

Recommendation of Forest Advisory Committee in its meeting held on 21.09.2022

Agenda No. 1

F. No. 8-03/2020-FC

Sub: Proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 for non-forestry use of 54.668 ha of forest land for extraction of sand, stone and bajri from bed of river Yamuna mining project by Randeep Singh, Mauza and Mohal Bhagani, District Sirmour, within the jurisdiction of Paonta Forest Division, District, Sirmour Himachal Pradesh (Online Proposal No. FP/HP/MIN/34137/2018). - regarding.

1. The agenda was discussed in the Advisory Committee on 21.09.2022. The detailed agenda may kindly be seen at parivesh.nic.in.

2. The background of the matter is as follows:

(a) The Stage-I approval was given with the condition no. A (v) that: 'As per DSS analysis, out of total proposed CA area, 3 ha of land is classified as Very Dense Forest, 4 ha of land is classified as Moderately Dense Forest. Therefore, the State Government shall identify degraded/open forest/non-forest land in lieu of above mentioned VDF and MDF for taking up C.A. The kml files of the CA areas be uploaded on the portal'.

(b) Thereafter, the Nodal Officer, FCA, Himachal Pradesh, uploaded reports regarding compliance of the conditions prescribed in the Stage-I approval and requested this Ministry to accord Stage-II/final approval to divert the forest land. The user agency has deposited all statutory compensatory levies and has also submitted all necessary undertakings to comply with the conditions prescribed in the Stage-I approval.

(c) The State Government also reported that the areas proposed for CA (i.e., areas proposed at the time of seeking Stage - I approval) have density less than 0.4. The aforesaid position reported by the State Government was analyzed by the DSS cell and it was found that the area proposed for CA do not fall within VDF/MDF category. Considering the emerging position, the revision of CA area as prescribed in condition no. A (v) of the Stage-I condition is now not required and, therefore, there is a need to amend the said condition.

(d) The power to issue Stage-II approval after fulfilment of all conditions prescribed in Stage-I approval lies with IGF(FC). Considering that in this case the condition prescribed in Stage-I approval is required to be amended, the Hon'ble Minister had desired that the matter should be first considered by the FAC.

(e) In this context, the matter was placed before the FAC to consider amending condition no. A (v) prescribed in the Stage-I approval.

3. **Decision of FAC:** The matter was discussed by the Committee. The Committee took note of the fact that the condition no. A (v) of the Stage-I approval dated 02.03.2021 may be considered void in light of the fact and accordingly Stage-II can be issued after the approval of the competent authority.

Agenda No. 2

F. No. 8-35/2021-FC

Sub: Proposal for non-forestry use of 299.64 ha of forest land, comprising of 166.00 ha and 133.64 ha of forest land in Polpol Kalan PF in Medininagar Forest Division and Lai- Pailapathal Reserved Forests in Latehar Forest Division for Relocation of Kujurum and Lato villages from Palamu Tiger Reserve, Daltonganj, Jharkhand-reg.

1. The agenda item was considered by the FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Regional Officer, Integrated Regional Office, Ranchi and Nodal Officer (FCA), Jharkhand also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised about the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. Government of Jharkhand has submitted two proposals pertaining to relocation and rehabilitation of Lato and Kurjum villages from the core area of the Palmau Tiger Reserve to Polpol Protected Forests in Medininagar Forest Division and Lai-Pailapathal Reserved Forests in Latehar Forest Division involving forest areas of 133.64 ha and 166 ha, respectively.
 - ii. Vegetation density of the 0.25 in Medininagr and 0.55 in Latehar Forest Division has been reported and total 72,358 trees have been enumerated as project affected trees, out of which 22,556 trees have only been proposed for felling while the remaining trees have been proposed to be kept intact.
 - iii. No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
 - iv. The proposed area does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. Location proposed for rehabilitation Lato and Kurjum villages is at a distance of approximately 6 km from the boundary of Palamau Wildlife Sanctuary.
 - v. The Nodal Officer, Jharkhand further apprised the Committee that sites for relocations have been selected by the Forest Department in consultation with the villagers and area has been estimated following the standard guidelines of the NTCA. Total 127

families were assessed in two villages and an area of 2 ha per family (214 ha) has been proposed for agriculture and residential purposes. In addition to this an area of 19.64 ha and 26 ha has been proposed for community facilities for Kurjum and Lato villages respectively.

- vi. The Nodal Officer (FCA), Jharkhand informed the Committee that proposal is in compliance with the guidelines dated 22.05.2019 issued by the MoEF&CC. The area applied for diversion in Polpol PF and Lai-Pailapatthal RF are 133.64 ha and 166.00 ha respectively (total 299.64 ha), which is less than 331.67 ha of forest land of core area of PTR is to be vacated after resettlement of Kurjum and Lato forest villages.
 - vii. No work of violation of the Forest (Conservation) Act, 1980 has been carried out.
 - viii. The Committee was further apprised by the IGF(FC) that as per the provisions of the directions contained in the order dated 3.06.2022 passed by the Hon'ble Supreme Court, no construction is allowed within one km of area from the boundary of the National park or Sanctuary. The Committee was further apprised that order dated 3.06.2022 of the Hon'ble Supreme Court is applicable for eco-sensitive zone of National Parks and Wildlife Sanctuaries only as there are no directions pertaining to activities to be undertaken from the boundary of the Tiger Reserves. Lato village is located at a distance of 6 km from the boundary of Palamau Wildlife sanctuary. However, it is located within 1 km from the boundary of Palamau Tiger Reserve.
 - ix. The proposal has been recommended for approval under section 2(ii) of Forest (Conservation) Act, 1980 by DFO, RCCF, PCCF and the State Government.
- 6. Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Jharkhand, the FAC observed decided the following:
- i. Rehabilitation of village Kurjum involving area of 166 ha proposed to be rehabilitated in Latehar Forest Division is recommended for grant of Stage-I approval.
 - ii. With regards to the relocation site proposed for Lato village in Medininagar Forest Division, a clarification needs to be obtained from the State Government whether the site falls within the ambit of parameters fixed by Hon'ble Supreme Court in its order dated 3.06.2022 so that the matter may be decided in the next FAC meeting.

Agenda No. 3

F. No. 8-56/2009-FC (Vol)

Sub: Modification in condition of Stage-II approval and violation of FC Act ; Diversion of 1026.438 ha of forest land for coal mining Pakribarwadih Project in favour of M/s NTPC Ltd. in Hazaribag West Forest Division in Hazaribag District of Jharkhand - reg.

1. The agenda item was considered by the FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Jharkhand also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with

examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised about the provisions of other Acts & Rules relevant to the proposal and their significance.

3. The FAC after through deliberation and discussion observed that:

i. The extant proposal was accorded Stage-I approval vide Ministry's letter dated 11.05.2010 and Stage-II/ final approval vide letter dated 17.09.2010, inter-alia stipulating the following condition:

"The user agency will take up program for at least 50 m green belt along the sides of the Pakwa nallah and Dumhani nallah from the initial years under the supervision of the state forest department"

ii. The user agency i.e. M/s NTPC submitted a representation dated 09.10.2018 **and 18.01.2022** requested for amendment in the above mentioned stipulation appeared as condition no. 7 and 8 in Stage-I and Stage-II approval, respectively. The Ministry vide its letter dated 29.01.2019 requested the State Government to furnish comments on the said representation and provide documents as available with the State Government related to the instant proposal.

iii. In the meantime, Regional Office, Ranchi of this Ministry vide their letter dated 09.07.2019 informed that a committee constituted by Hon'ble NGT vide its order dated 18.02.2019 in OA No. 182/2016(EZ) inspected the Pakri Barwadih Coal Mining Project of M/s NTPC Limited on 15.03.2019 for compliance of approvals granted by the MoEF&CC under FC Act and EP Act. The committee observed that some of the condition of FC approval (Stage-I and Stage-II) were still partially complied with, including the raising of green belt around Pakwa and Dumhani nalla. The committee advised the user agency to ensure compliance of conditions stipulated in the FC approval.

iv. The Nodal Officer informed the committee that currently mining operations in the Dumuhani nalla have been stopped by the user agency.

v. The Ministry, vide letters dated 3.09.2019 and 23.02.2022, after examination of the said report, requested comments from the State and also requested the IRO to take appropriate action in the matter as per provisions of the Ministry's guidelines given under para 1.21 (iii) of Handbook of Forest (Conservation) Act, 1980.

vi. Government of Jharkhand vide letter dated 08.07.2022 submitted their reply in response to Ministry's letter dated 29.01.2019 and 23.02.2022 wherein the following was informed:

a. Inspection report of the DFO revealed that Dumuhani Nallah which is running in the midst of the mining area which is also the quarry area has been found to be diverted by the user agency while as per condition stipulated in the approval, green belt should have been developed around the said nallah

b. Despite repeated cautions from the officials of the Forest Department, the user agency has violated the provisions of condition no 8 of the Stage-II approval by diverting the Dumuhani nallah and carried out mining over a stretch of 31 km involving an area of 37.20 ha of forest land without prior approval under the Forest (Conservation) Act, 1980.

c. Water Resource Department of the State on 19.03.2013 has already provided its

consent on the diversion of said nallah.

