

Minutes of the Advisory Committee meeting held on 11.10.2023

Agenda No. 1

File No. 8-16/2021- FC

Subject: Regularization of 330.33 ha. (330.1826 ha as per DGPS Survey) of forest land in Upperlakesaram Forest Block in Manthani Range of Peddapalli Division for Open Cast Mining Operations and Other Activities of SCCL in Peddapalli District in favour of M/s SCCL. (Online proposal No. FP/TG/MIN/47899/2020)

The proposal was placed in front of Advisory Committee for discussion and same has been deferred for next Advisory Committee meeting.

Agenda No. 2

File No. 8-05/2021-FC

Subject: Proposal for diversion of 649.3014 ha forest land in Ramavaram RF of Ramavaram Range of Kothagudem forest division for grant of mining lease for proposed Venkateshkhanani OCP from underground rights to surface rights in Kothagudem area in Bhadradi Kothagudem District in favor of M/s. SCCL (Online proposal No. FP/TG/MIN/44798/2020)

The proposal was placed in front of Advisory Committee for discussion and same has been deferred for further deliberation in the next Advisory Committee meeting.

Agenda No. 3

F. No. 8-08/2023-FC

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Rungta Mines Ltd. for non-forestry use of 156.978 ha of forest land (147.803 ha in Bonai Forest Division & 9.175 ha in Keonjhar Forest Division) for Iron Ore Mining and ancillary activities with in Jumka Pathiriposhi Pahar Iron Ore Block under Forest Division and District Sundergarh and Keonjhar of Odisha State-reg.

The proposal was placed in front of Advisory Committee for discussion and same has been deferred for further deliberation in the next Advisory Committee meeting.

Agenda No. 4

F. No. 8-06/2023-FC

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the forest (Conservation) Act, 1980 in favour of M/s Mahanadi Coalfiled Ltd. for non-forestry use of 125.24 ha of forest land for

Subhadra OCP Coal mining under Forest Division and District Angul of Odisha State- reg. (online proposal No. FP/OR/MIN/150133/2021)

The proposal was placed in front of Advisory Committee for discussion and same has been deferred for further deliberation in the next Advisory Committee meeting.

Agenda No. 5

File No. 8-60/2005-FC

Subject:-Diversion of 77.87 ha of forest land for establishment of Gas Based Thermal Power Project in Udaipur Forest Division of South Tripura District of Tripura -Proposal for change in land use

The proposal was placed in front of Advisory Committee for discussion and same has been deferred for further deliberation in the next Advisory Committee meeting.

Agenda No. 6

File No. 8-35/2021-FC

Subject: Proposal for diversion of 133.64 ha of forest land for Polpol Kalan PF of Khundri Range, Medininagar Forest Division for Relocation of Kujrum, Latu & other villages from Palamu tiger Reserve, Daltonganj, Jharkhand (Online No. FP/JH/FVC/46701/2020)–regarding.

The proposal was placed in front of Advisory Committee for discussion and same has been deferred for further deliberation in the next Advisory Committee meeting.

Agenda No.7

File No. 8-37/2022-FC

Subject: Proposal for the non-forest use of 455.1108 ha of forest land for Pachwara South Coal Block project in favour of M/s Neyveli Uttar Pradsh Power Ltd. (NUPPL), District Dumka, Jharkhand (Online No. P/JH/MIN/59823/2020) – regarding.

The proposal was placed in front of Advisory Committee for discussion and same has been deferred for further deliberation in the next Advisory Committee meeting.

Agenda No.8

File No. 8-21/2021-FC

Subject: Proposal for seeking prior approval of the Central Government under Section 2 of Forest (Conservation) Act, 1980 for non-forestry use of 406.79 ha. of forest land in favour of HPPCL for the construction of Thana Plaun Hydro-Electric Project (191 MW), within the jurisdiction of Mandi &

Jogindernagar forest Divisions, District Mandi, Himachal Pradesh (Online proposal No. FP/HP/HYD/8255/2014)

The proposal was placed in front of Advisory Committee for discussion and same has been deferred for further deliberation in the next Advisory Committee meeting.

Agenda No.9

File No. 6- MPC018/2021-BHO

Subject: Proposal for diversion of 12.8042 ha (previous proposed area 13.1959 ha) of Protected Forest land in Survey No. PF-112 of forest range, Sirmour in Rewa division for construction of Hydro Power Project in favour of Manager, Marshal Small Hydro Power Private Limited, in Rewa District of Madhya Pradesh – reg.

The proposal was placed in front of Advisory Committee for discussion and same has been deferred for further deliberation in the next Advisory Committee meeting.

