

We further direct that in case the State of Odisha recommends the proposal, the Ministry of Environment and Forests will decide within a period of four weeks of the receipt of the proposal to grant approval on the proposal for grant of approval under Section 2 of Forest Conservation Act, 1980 and in case it grants in-principle approval, it must also take a decision to grant temporary working permission in accordance with the applicable guidelines within the said period of four weeks to the applicant. List thereafter.

In the meanwhile, this Court considers it appropriate to grant temporary working permission."

- (x) Legal status of forest land proposed to be diverted is 312.85 hectares of reserved forest and 48.05 hectares of village forest;
- (xi) Crown density of vegetation available in the forest land proposed to be diverted is 0.30;
- (xii) The 352.25 hectares of forest land proposed to be utilised for mining and allied activities contains 47,405 trees, Important species available therein are *Sal* (*Shorea robusta*), *Bija* (*Pterocarpus marsupium*), *Asan* (*Terminalia tomentosa*), *Kendu* (*Diospyros melanoxylon*), *Char* (*Buchnanania lanzan*), *Koim*, *Gambhar* (*Gmelina arborea*), *Karada* (*Cleintanthus collinus*), *Bahada* (*Terminalia belirica*) etc. *Sal* is the predominant species;
- (xiii) Forest land proposed to be diverted is not located in any protected area, tiger reserve or Elephant Corridor. Forest land proposed to be diverted is however, located at 7.55 Km distance from boundary of the Similipal Sanctuary/ Tiger Reserve;
- (xiv) Keeping in view that Eco-sensitive zone of Similipal Sanctuary/Tiger Reserve has not been notified, the user agency needs to obtain recommendation of the Standing Committee of the National Board for Wildlife (NBWL). State Government has reported that the user agency has applied for obtaining clearance from Standing Committee of NBWL. The same is under process in the State Government;
- (xv) State Government has also reported that though the area does not form part of any National Park/Wildlife Sanctuary/Elephant Corridor, due care is to be taken for conservation of Wildlife available in the area. For this purpose the user agency has to contribute towards implementation of Regional Wildlife Management Plan at revised rate @ Rs.43,000/- per hectare of leasehold area. The lessee has furnished an undertaking to bear the above cost of Wildlife Management Plan;
- (xvi) State Government has reported that out of the 360.90 hectares of forest land applied for diversion during 1st renewal of mining lease (RML) period, 293.73 hectares (289.47 hectares proposed to be utilised for mining and allied activities + 4.26 hectares located in safety zone) was broken prior to 25th October 1980 and balance 67.17 hectares is virgin forest land. Out of this 67.17 hectares of virgin forest land, 4.39 hectares of forest



land is part of safety zone. Thus as per paragraph 3.2 (viii) (d) of guidelines issued under the FC Act, compensatory afforestation is required to be taken up in lieu of 62.78 hectares of virgin forest land proposed to be diverted for mining and allied activities during 1st RML period. The 62.78 hectares of suitable non-forest land has been identified to raise compensatory afforestation.

FAC after detailed deliberations recommended grant of approval under the FC Act for diversion of the said forest land subject to general conditions, standard conditions applicable to mining projects and the following additional conditions:

- (i) As the forest area proposed to be diverted is located within a distance of 10 Km from a protected area, the user agency shall place the proposal before Standing Committee of the National Board for Wildlife (NBWL) for appropriate recommendations;
- (ii) User agency shall implement and/ or provide funds for implementation of ameliorative measures to be recommended by Standing Committee of the NBWL;
- (iii) User agency shall contribute the proportionate cost of implementation of Regional Wildlife Management Plan;
- (iv) User agency should take appropriate measures such as construction of ponds, water conservation/harvesting structure to ensure conservation of water in and around the project site;
- (v) A patch of *approx.* 30 hectares located near western boundary of the lease reported to be having good regeneration of pole crop which has reported to be kept undisturbed, shall either be surrendered from the mining lease or shall continue to be kept undisturbed;
- (vi) User agency should afforest blank and patches of degraded forests located within the mining lease which are not required to be utilised for mining and allied activities;
- (vii) User agency shall provide sufficient financial resources to the State Forest Department for organizing environmental awareness programme to generate awareness among the employees as well as local residents on issues pertaining to conservation and protection of environment; and
- (viii) State Government shall commission a study from funds to be provided by the user agency to assess impact of project on floral and faunal biodiversity and shall take appropriate measures at the project cost to mitigate the identified impacts.

FAC further recommended that keeping in view that section 2 (iii) of the FC Act which provides that notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing that ~~that~~ any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, managed or controlled by Government was inserted by the Forest (Conservation) Amendment Act, 1988, and the guidelines stipulating requirement of obtaining prior approval of Central Government under the FC Act for transfer





of lease were issued by the MoEF in 2001, the MoEF may separately seek opinion of the Ministry of Law and Justice whether transfer of a lease having forest land in part or in full, on a day prior to enactment of the Forest (Conservation) Amendment Act, 1988, without obtaining prior approval of Central Government under the FC Act, amounts to violation of the FC Act. In case, Ministry of Law and Justice is of the view that transfer of a lease having forest land in part or in full, on a day prior to enactment of the Forest (Conservation) Amendment Act, 1988, without obtaining prior approval of Central Government under the FC Act, amounts to violation of the FC Act, the MoEF may take appropriate action in all such cases, including the extant proposal.


Agenda No. 19: Presentation by the Coal India Limited on status of reclamation of de-coaled areas in their representative mines

FAC observed that though presentation on status of reclamation of de-coaled areas in representative mines of Coal India Limited was included in Agenda of the FAC meeting on specific request of representatives of the Coal India Limited (CIL) made during meetings held under Co-Chairmanship of the Secretary, Environment and Forests and Secretary, Coal to resolve issues relating to grant of Environmental and Forest Clearances to coal mining project, representatives of the CIL were not available to make presentation before the FAC.



(Dr. Mohammad Firoz Ahmed)
Member


(Prof. N.P. Todaria)
Member


(Dr. C.M. Pandey)
Addl. Commissioner, MoA,
Member


(M.S. Negi)
IGF (FC)
Member-Secretary


(A.K. Srivastava)
Member


(Dr. S. S. Garbhal)
(DGF&SS)
Chairman