- d. The State Government has recommended to levy penal CA and Penal NPV in respect of 37.20 ha of forest land used by the user agency in violation of Forest (Conservation) Act, 1980.
- vii. The Ministry, after examination of reply received from the State, vide letter dated 13.09.2022 requested additional information from the State, including justification from the user agency and comments on various representation received in the Ministry on the alleged violation of the Act by the user agency. The IRO of the Ministry was also requested to inspect the area and submit a detailed report on the violation. The reply from the State and the IRO is yet to be received by the Ministry.
4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Ranchi, the FAC took serious note of the violation of conditions by the user agency and to ensure an unambiguous assessment of the situation, the Committee recommended the following:
 - i. A Sub-Committee of the FAC with following composition may visit the area:
 - a. Shri O P Sharma, Member FAC, Chairman
 - b. Regional Officer or his representative.
 - c. Shri S. K. Sahoo, Hydrologist & Member, REC, IRO, Ranchi
 - d. Nodal Officer (FCA) or his representative, Jharkhand

The Sub-Committee will look into the hydrological regimes of the area vis-à-vis mining operations of the user agency in general and Dumuhani nallah in particular and changes brought in by the User Agency and its impact on the ecology of the area.

- ii. The Committee also desired that the IRO, Ranchi and State Government will expedite submission of information as sought by the Ministry with in a fortnight after the issuance of the Minutes of the meeting.

Agenda No. 4

F. No. 8-100/2008-FC

Sub: Modification in condition of Stage-I approval dated 20.09.2010 of change in CA land from Non-forest land to degraded forest land - Proposal for non-forestry use of 150.49 ha of forest land in favour of M/s NTPC Limited (Originally approval in favour of M/s Tenughat Emta Coal Mines Limited) for Badam Coal Mining Project in Hazaribagh District in the State of Jharkhand– reg.

1. The agenda item was considered by the FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer (FCA), Jharkhand also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. He emphasised that CA area in the matter has been found forest land instead of Non Forest Land and therefore, the Stage-I given in the matter has got vitiated. The

Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.

3. The FAC after through deliberation and discussion observed that:
 - i. Proposal involving forest area of 150.49 ha of forest land was granted Stage-I approval vide Ministry's letter dated 20.09.2010 in favour of M/s Bengal Emta Coal Mines Pvt Limited. Stage-I approval was subsequently transferred on 27.10.2015 to Bihar State Power Generation Company Ltd (BSPGCL), under the Coal Mines (Special Provisions) Act 2015, for captive use in Barauni Thermal Power Station. (BTPS). BTPS was subsequently transferred to the M/s NTPC and accordingly captive Badam Coal Mine was also allotted to M/s NTPC Ltd. Approval granted under the FC Act, 1980 was also transferred to M/s NTPC vide Ministry's letter dated 14.01.2020.
 - ii. Government of Jharkhand vide their letter dated 28.01.2022 submitted compliance of conditions stipulated in Stage-I approval dated 20.09.2010 and also recommended that NTPC being a Central Public Sector Undertaking (PSU) may be allowed to raise Compensatory Afforestation and deposit Compensatory Afforestation charges for double the degraded forest land. In addition to this, the State Government also recommended to stipulate the following additional conditions in the approval:
 - a. In light of decision taken by the State Board for Wildlife, the user agency shall contribute on *pro rata* basis the cost of implementation of Integrated Wildlife Management prepared for North Karanpura region @ Rs. 3.786 lakh per ha in respect of total lease area of agency.
 - b. In light of provisions contained in order no. 06 dated 12.02.2019 of PCCF & Chief Wildlife Warden, Jharkhand, the user agency shall prepare and submit the same before handing over the forest land to the user agency.
 - iii. The Ministry after examination of the compliance report observed certain shortcomings in the compliance report and the same were conveyed to the State vide Ministry's letter dated 13.04.2022. The reply was furnished by the State vide letter dated 1.06.2022; however, examination of the same again revealed shortcomings as the detail of CA land was not provided and moreover in the justification of the State for not undertaking CA as per Stage-I approval, it was mentioned by the State that the non-forest land identified for raising CA was later discovered to be forest land.
 - iv. Taking note of shortcomings and providing last opportunity to the State, the Ministry, vide letter dated 14.07.2014 sought information regarding CA land, copy of site-specific Management Plan, updated details of project affected trees, detail of compensatory levies, etc.
 - v. The State Government vide their letter dated 01.09.2022 submitted information in response to Ministry's letter dated 14.07.2022 wherein inter-alia it was requested to amend the condition related to raising of CA over degraded forest land.
 - vi. The Committee observed that since the raising of compensatory Afforestation on non-forest land was the basis for considering the proposal for grant of Stage-I approval, the entire process of grant of Stage-I approval is vitiated if the non-forest land is non-existent. Therefore, the proposal is liable to be rejected and the user agency should apply again for forestland diversion.

vii. The Committee further noted that pursuant to the provisions of the Coal Mines (Special Provisions) Act, 1980, the approval granted under the Forest (Conservation) Act, 1980 has been transferred in favour of the user agency. The user agency while seeking transfer of the approval has submitted an undertaking that they will abide by the all conditions stipulated in the approval dated 20.09.2010 including compliance of raising compensatory afforestation. The said undertaking has been submitted by the agency taking cognizance of all the facts related to the proposal. The user agency in the said undertaking has mentioned the following:

“That in terms of para 5.4(i) of the guidelines, NTPC Ltd., unconditionally and without reservation undertakes that NTPC shall abide by all conditions on which Stage-I forest clearance has been granted to BADAM Coal Mine to original User Agency M/s Tenughat Emta Coal Mines which was subsequently transferred to M/s BSPGCL, and any other conditions which may be stipulated by the Central Government/State Government in future”.

viii. The Committee also noted that as per the existing guidelines whenever, transfer of approval under the FC Act is proposed from Central PSU to Private Undertaking, the dispensation given to the Central PSU are not extended to the private undertakings and therefore, in the instant case also conditions agreed in ‘in-principle’ approval granted to private undertaking should be transferred to Central PSU without any amendment.

ix. The Committee was also apprised that **there are other cases also where request has been received from the States to amend the conditions of Stage-II approval pursuant to allotment of coal block from private company to Central PSU specially for changing CA sites over degraded forest land citing the justification that CPSU are eligible for raising CA over degraded forest land. It has, therefore, become necessary to take a policy decision to deal such cases.**

5. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Jharkhand and Regional Officer, IRO, Ranchi, the FAC took a serious note of the tendency of the user agency to avert the conditions on which forest land was transferred to the user agency. The Committee opined that CA should be raised as per the conditions stipulated in the Stage-I approval as the user agency was aware of the conditions stipulated in the Stage-I approval, and has also given an undertaking to abide by these conditions while seeking transfer of approval, the request of the user agency to amend the condition of raising CA over degraded forest land is not tenable. Accordingly, the Committee recommended that the user agency shall abide by all the conditions stipulated in the Stage-I approval dated 20.09.2010 including raising of CA over non-forest land.

6. The Committee also recommended that with a view to checking such tendencies in other cases also, the action being proposed in the extant case should be applied mutatis mutandis to other similar cases also.