Agenda No. 10

Policy Issue No. 1 :

F. No. 11/77/2023-FC

Subject:- Applicability of the provisions of the raising compensatory afforestation and NPV while granting extension to mining leases as per MMDR Act, 1957 in respect of proposals which have been granted approval prior to 30.10.2002 – reg.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 11.10.2023. The Member Secretary briefed the Advisory Committee about the issue and development in the matter.
2. The Advisory Committee, after examination of the matter, observed as under:
 - i. A request has been received from the FIMI requesting this Ministry to advise the State Government not to insist for CA land and CA charges in respect of mining leases which have been provided deemed extension of FC approval co-terminus with the lease period granted under the MMDR Act, 1957. Following three cases have been adverted to by the FIMI while submitting their request:
 - a. Diversion of 22.45 ha of already broken up forest land in favour of Marwa Mining Company for Manganese mining in Bellary District of Karnataka:- approval under the FC Act was granted on 25.07.2003 for a period co-terminus with the validity of the mining lease granted under the MMDR Act. Mining lease was originally granted on 5.07.1980 for a period of 20 years which was subsequently, renewed for a period 20 years making it valid up to 5.07.2020. As per the provisions of the MMDR Amendment Act, 2015, the Government of Karnataka on 24.06.2022 extended the FC approval for a period up to 5.07.2030 i.e. for a period of 50 years from the date of grant of original lease.

- b. Diversion of 20.23 ha of forest land in favour of M/s Shri K. Vishwanath Chandranath in Chitradurga District of Karnataka: Approval under the FC Act was granted on 28.02.2003. The lease was originally granted on 22.03.1979 and as per the provisions of the MMDR Amendment Act, 2015, the lease is valid till 21.03.2029 as its validity has been deemed to be extended for a period of 50 years. After the demise of Shri K. Vishwanath, the lease has been transferred to his legal heir Shri K. Chandranath. The MoEF&CC has also granted approval for change in the name of the user agency on 28.02.2023.
 - c. Diversion of 31.60 ha of forest land in favour of M/s S.A. Tawab in Bellary District of Karnataka: Proposal has been granted 'Final' approval under the FC Act. Government of Karnataka has extended the validity of the Mining lease on 24.04.2015 for a period ending on 3.08.2031 i.e. for 50 years from the date of grant of original lease. The validity of the FC approval was also extended by the State Government on 10.12.2021 to make it co-terminus with the validity of the mining lease granted under the MMDR Act, 1957.
- ii. The Committee noted that the issues raised by the FIMI relates to charging CA in respect of forest area broken before 1980. The State Forest Department, adverting to the recent guidelines of the Ministry, has directed the user agencies to provide CA land and CA charges.
 - iii. The Committee was further informed that as per the provisions of guidelines prevalent at the time of approval of these mines, the provisions of raising compensatory afforestation were not applicable in respect of forest area broken up before 25.10.1980 and accordingly provisions of CA were not charged or stipulated in the approval granted to these mines in the past. Subsequently, Ministry in the guidelines contained in the Handbook of Forest (Conservation) Act, 1980 issued on 28.03.2019 and 7.07.2021 provided the provisions of CA and NPV will be applicable in cases of renewal if the same was not charged earlier.
 - iv. Subsequently, Ministry vide its guidelines dated 21.03.2023 clarified that during the transfer of approval granted under the FC Act from erstwhile agency to new lessee by the State/UT Governments, the provisions of CA will be applicable in respect of broken up forest area before the commencement of Act, 1980 which are continued to be under the possession of the user agency, in case the CA has not been raised earlier.
 - v. Although the leases do not fall into the renewal or transfer category, but the broken up land is still in the possession of the user agency i.e. due to mining operations, it could not be used by the forest department for its reclamation and generation of ecosystem, goods and services. Accordingly, the user agency should provide alternate land as CA to compensate the loss of land as well as ecosystem goods and services.
3. **Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division, recommended that in such cases, involving

broken up forest areas prior to 1980, the provisions of compensatory afforestation and NPV, if not paid earlier, will remain applicable.

(Not present)

(Dr. Naveen Chandra Bisht)
(non-official Member)

(Not present)

Shri S. D. Vora
(non-official Member)

(Confirmed through email)

Shri Manoj Pant
(non-official Member)

(Confirmed through email)

Dr. Mehraj A. Shaikh
Addl. Commissioner (NRM)
(Member)

(Confirmed through email)

Shri Bivash Ranjan
Addl. Director General of Forests(WL)
(Member)

(Confirmed)

Shri S. P. Yadav
Addl. Director General of Forests(FC)
(Member)

(Confirmed)

Shri Ramesh Kumar Pandey
Inspector General of Forests
(Member Secretary)

(Approved)

Shri C. P. Goyal
(Director General of Forests and Special Secretary)
(Chairperson)