Agenda No.-5

F.No.8-67/2006-FC

Sub:-Proposal for transfer of lease No. 2552 over an extent of 134.00 hectare of forest land in Donimalai Forest Block, Sandur Taluk, Ballari District as per Rule – 37 of MCR 1960 from Sri M Srinivasalu to M/s. Shree Gavisiddeshwara Minerals, Bangalore.

1. The above stated agenda item was considered by FAC in its meeting on 21.09.2022. The corresponding details of the agenda may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal were presented and explained by Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. The Nodal Officer (FCA), Government of Karnataka and IRO, Bangalore attended the meeting through video conference.
4. FAC after through deliberation and discussion observed that:
 - i. The Government of Karnataka vide their letter dated 20.06.2006 forwarded the proposal to obtain prior approval of the Central Government.
 - ii. This Ministry accorded Stage-II approval on dated 11.12.2006 with the certain conditions.
 - iii. Further the Government of Karnataka on 30.08.2021 forwarded the proposal for transfer of lease from Sri M Srinivasalu to M/s. Shree Gavisiddeshwara Minerals, Bangalore. It was requested to accord approval for “*Transfer of lease No.2552 over an extent of 134.00 hectare in Donimalai Forest Block, Sandur Taluk, Ballari District as per Rule-37 of MCR 1960 from Sri M Srinivasalu to M/s Shree Gavisiddeshwara Minerals, Bangalore*” subject to condition of payment transfer fee of Rs.1,00,000/- OR @10% of NPV amount whichever is lesser. (as per the guidelines of Government of India Forest (Conservation)- 1980 para 5.1 of Chapter 5 and para 5.1 (d)).
 - iv. After analysing the proposal the Ministry vide its letter dt 06.09.2021 requested the state govt. to submit the KML files of the area diverted and the CA land, status of the plantation of CA land, copy of notification of CA land declared as RF/PF etc.
 - v. In response to this the State Government on 18.02.2022 informed that the Assistant Commissioner, Kolar Sub- division, Kolar vide order dated 23-12-2015 cancelled the land transfer order of the identified CA land since order for transferring the land in favour of private company was not issued by the DC Kolar District. This land was mutated in the name for Forest department for the purpose of CA.
 - vi. The State Govt. further stated that consequent on transfer of lease from Sri M. Srinivasalu to M/s Gavisiddeshwara Minerals the user agency may be made liable to identify the new non-forest land for the said purpose. Further, this is a running mine and the materials is not released by the Monitoring Committee till the transfer of FC takes place.
 - vii. The Ministry on 04.04.2022 requested the State Government to identify the new Non-forest land for the purpose of CA land in lieu of diversion of 134.00 ha of forest land.
 - viii. The Ministry also requested the State Govt. and IRO Bangalore to submit the below mentioned information: -
 - a. How many such cases are there wherein the Ministry or IRO Bangalore has accorded

the approval and the identified and mutated CA land has been cancelled by the State Government.

- b. How many such cases are there wherein the Ministry or IRO Bangalore has accorded the final approval and till date the identified & mutated CA land (NFL) has not been declared as RF/PF under section 4 or 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act.

ix. In response to this the State Govt. informed that a total of 1669.09 acres has been cancelled by Assistant Commissioner, Kolar District. In this respect a meeting was held on 19.03.2022 under the chairmanship of Additional Chief Secretary (Forest, Environment of Ecology Dept.). Further a meeting was also held on 29.06.2022 under the chairmanship of Hon'ble Forest, Food and Civil Supplies Minister which was attended by the concerned Revenue and Forest Officials. Further it was informed that this matter is being looked into on priority and suitable remedial action will be taken to resolve the issue in time bound manner.

x. It was deliberated the main issue is regarding the non-compliance of the CA Conditions (condition no. 1 (i) & (iv)) of the Stage-I approval letter dt 13.09.2006) as mentioned below: -
1 (i) The User Agency shall identify and acquire equal extent of non-forest land for Compensatory Afforestation, which shall be mutated in favour of State Forest Department.
(iv) The non-forest land identified for raising Compensatory Afforestation shall be notified by the State government as RF under section-4 or PF under section-29 of IFA 1927 or under the relevant Sections of the local forest Acts as the case may be, within a period of six months. the Nodal Officer (Forest Conservation) shall report compliance in this regard.

5. Decision of FAC: - The Committee had detailed discussion and deliberation with Nodal officer (FCA) of Karnataka and IRO Bangalore. After going through the facts of the proposal and submissions made by the Nodal Officer and IRO, the proposal for transfer of lease was deferred till the State govt. identify and submit the CA land as per conditions (condition no. 1 (i) & (iv)) of the Stage-I approval letter dt 13.09.2006) for further consideration. In addition, the mining and allied activity shall continue to be in abeyance in the instant proposal till decision in the matter.

Agenda No.-6

F.No.8-21/2020-FC

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

1. The above subject agenda item was considered by FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. Nodal Officer (FCA), Karnataka and Regional Officer, Bangalore also attended the

meeting through video conference

3. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.

4. FAC after through deliberation and discussion observed that:

i. The proposal was considered twice by FAC in its meeting held on 23.12.2021 and 15.07.2022

ii. The proposal in the subject line is an auctioned C-Category mine and involves 64.86 hectare of forest land (60.66 ha. for mining + 4.2 ha. for approach road).

iii. The previous mining lease for ML No. 2148 was renewed under the MMDR Act, 1957 by Govt. of Karnataka for 20 years from 21-07-1992 to 20-07-2012.

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

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

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

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

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

In light of the above provisions of the MMDR Amendment Act 2021, the matter related to the validity of the approvals granted under Forest (Conservation) Act, 1980 (FCA-1980) was examined in the Ministry, and with a view to align the provisions under the two Acts, it has been decided that transfer of approval under FCA-1980 in such mining leases may be considered subject to the certain conditions.

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

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

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

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

x. The proposal was once placed before FAC on 15.07.2022 to decide whether this proposal may be treated under the category of transfer of leases instead of fresh FC clearance as per the guidelines issued dt 27.04.22.

xi. In the FAC meeting held on 15.07.2022, the Nodal Officer and IRO Bangalore informed that the earlier identified CA land (NFL) which was mutated in the name of Forest department is found to be Reserve Forest land.

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

xiii. The FAC on its meeting held on 15.07.2022 decided that the proposal will be considered as fresh case for FC clearance since as informed by State Govt. and IRO, Bangalore the CA land provided by the User Agency has been found to be Reserve Forest. Therefore, the proposal in present preposition cannot be treated as lease transfer and therefore, the proposal as treated earlier as fresh proposal will continue to exist. However, the proposal was deferred in want of CA land.

a. The State Government will provide the detailed report in regard of CA land provided earlier.

b. The State Government to identify new CA land and submit the proposal.

c. State Government to submit timeline for implementation of R&R plan of leased area in

question.

xiv. Further the User Agency i.e. M/s MSPL has forwarded a representation stating that the CA lands offered by previous lessee i.e. HG Ranganagowda as Compensatory lands are C&D revenue Lands and not forest Lands. The UA has submitted the RTC records and Government orders.

xv. The Ministry on 23.08.2022 requested IRO and Nodal officer (FCA), Govt. of Karnataka to carry out a site inspection and submit the report by 27.08.2022.

xvi. IRO, Bangalore on 02.09.2022 the status of the land is in the category of 'Forest'. The report from the State govt. regarding the status of land in question is still awaited.

xvii. The committee also deliberated that the Ministry on 13.09.2022 issued a guideline stating that the provision of transfer of lease are not applicable in case of a lease which has been lapsed or terminated or cancelled by the Central Government or State Government or by any court of law. Therefore, a C-Category mine shall have to apply afresh and transfer in this case shall not be tenable

5. Decision of FAC: -The Committee had detailed discussion and deliberation with the Nodal Officer Karnataka and Regional Officer, IRO, Bangalore and it was decided that the proposal will be considered as fresh case for FC clearance in accordance with the guidelines issued by this Ministry dt 13.09.2022. However, the proposal was deferred on want of CA land and the information as per the decision of FAC on 15.07.2022. Further, it was also recommended that only after identification of the CA land the proposal shall be considered for Stage-I approval. Until such CA land is available the matter shall not be taken up for consideration by FAC.

Agenda No: - 7

F. No. 4-KRB1151/2018-BAN & FC-11/274/2019-FC

Sub:-Proposal for diversion of 1.645 ha. (revised from 1.7456 ha) of forest land in sm block, and sy. no. 224 of Bannihatti village (section-4 proposed area) in Ballari district for proposed main pipe conveyer belt corridor from Nandihalli railway yard to JSW plant in favour of m/s JSW steel ltd. Vidyanagar, Ballari district issue regarding the extension of operation timings of conveyer belt system from morning 6 am to night 2 am (totally 20 hours) on experimental basis for four months- i.e, up to 31-07-2021.

1. The above stated agenda item was considered by FAC in its meeting on 21.09.2022. The details of the proposal may be seen at www.parivesh.nic.in.
2. Nodal Officer (FCA), Karnataka and Regional Officer, Bangalore also attended the meeting through video conference
3. During the meeting, all the facts and background of the proposal, were

presented and explained before the FAC for their examination and analysis.

4. On 25.06.2019, the proposal was accorded Stage-II approval, in which the following was one of the conditions:

"In order to safeguard Wildlife and free movement of wild animals during the night, transportation of ore through conveyor belt shall be restricted from sunset to sunrise."

5. The user agency requested to allow them to operate the conveyor belt for 24 hours. The State Government proposed for allowing 20 hours subject to certain conditions, while forwarding the application to GOI.

6. State Government's recommendation was accepted and allowed 20 hours per day operation on an experimental basis, subject to following conditions:

a. The operation time of Conveyor Belt established by M/s JSW Steel Ltd., Thorangal be extended from morning 6.00 hours to night 2.00 hours (total 20.00 hours) on experimental basis for 04 months.

b. A study on impact on wildlife due to increase in operation timings of conveyor belt system during experimental phase be taken up through an institute of repute like Wildlife Institute of India with ToR of proposed study finalized in consultation with State Forest Department.

c. The findings of the study will be shared with Forest Conservation Division of the Ministry and the cost of the study would be borne by the user agency.

7. On 22.01.2021, Govt. of Karnataka, due to Covid-19 Pandemic situation, were unable to submit the compliance of the conditions.

8. This agenda item was discussed by the FAC on 17.02.21 and after thorough deliberation recommended that the user agency may not be allowed to operate the conveyer belt in continuity for 24 hours a day without appropriate study as suggested in earlier approval dated 13.01.2021. However, considering the unprecedented situation due to COVID 19 pandemic, the user agency may be permitted by the State Government to operate the Conveyer belt from morning 6.00 hours to night 2.00 hours (i.e. a total of 20.00 hours a day) up to 15th June 2021. The State Government shall ensure that the required study is completed and the findings are submitted to the Ministry for appropriate decision prior to 15th June 2021, which was later extended up to 31-07-2021.

9. The matter was again deliberated in the FAC on 16.08.2021. The State Government further informed that the required study was likely to be completed by 15.09.2021. Taking this request into consideration the FAC recommended that: -

"The operation time of conveyor belt established by M/s JSW Steel Ltd., Thorangal be extended from morning 6.00 hours to night 2.00 hours. The permission shall be valid upto 30.9.2021. No Further extension in the time limit will be considered till the study is completed, submitted and findings are shared with the Ministry. Further decision on the operation timing will be made based on the findings of the study."

10. The Study and report submission was carried out by the Environmental Management and

Policy Research Institute (EMPRI), Karnataka.

11. The proposal was once again considered in the FAC meeting held on 27.01.2022, FAC deferred the proposal seeking following details.

- i. The Karnataka state government shall give comments on the report submitted by EMPRI.
- ii. The State Government shall get the comments of CWLW and submit to FAC for taking further decision.

12. The State again forwarded the proposal for continuing the operation of conveyor belt by accepting the suggestions/comments of Chief Wildlife Warden.

13. The PCCF (WL) & Chief Wildlife Warden, Karnataka opined that this system is eco-friendlier than alternative systems. If it is not allowed to operate for 24 hours, transportation of ore by rail, road etc., will have even impacts on the environment. Therefore, the proposal has been recommended to approve the operations of main pipe conveyor from Nandhihalli yard to JSW plant for 24 hours to minimize adverse impacts on the environment. Based on the report submitted by the EMPRI, the wildlife mitigation measures suggested to reduce the impact on wildlife due to increased timings of the operations of main pipe conveyor from Nandhihalli yard JSW plant.

- i. The main mitigation measures suggested by the Chief Wildlife Warden, Bengaluru are: -
- ii. Plantation of double row of trees along and on both sides of MPC can reduce the noise emissions and propagation.
- iii. JSW can volunteer to reduce the light intensity especially at transfer points by ensuring low intensity flood lights.
- iv. Light intensity can be reduced by green belt development in an around the entire yard.
- v. Replacing high intensity lights with low intensity lights in the operational areas of MPC including the transfer points.
- vi. Angling the light projection towards the ground thereby restricting light focus only within the working areas.
- vii. Development of green belt of native species around the Transfer points.
- viii. Identification and removal of invasive species like *Prosopis Juliflora* all along the MPC stretch under the strict supervision of Local Forest Officers.
- ix. Promoting endemic species propagation.
- x. Promoting native bamboo species for rapid carbon sequestration.
- xi. Habitat supplementation by planting native fruit, food and fodder species within the forested stretches of MPC
- xii. Strict replacement of metal idlers with HDPE idlers needs to be undertaken on a top

priority.

14. Decision of FAC: -The Committee had detailed discussion and deliberation with the Nodal Officer, Karnataka and Regional Officer, IRO, Bangalore. The justification submitted by PCCF (WL) & CWLW as endorsed and forwarded by the State Government was considered by the FAC and the justification provided was agreed upon. However, after going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended the proposal stating that all mitigation measures suggested by CWLW shall be implemented first and the compliance w.r.t. implementation of mitigation measures to be monitored by the IRO Bangalore for which IRO may take the compliance report from the State government before starting operation of conveyor belt for 24 hours. Both State and IRO will ensure that mitigation measures are in place before the operationalization of conveyor belt for 24 hours as proposed.

Agenda no. 8

File No. 8-21/2022-FC

Subject: Diversion of 421.00 ha forest land under Forest (Conservation) Act, 1980 for relocation of Village Bagcha from Kuno National Park, District - Sheopur, Madhya Pradesh State (Online No. FP/MP/REHAB/152389/2022) – regarding.

1. The above stated agenda was considered by FAC in its meeting held on 21.09.2022. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:
 - i. The State Government vide their letter No. F-5/1151/2022/10-11/2951 dated 24.08.2022 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 421.00 ha forest land under Forest (Conservation) Act, 1980 for relocation of Village Bagcha from Kuno National Park, District - Sheopur, Madhya Pradesh State.
 - ii. The Nodal Officer Madhya Pradesh and Dy. DGF (Central), IRO, Bhopal attended the meeting online.
 - iii. The State Govt. has submitted that the Bagcha village which is being relocated falls in core of the Kuno National Park.
 - iv. The forest area proposed to be diverted is a Reserve Forest Land in Compartment Numbers 192 & 193 of Dabli west beat of Sheopur Range. The area contains shrubs with a scattered tree growth and only 49 trees will be affected. The area is adjacent to Rambadi village. Since the area is having good soil fit for agriculture, availability of water due to canal, availability of road and proximity to Sheopur town, therefore it is facing high threat of encroachment.
 - v. Plantations were carried out over the proposed area in past, however the plants did not

survive due to heavy biotic pressure.

- vi. As per the information submitted in the SIR and as intimated by the State Govt. earlier, 265 families were required to be rehabilitated. However, the State Govt. has clarified that during the initial survey 265 families were identified but on complete inquiry only 191 eligible families were found.
 - vii. The State Govt. has clarified that the Kuno Palpur WLS was notified in 1981 with an area of 344.686 sq km. The Village Bagcha was not a part of this WLS. Thereafter, the State Govt. vide Notification dated 14.12.2018 has notified an area of 748.76 sq. km as a National Park. This also includes the area of the erstwhile Kuno Palpur WLS and Village Bagcha is within this 748.76 Sq km.
 - viii. The State Govt. has submitted that out of the total 421 ha area proposed for diversion/ de-reservation, the 55 ha area which is unfit for agriculture is proposed to be utilized for plantation.
 - ix. The State Govt. has also submitted that due to displacement of Village Bagcha a total of 427 ha forest land will be vacated. Out of this, 217-hectare land is under agriculture, 205 ha of land is under Nistar Rights and the remaining 5 ha of land is used for roads, buildings etc.
 - x. The FAC observed that the anthropogenic pressure of a village is there beyond the village boundary and the area under Nistar/community rights is to be considered as a part of the village area. In similar matters the area under Nistar/Community rights has been considered as a part of the Village area for the purpose of village relocations.
- 3. Decision of the FAC:** After detailed discussion with the Nodal Officer (FCA), Madhya Pradesh and Dy. DGF (Central), IRO, Bhopal, the FAC recommended for according Stage-I approval to the proposal for relocation of Village Bagcha from Kuno National Park, District - Sheopur, Madhya Pradesh with General, Standard and following specific conditions:
- i. The legal status of 55 ha forest area (out of 421 ha) which is unfit for agriculture and is proposed to be utilized for plantation shall remain unchanged.
 - ii. The State Govt. shall submit the documentary evidence/certificate indicating the extent of Nistar/community rights.
 - iii. the District Collector concerned shall furnish a certificate of non-availability of suitable non-forest land for relocation of village Bagcha.
 - iv. The SIR submitted by IRO Bhopal mentions that Rambadi Villagers have encroached upon the forest area near the village. The State Government shall initiate legal action for eviction of said encroachments on forest land.

Agenda no. 9

File No. 8-04/2022-FC

Subject: Diversion of 55.00 ha forest land under Forest (Conservation) Act, 1980 for relocation of Village Neelgarh from Ratapani Wildlife Sanctuary, District Raisen, Madhya Pradesh State (Online No. FP/MP/FVC/151576/2022) – regarding.

1. The above stated agenda was considered by FAC in its meeting held on 21.09.2022. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC which after thorough deliberation and discussion observed that:
 - i. The State Government vide their letter No. F-5/1118/2022/10-11/1163 dated 29.03.2022 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 55.00 ha forest land under Forest (Conservation) Act, 1980 for relocation of Village Neelgarh from Ratapani Wildlife Sanctuary, District Raisen, Madhya Pradesh State.
 - ii. The Nodal Officer Madhya Pradesh and Dy. DGF (Central), IRO, Bhopal attended the meeting online.
 - iii. The State Govt. has submitted that the Neelgarh village which is being relocated is situated in the core of the Ratapani Wildlife Sanctuary.
 - iv. The area proposed for diversion is 55 ha out of which 39.77 ha is a Protected Forest and 15.23 ha is Reserve Forest land. The total number of trees proposed to be felled are 28.
 - v. The crown density of the area proposed to be diverted is 0.3 to 0.4 as per the proposal submitted. It has been further submitted by the State, that the said density as per the Working Plan of Forest Division Obdedullaganj is the average density of whole compartment. However, the actual density of the proposed area which includes part of the compartments RF 315, RF 316, PF 881 and PF 882 is less than 0.1 and includes only 28 trees.
 - vi. The State Govt. has submitted that an area of 48.631 ha is under Habitation & Agriculture, 5.1 ha is Forest Road, 18.75 ha is miscellaneous land patch and 217.25 ha is Cattle Grazing area. Also as per the Management plan the area of Village “Neelgarh” is mentioned as 45 ha and grazing area of 2 ha per cattle is prescribed.
 - vii. The FAC observed that the anthropogenic pressure of a village is there beyond the village boundary and the area under Nistar/community rights is to be considered as a part of the village area. In similar matters the area under Nistar/Community rights has been considered as a part of the Village area.
3. **Decision of the FAC:** After detailed discussion with the Nodal Officer (FCA), Madhya Pradesh and Dy. DGF (Central), IRO, Bhopal, the FAC recommended for according Stage-I approval TO the proposal for relocation of Neelgarh from Ratapani Wildlife Sanctuary, District Raisen, Madhya Pradesh with General, Standard and

following specific conditions:

- i. The State Govt. shall submit the documentary evidence/certificate indicating the extent of Nistar/community rights.
- ii. The District Collector concerned shall furnish a certificate of non-availability of suitable non-forest land for relocation of Village Neelgarh.

Agenda No. 10

F. No-8-17/2001-FC

Sub: Proposal is for grant of change in the land use pattern over an area of 371.192 ha of forest land already diverted on 22.04.2004 in favour of M/s JSW Steel Limited-reg.

And

Proposal is for adjustment of Rs.899.198 lakhs (SSWLCP Demand note dtd.11.03.2022) and Rs.9,34,88,270/- (CA and NPV) demand note dtd.05.04.2022 and 07.04.2022 against the already deposited amount of Rs. 48,71 ,31 ,000/- towards lumpsum amount @ 7.50 lakh/ha (for total forest area within the ML) in respect of Nuagaon Iron Ore Mines of M/s JSW Steel Limited - Clarification reg

1. The agenda item was considered by the FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. Two issues have been received from the State viz. adjustment of excess NPV and change in the land use of the mining lease.
 - ii. State Government vide their letter dated 04.06.2022 requested for adjustment of Rs.899.198 lakhs (Site specific Wildlife Management Plan) and Rs. 9,34,88,270/- (CA and NPV) against the already deposited amount of Rs. 48,71 ,31 ,000/- towards lump sum amount @ 7.50 lakh/ha (for total forest area within the ML) deposited in pursuance of provisions of the guidelines dated 31.03.2020 in respect of Nuagaon Iron Ore Mines of M/s JSW Steel Limited.
 - iii. The Committee observed that on a similar request from the State Government of Odisha in respect of a proposal pertaining to M/s Odisha Mining Corporation, the Ministry, based on the recommendation of the FAC, vide letter dated 12.10.2021 clarified that “.. *issue regarding adjustment of the excess funds deposited may be settled at State level under the intimation to the MoEFCC. State shall ensure that all the conditions pertaining to the project, as specified in the Stage I approval, in the instant case are complied.*” In line with the set decision precedence, the decision in the extant matter may be taken by the Ministry.

- iv. The Committee further observed that the **State Government vide their letter dated 15.07.2022 submitted an application for change in the land use pattern over in respect of their Nugaon Mining Lease area.**
 - v. The proposal was granted approval under the Forest (Conservation) Act, 1980 on 22.04.2004 over an area of 371.192 in favour of M/s KJS Ahluwalia. Subsequently, additional area of 63.30 ha of Sabik Kisam forest land was granted Stage-I approval on 14.03.2022 by the Ministry in favour of M/s JSW Limited.
 - vi. Mining lease of Nuagaon Iron Ore Mine expired on 31.03.2020 and following due process for the e-auction, the said mine was auctioned in favour of M/s JSW Steel Limited and vesting order in favour of successful bidder was issued by the State on 29.05.2020 and accordingly all rights, approvals, clearances, licences of the erstwhile lessee vested in M/s JSW Ltd. in accordance with the relevant guidelines issued by the Ministry.
 - vii. Subsequently, the user agency revised the Mining Plan, with the approval dated 31.05.2021 of IBM, to enhance the production from their mining lease from the existing 5.2 MTPA to 7.99 MTPA and revised EC was also obtained on 5.08.2021 by the user agency along with 2.0 MTPA beneficiation plant and a crusher and screen plant in the lease area. Proposal for enhancement of production capacity from 7.99 to 20 MTPA is under consideration in the Ministry.
 - viii. Guidelines dated 7.07.2021 provides that *change in the land use on account of any valid reason shall be effected with the prior approval of the Central Government. Therefore, user agency has submitted the proposal for change in the land use as per the approved mining plan.*
 - ix. With regards to the compliance of Hon'ble Supreme Court order dated 2.08.2017 (Common Cause Judgement), it is mentioned by the State that the ex-lessee, M/s KJS Ahluwalia has fully paid the compensation amount as demanded under Section 21(5) of MMDR Act, 1957 for violation of E(P) Act, 1986 & FC Act, 1980 within the stipulated time i.e. 31.12.2017.
 - x. So far, approval under the FC Act has been granted/under consideration in respect of 434.492 ha out of total forest land involved in the mining lease. The status of submission of proposal in respect of balance forest area under Section 2 (ii) of the Forest (Conservation) Act, 1980, if any, may be intimated by the State.
- 7. Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and Regional Officer, IRO, Bhubaneswar, the FAC desired that details of land uses pertaining to the involvement of forest land involved in the mining lease, status of approval obtained under the Forest (Conservation) Act, 1980 and change in the land use proposed therein may be examined, in its totality, by the Forest Conservation Division and the same may be informed to the Committee in its next meeting.

Agenda No. 11

F. No. 8-23/2007-FC

Sub: Proposal is for grant of change in land use pattern over an area of 0.636 ha of forest land out of 2.411 ha earmarked for magazine/safety zone from already diverted 48.632 ha of forest land under Section 2 (ii) of Forest (Conservation) Act, 1980 in favour of M/s Penguin Trading & Agencies Ltd. for Raikela & Tantra Iron Mines in Sundargarh District (Odisha) – reg.

1. The agenda item was considered by the FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer (FCA), Odisha also attended the meeting through video conference.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for their examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. Extant proposal pertains to the change in the land use over an area of 0.636 ha in the mining lease of M/s Penguin Trading & Agencies Ltd. out of already diverted area of 49.372 ha. Change in land use has been proposed in respect of area earmarked under magazine/safety zone component.
 - ii. Proposal has already been granted Stage-II approval by the Ministry vide its letter of even number dated 13.05.2009 for non-forestry use of 45.585 ha. Subsequently, change in land use over an area of 0.218 ha (from safety zone) was granted by the Ministry on 10.07.2020.
 - iii. The project is located in the Bonai Forest Division, Sundargarh District and the legal status of the forest land is DLC Forest.
 - iv. Density of vegetation is 0.5 falls under Eco-Class-I and 95 nos of trees above 30 cm girth enumerated in the proposed as reported. Equivalent non-forest land of 0.636 ha has been proposed for raising CA in lieu of proposed use of 0.363 ha of forest land located in the safety zone.
 - v. As reported the proposed area do not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. Movement of wild elephant has also been reported in the area.
 - vi. As reported no protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
 - vii. No violation has been reported under Forest (Conservation) Act, 1980.
 - viii. As reported the approval of modification of the Mining Plan has been approved by the IBM on 17.01.2019 which was valid up to 31.03.2021. No detail pertaining to further approval of Mining Plan is available in the proposal.
 - ix. Mining lease of the User Agency has total area of 49.372 ha, comprising of 48.632 ha of forestland and 0.740 ha of non-forest land. Stage-II approval for non-forestry use of 45.585 ha of forestland was granted by the Ministry vide letter dated 13.05.2009. Balance area of 3.047 ha was earmarked for safety zone for which no approval under

the FC Act, 1980 was obtained as per then prevailing guidelines.

- x. Total area of safety zone of the mining lease was earmarked as 3.047 ha, comprising of 2.411 ha of 7.5-meter strip and 0.636 ha around magazine. Out of total 2.411 ha earmarked for safety zone (7.5-meter strip), an area of 0.218 ha was subsequently proposed for mining and approval for change in the land use for the same was granted by the Ministry vide letter dated 22.05.2019. Extant proposal also involves change in the land use over safety zone area (magazine safety zone) wherein additional area of 0.636 ha has been proposed to be used for mining.
 - xi. Currently an area of 45.803 ha (45.585 ha + 0.218 ha), out of total 48.632 ha of forest land, has been allowed for non-forestry use under the FC Act, 1980. Considering the extant proposal of 0.636 ha and 0.218 ha diverted earlier, now total area of 0.854 ha, out of total 2.411 ha earmarked for safety zone has been proposed for mining. Therefore, only 1.557 ha of area has now been remaining under the safety zone.
 - xii. The Committee further noted that though the proposal has been submitted for change in the land use in respect of forest area located in the safety zone while further analysis of various project components has revealed that majority of the project components have been re-organized i.e. change in land use is not limited to safety zone only, it extends to other project components also viz. mining, overburden, storage of minerals, storage of top soil, building of electric component, etc. Almost all project components have been proposed to be re-organized as per approved Mining Plan while proposal for change in the land use has been submitted only in respect of Safety Zone only.
4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Nodal Officer (FCA), Odisha and the Regional Officer, IRO, Bhubaneswar, the FAC observed that since the proposal for change in land use is not limited to area located in the safety zone, as proposed by the State, but almost all project components have been proposed to be changed or reorganized; therefore, proposal in its present form cannot be considered for approval and accordingly recommended that State Government may submit a revised proposal recasting details of all land uses proposed to be changed in the proposal, as per land use envisaged in the approved Mining Plan of the mining lease.

Agenda No. 12

F. No. 8-18/2022-FC

Sub: Proposal for assignment of forest land on lease under section 2 (iii) of the Forest (Conservation) Act, 1980 involving forest area of 575.16 ha of forest land in favour of M/s Dalmia Cement (Bharat) Limited) (DCBL) for Kottameta Limestone mining in Katamateru village under Malkangiri Tahasil of Malakangiri District, Odisha –reg.

Due to paucity of time, the proposal was deferred by the FAC for consideration in the next meeting of the Committee.

Agenda No: - 13

F. No. 8-132/2003-FC

Sub:-Proposal for re-diversion (change of land use) of 0.54 ha area for the construction of the Forest & Eco-Tourism Development office by TSFDC in Kothaguda RF, Telangana of already diverted area of 110.87 ha of forest land. (The original proposal was diversion of 110.87 ha of forest land for development of eco-tourism project in Kothaguda RF in favor of APFDC currently TSFDC). –regarding.

1. The above subject agenda item was considered by FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in.

2. PCCF & HoFF, Nodal Officer (FCA), Telangana, Andhra Pradesh and Regional Officer, Hyderabad also attended the meeting through video conference

3. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.

4. FAC after through deliberation and discussion observed that:

i. The State Government of Andhra Pradesh vide their letter dated 05.11.2003 submitted a proposal to this Ministry to obtain prior approval of the Central Government under the Forest (Conservation) Act,1980 for diversion of 110.87 ha. Forest land in Kothaguda Reserve Forest in Ranga Reddy District of Andhra Pradesh in favor of the Andhra Pradesh Forest Development Corporation (APMDC) for execution of an Eco-Tourism Project.

ii. The proposal for diversion of 110.87 ha of forest land for development of eco-tourism project in Kothaguda RF in favour of APFDC currently TSFDC was granted Stage-II vide this Ministry on 23.03.2006.

iii. The Government of Telangana vide their letter No.3100/For.I (1)/2021 dated 16.09.2021 forwarded the proposal for change of land use in an area of 0.54 ha for taking up permanent construction of Forest & Eco-Tourism Development office by Telangana State Forest Development Corporation.

iv. The said area of 0.54 ha is covered by the Stage-II approval given by the MoEF&CC on 23.03.2006 for eco-tourism projects; hence only the permission for change in land use is requested now. Further the objective of the said permanent structures is to develop Eco-Tourism Facilities in the State and to manage & Raise plantations so as to supply wood for industrial needs.

v. The purpose wise break-up of this proposal submitted was: -

Sl. no.	Purpose	Area in Ha
1	Botanical Gardens	50.60
2	Night Safari parks	44.53

3	Bird parks	12.10
4	Facility Plaza	3.64
	Total	110.87

vi. The said area of 0.54 ha for change of land use for taking up permanent construction of Forest & Eco-Tourism Development office by Telangana State Forest Development Corporation is the part of Bird Park as mentioned in the above table.

vii. It was informed by Govt. of Telangana the Compensatory Afforestation land has been identified in Chittoor district adjacent to Dornakambahi RF of Chittoor East (WL) Division which is now in the state of Andhra Pradesh. Hence the information regarding Notification of the Compensatory Afforestation land is not available with the Telangana state forest department. PCCF (HoFF), Andhra Pradesh has been requested to submit the status, which is awaited.

viii. The Status of CA land was enquired from the Nodal Officer, Andhra Pradesh. It was informed that the CA land has already been carried out.

5. Decision of FAC: - The Committee had detailed discussion and deliberation with Nodal officer (FCA) of Telangana, Andhra Pradesh and IRO Hyderabad. After going through the facts of the proposal and submissions made by the Nodal Officers (Telangana and Andhra Pradesh) and IRO Hyderabad and agreeing with the justification provided by the State and considering the vulnerability of the said parcel of land within the urban landscape for future encroachments the Committee recommended the proposal for the change in land use as proposed for use of construction of the Forest & Eco-Tourism Development office subject to use of eco-friendly material in construction and making it a green building.

Agenda No: - 14

F.No.8-05/2021-FC

Sub:- 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 Venkateshkhani 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)

1. The above subject agenda item was considered by FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. Nodal Officer (FCA), Telangana and Regional Officer, Hyderabad also attended the meeting through video conference
3. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.

4. FAC after through deliberation and discussion observed that:

i. The instant proposal is for diversion of 649.3014 ha forest land in Ramavaram RF of Kothagudem forest division for grant of mining lease for proposed Venkateshkhani OCP from underground rights to surface rights in Kothagudem area in Bhadradi Kothagudem District in favor of M/s. SCCL.

ii. The user agency has provided the equivalent Non-forest land (reclaimed dump area) for compensatory afforestation (CA) against the proposed diversion of 649.301 ha forest land for Venkatesh Khani Coal Mine as per the decision taken in FAC held on 17.02.2021 and on DSS analysis it was observed that the proposed reclaimed OB Dump (CA-NFL) is already having plantation.

iii. The IRO Hyderabad has inspected the rehabilitated OB dump and provided the information that an extent of about 155 Ha is having less than 1000 plants per hectare and 10cm girth in size at DBH. The remaining area of 495.51 Ha is having more than 1000 plants of more than 10 cm girth at DBH.

iv. To compensate this area of 155 Ha, State Govt has proposed CA of 200 Ha in Degraded Forest Land at Mahboobabad in 13 patches.

v. The identified Non-forest land (reclaimed dump area) is as per the guideline issued by this Ministry vide its letter dt 17.10.2019 wherein it was decided that non-forest mined out land which have been reclaimed technically and restored biologically shall be accepted for raising CA.

vi. It was noted that the area of 649.3014 ha is the part of 1174.18 ha which was already granted permission for under Ground mining by this Ministry vide F. no. 8-277/85-FC dt 17.025.2009. Now the proposal is for converting 649.3014 ha from UG mining to Open Cast Mining out of 1174.18 ha.

vii. It was informed by the State govt. that the area of 649.3014 ha consists of two Mining as given below:

a. 2nd renewal of Kothagudem Mining Lease (G.O. Ms. No. 324 dated, 12.12.2008) valid up to 26.04.2029. (At pg. no. 371 /ToC)

b. 1st renewal of Goutham Khani Open Cast Mining Lease (G.O. Ms. No. 211 dated 08.08.2008) valid up to 18.09.2034 ((At pg. no. 374 /ToC))

viii. But from the analysis based on the documents available with the DSS team and FC Division it was observed that the entire area i.e. 649.3014 ha proposed for diversion is falling in Kothagudem Mining Lease and not in Goutham Khani Open Cast Mining Lease.

ix. The issue of area falling in two leases were deliberated and the Nodal Officer (FCA), Govt. of Telangana confirmed that the entire area i.e. 649.3014 ha is falling in Kothagudem

Mining Lease only.

x. Further it was also informed that 649.3014 ha is part of Venkatesh Khani underground mine (VK-7 Incline) and Padmavathi Khani underground mine (PVK-5 Incline) which falls within Kothagudem Mining Lease. It was also informed that the Goutham Khani Open Cast Mining Lease is listed under Mining Closure plan of Venkatesh Khani OC mine and the OB dump material extracted from it will be dumped in the Goutham Khani Open Cast Mining Lease.

xi. On submission of this FAC enquired that will the dumping of the materials in Goutham Khani Open Cast Mining will affect its approved Mining Closure plan/ R&R plan based activities.

xii. Further FAC also deliberated that the converting the UG mines to Open cast mines fails the motive of encouraging the UG Mines. The UG Mines are encouraged since the vegetation above the soil is not affected. Considering the large area to be diverted and huge number of trees to be felled, biodiversity impact assessment, valuation of ecological/ecosystem services from the said land to be diverted needs to be accounted for.

xiii. Further it was also discussed that the Cost-Benefit analysis study should be carried out on conversion of underground Mines to open cast mines.

5. Decision of FAC: -The Committee had detailed discussion and deliberation with the Nodal Officer Telangana and Regional Officer, IRO, Hyderabad. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee deferred the proposal in want of-

i. A study to be carried out by IIFM Bhopal on the Cost-Benefit analysis on conversion of underground Mines to open cast mines and the cost of the study will be borne by User Agency. The Cost-Benefit Analysis shall account for the ecological/ecosystem services provisions from the proposed mining area/landscape.

ii. The details/KML files of the DFL identified for carrying out one half times CA w.r.t the safety zone may be provided.

iii. The State govt. may comment on the dumping of the material in Goutham Khani Open Cast Mining and its impact on the approved Mining closure plan/R&R plan based activities.

iv. Considering the area to be diverted is very large a biodiversity impact assessment study may also be carried out by reputed institution. The cost for the study will be borne by the User Agency and the study report shall be submitted to this Ministry as early as possible.

Agenda No. 15

POLICY ISSUES

Policy Issue No-1

File No. 11/114/2021-FC

Sub: Guidelines given under para 5.6 of the Handbook of Forest (Conservation) Act, 1980 regarding change in the land use/re-diversion of forest land – reg.

1. The policy agenda item was considered by FAC in its meeting held on 21.09.2022.
The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, the Member Secretary explained all the facts and background of the matter to the FAC for their examination and analysis.
3. After through deliberation and discussion, the FAC observed that:
 - i. The Committee noted that guidelines for change in the land use have been provided in the Handbook of Forest (Conservation) Act, 1980 under para and chapter 5 of the handbook.
 - ii. Earlier, the Forest Advisory Committee (FAC) considered the matter on 26.11.2021. and recommended that change in land-use within the diverted forest land may be allowed without seeking prior approval of Central Government under the Forest (Conservation) Act, 1980, subject to following conditions:
 - a. Change in the land-use is for the same purpose or ancillary to the primary purpose
 - b. Change in the land-use is in accordance with the changed land use approved in the statutory document such as Mining Plan, or such similar documents approved by the competent authority in the State
 - c. No activity will be taken up which is non-site specific.
 - d. Appropriate provision in the PARIVESH portal shall be provided, so as to enable the user agency to provide requisite information in the parent proposal (regarding change in land-use), for the purpose of record of and monitoring by the State Forest Department.
 - e. Change in the land-use is proposed within the diverted area involving no new/additional forest land of project affected area.
 - iii. Subsequently, after examination of the recommendation of the FAC, the Ministry desired further examination of the matter in light of facts such frequency of such cases received in the past, provisions of Forest (Conservation) Act, 1980, alternate way of handling the issue, etc.
 - iv. Matter was accordingly analysed in the Ministry and it was observed that since 2014

onward, approximately 14 cases, pertaining to change in land use, excluding cases received in the IROs, have only been received in the Ministry.

4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Regional Officers and the Officers of Forest Conservation Division, the Advisory Committee observed that given the frequency of receipt of such cases received in the Ministry, it may not be prudent for the Ministry to authorize the user agency to undertake such land use changes at their own level as there is possibility of misuse of such dispensation by the user agency and, therefore, the Committee recommended that proposals pertaining to change in the land use will be examined by the Ministry on case to case basis and relevant guidelines/clarification shall be accordingly be issued by the Ministry.

Policy Issue No-2

Sub: Maintenance of Safety Zone along the inner boundary of mining lease; review of guidelines given under para 7.8 of the Handbook of Forest (Conservation) Act, 1980 vis-à-vis approvals obtained under the Forest (Conservation) Act, 1980 – reg.

1. The policy agenda item was considered by the FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, the Member Secretary explained all the facts and background of the matter to the FAC for their examination and analysis.
3. After through deliberation and discussion, the FAC observed that:
 - i. Ministry has issued guidelines from time to time for the maintenance of safety zone along the boundary of mining lease. As per the guidelines dated 27.05.2015, safety zone is to be maintained in the form of 7.5 meter wide strip along the inner boundary of the mining lease. Therefore, all proposals submitted after the clarification dated 27.07.2015, includes forest area located in the safety zone unlike the situation prevailing before 2012 when area of safety zone was only needed to be indicated on the map and was not used to be included in the area proposed for diversion.
 - ii. Recently, the issue related to compliance of guidelines contained in para 7.9 of the Handbook of Forest (Conservation) Act, 1980 issued by the Ministry on 28.03.2019 was reviewed in the Ministry, wherein it was observed that despite the standing guidelines, very few proposals of forest land located in the safety zone have been received from the State/UTs.
 - iii. In an exercise conducted by the Ministry to assess the number of such proposals where approval of forest land located in the safety zone has not been obtained, it was revealed that majority of proposals, approved prior to 2015, approval of safety zone has not been obtained by the various user agencies.
 - iv. The Committee was also apprised that Ministry vide its guidelines 1.04.2015 has granted the General Approval under Section 2 (iii) of the FC Act, 1980 to existing mining leases subject to payment of NPV. Guidelines dated 1.05.2015 provided that proposal of safety zone need not be processed further as the same is covered under

General Approval except in cases where forest area located in the safety zone is proposed for mining. In pursuant to guidelines issued in 2015, proposals of safety zone are submitted by the States only in cases where mining is proposed in the forest land located in the safety zone.

- v. As per the provisions of the relevant guidelines, issued by the Ministry on safety zone, the user agencies were required to pay the NPV in respect of forest area, located in the safety zone. The Committee opined that although General Approval was available for such area, yet cases have come to the notice of the Ministry where NPV has not been paid or realized from the user agency. Without complying with the provisions of the relevant guidelines, possession of forest area by the user agency amounts to the violation of the Forest (Conservation) Act, 1980. In such cases where forest land located in the safety zone is under the unauthorized possession of the user agency, the user agencies may be liable to pay penalties.
4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Regional Officers and the Officers of Forest Conservation Division, the Advisory Committee recommended the following:
- i. To enable various user agencies to align their forest land located in the safety zone with the relevant provisions of the guidelines issued by the Ministry, last opportunity may be considered by the Ministry by providing a window to the user agencies to deposit NPV by 31.03.2023 along with simple interest of 12% w.e.f. 1.04.2018 onwards till the deposit is made.
- ii. The user agency should submit proposal and obtain approval under the Forest (Conservation) Act, 1980 for diversion of forest area located in the safety zone by 30.09.2023.
- iii. In case of failure of compliance of recommendations, mentioned under (i) and (ii) above, the possession of forest land located in the safety zone will be considered as violation of the FC Act, 1980 and appropriate penalties will be imposed on defaulting user agencies.
- iv. IROs concerned will monitor the compliance in the matter and submit six monthly report to the Ministry.

Policy Issue No-3

File No. 11/102/2022-FC

Sub: Circumstances arising from the operation of sub-clause (d) of sub-rule 1 of rule 11 of Forest (Conservation) Rules, 2022 and the need to resolve the issue of scarcity of vacant land for allotment for the purpose of Compensatory Afforestation in forest deficient States/UTs – reg.

1. The policy agenda item was considered by the FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, the Member Secretary explained all the facts and background of the matter to the FAC for their examination and analysis.
3. After through deliberation and discussion, the FAC observed that:

- i. Chairman, Delhi Development Authority, vide his DO letter dated 30.03.2022, has requested to relax para 2.3 (v) of the guidelines to allow CA over degraded forest land in neighbouring States of Delhi for projects of Central Government/PSUs in Delhi citing scarcity of land in Delhi.
 - ii. A similar request has been received from the Hon'ble Chief Minister, Madhya Pradesh (MP), mentioning that due to ceiling of 20% of forest cover prescribed in the Forest (Conservation) Rules, 2022, it will not be possible for MP to allow CA in lieu of forest land diversion proposals of other States/UTs. Special reference has been made of the proposal received from the Union Territory Administration where under land has been identified in MP for CA.
 - iii. As per the aforesaid sub-rule, a State/UT having forest cover more than 33% of their geographical area can undertake CA in another State/UT having forest cover less than 20% of their geographical area.
 - iv. Situation similar to Delhi also exists in the UTs like Chandigarh, Daman and Diu, and Puducherry where urbanization level is very high and forest cover is less than 33% of the geographical area of the UT. In near future, such UTs may also request that they may be allowed to raise CA in other States/UTs.
5. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Regional Officers and the Officers of Forest Conservation Division, the Advisory Committee opined that tenet of the new FC Rules is to enhance the forest cover of the country and accordingly, enabling provisions of raising CA in other States have been introduced. However, due to certain preconditions, the tenet embodied in the rules would be impeded. Moreover, Hon'ble Supreme Court in its order 6.07.2011 (Lafarge Judgment) has also emphasized that provisions envisaged in the National Forest Policy, 1988 should be given due consideration while considering diversion of forest land under the Forest (Conservation) Act, 1980. Therefore, the Committee recommended that in cases where raising of CA is not possible in the same State/UT where diversion of forest land is proposed due to scarcity of land and *on account of any other valid reasons*, the Ministry, in such cases, on case to case basis, may allow raising of CA in other States/UTs, in public interest. Ministry may issue a clarification in this regard.

Policy Issue No-4

File No. FC-11/124/2021-FC

Sub: Backfilling of abandoned mines with Fly Ash and/or Red Mud - Forest (Conservation) Act, 1980 — reg.

1. The policy agenda item was considered by FAC in its meeting held on 21.09.2022. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, the Member Secretary explained all the facts and background of the matter to the FAC for their examination and analysis.
3. After through deliberation and discussion, the FAC observed that:
 - i. The issue relates to backfilling of the abandoned mines voids in the forest area with the red mud and fly ash. M/s Hicalco Industry Limited desires to undertake backfilling of abandoned mines in the forest areas with the red mud and fly ash and accordingly

- approached the Ministry seeking clarification if the same can be permitted under the Forest (Conservation) Act, 1980 considering it as re-afforestation.
- ii. The proposal envisages filling of mine voids with fly ash/and or red mud. Fly ash is a bye product largely from the thermal Power Plants. It is considered as hazardous to the environment as it contains toxic and heavy metals which may, if managed unscientifically, may deteriorate the environment considerably. Similarly, red mud, a waste by product of the Bayer process for producing aluminium oxide from the bauxite ore, contains toxic heavy metals and its high alkalinity makes it extremely corrosive and damaging to soil and life forms, presenting a massive problem for disposal. However, controlled and regulated use of these bye products, specially fly ash, has been recommended in various scientific studies for various purposes including filling of mine voids.
- iii. The proposal from M/s Hindalco Industries to backfill such areas with the red mud and flyash was examined by the Forest Conservation Division of the Ministry in consultation with the IA Division of the Ministry. The IA Division in their comments inter-alia mentioned that the decision on dumping of red mud in abandoned mines/quarries must be supported with Research and Development (R&D) and till such report is available from the Central Pollution Control Board (CPCB), IA Division may not be able to clearly state the specific conditions or recommendation in the matter.
- iv. The Committee noted that although majority of environmental/ecological concerns relating to dumping in abandoned mines may be addressed by the CPCB; however, issues specific to abandoned mines located in the forest areas such as impact of proposed dumping on the surrounding forests with reference to changes in hydrological regimes, edaphic factors, etc. needs appropriate addressal.
4. **Decision of FAC:** After detailed discussion and deliberation on the proposal with the Regional Officers and the Officers of Forest Conservation Division, the Advisory Committee desired given the ecological sensitivities involved in the activity and the ongoing study in the matter being taken up under the aegis of CPCB, the matter needs to be analysed holistically. The Committee, therefore, desired that before taking further view in the matter, a presentation in the matter may be made before the Committee by the CPCB in the next meeting of the FAC.

(Confirmed through E-mail)

Dr. Sanjay Deshmukh

*(non-official Member of the Advisory
Committee)*

(not present)

Shri Anmol Kumar

*(non-official Member of Advisory
Committee)*

(Confirmed through E-mail)

Shri S. D. Vora

(non-official Member of Advisory

(Confirmed through E-mail)

Shri O. P. Sharma

(Member of Advisory Committee)

Committee)

(no comments received on draft MoM)

Shri Bivash Ranjan

Additional Director General of Forests

(WL)

(Member)

(Confirmed)

Shri Ramesh Kumar Pandey

Inspector General of Forests

(Member Secretary)

(Confirmed)

Shri S. P. Yadav

Additional Director General of Forests (FC)

(Member)

(Approved)

Sh. C. P. Goyal

(Director General of Forests and Special Secretary

Chairperson)