

**Government of India**  
**Ministry of Environment, Forests & Climate Change**  
**(Forest Conservation Division)**

\*\*\*\*\*

**MINUTES OF MEETING OF FOREST ADVISORY COMMITTEE (FAC) HELD ON**  
**20<sup>TH</sup> SEPTEMBER, 2018**

**Sandeep Sharma, AIGF (FC)**

**Agenda No. 1**

**File No. 8-57/ 2018-FC**

**Sub.: Proposal For Diversion Of 76.882 Ha. Of Forest Land (Including 2.279 Ha. Safety Zone) Within The Total MI Area Of 86.886 Ha. In Gonua Iron & Manganese Mines In Village Gonua&Patabeda By Sri Pawan Kumar Ahluwalia in Bonai Forest Division Under Sundargarh District Of Odisha.**

1. The above stated agenda item was considered in FAC meeting on 20.09.18.
2. FAC after thorough deliberation and discussion on the agenda observed that the mining lease is very old .It is operating in the area since 1955.During the currency of first renewal period, the erstwhile user agency i.eMaitre Shukla got diversion of 54.40 ha forest land with in total mining lease area of 102 ha on 09.08.1996.Later the mining lease area was revised and the lease area was reduced to 86.886 ha. On 31.05.2018 MoEF&CC had conveyed its post Facto approval , as per FCA guideline 2.8, (In respect of diversion of 54.40 ha of forest land ) for change of name the user agency from SmtMaitre Shukla to Sh Pawan Kumar Ahluwalia.The validity of the Mining lease period has been extended under section 8A(6) of MMDR Act 1957 as amended by MMDR(amendment) Act 2015 upto 31.03.2020.At present out of 86.886 ha lease area, 76.882 ha is forest area.

**Recommendation of FAC:**

**FAC after through deliberation & discussion with Nodal Officer (FCA) of the State, APCCF, Regional Office and User Agency recommended the proposal for in principle approval with standard ,general and following specific conditions**

1. User agency is operating in the area since 1955.No credible and visible action had been taken by the user agency to reclaim the area .User agency shall submit an approved reclamation plan prior to stage II approval. User agency shall deposit the corresponding amount in Adhoc CAMPA.
2. Violation as reported by the state government shall be dealt as per the provisions of MoEF&CC letter no 11-42/2017-FC dated 29.01.2018



3. User agency shall surrender 4.887 ha of earlier diverted forest land (54.40 ha. of forest diverted within the original ML area of 102.89 ha. - 49.513 ha. of Khesra forest coming within the extended ML area of 86.886 ha being only part of earlier diverted forest area of 54.40 ha.)

## Agenda No. 2

F. No. 8-27/2016-FC

**Sub: Diversion Of Balance Forest Land 401.7824 Ha. Including 7.2807 Ha Of Safety Zone Out Of Total Forest Land Of 519.7472 Ha Within Total Mining Lease Area Of 618.576 Ha For Iron Ore Mining In Gandhamardan (Block-A) Mining Lease In Keonjhar District, Odisha Of M/S Odisha Mining Corporation Ltd. During 2nd Renewal Of Mining Lease Period (Likely To Extended Up To 31.03.2020 As Per Amended Provision Of MMDR Act, 2015.**

1. The above stated agenda item was considered by FAC in its meeting on 20.09.2018. FAC observed that
2. The part of present proposal was considered by FAC earlier and granted in-principal approval for diversion of 117.9648 ha in Gandhamardan Block A on 17.02.2009 subject to certain conditions prescribed therein including the condition No (6) which states that the approval under FCA, 1980 is restricted to 117.9648 ha & the possession of the balance forest area shall be taken over by the Forest Department before grant of the formal approval.
3. The above stated condition was waived off by the competent authority while issue of stage-II clearance for diversion of broken-up forest land of 41.2442 ha on 24.04.2017.
4. The total mining lease of the Gandhamardan block is 618.576ha. Out of which 519.7472 ha is forest area. Out of total forest area, MoEF&CC had already granted approval under FCA 1980, for 117.9648 ha on 24.04.2017. The balance forest area of 401.7824 ha is un-diverted and under consideration of FAC.
5. The area is located in Keonjhar district of Odisha.
6. The area includes proposed RF(375.5607ha) and village forest ( 26.2217 ha) with density of 0.3 to 0.4
7. Total number of enumerated trees within forest area is 87,591
8. This mining lease is very old. Initially it was executed in 1963.
9. The DFO, Keonjhar intimated that the applied diversion proposal over 401.7824 (375.5607 ha Gandhamardan proposed reserved forest and 26.2217 ha village forest) is under 2<sup>nd</sup> RML with effect from 21.05.2013 for a period of 20 years with validity up to 20.05.2033. **However, the validity of the lease has to be appraised in the light of MMDR (amendment) Act, 2015.** The proposed area is unavoidable and the barest minimum for the purpose of mining. There is no sign of prevalence of endangered, threatened and vulnerable wild fauna in the said area except **movement of wild elephant often noticed in the fringe areas.** The proposed land use plan for the said forest land does not have adequate safe guard measures for maintaining ecological



stability. Thus, it is suggested that the lessee may be stipulated to take up intensive SMC measures to arrest plausible soil erosion and ensuring conservation of the run off. In addition, it is also suggested that the lessee may be stipulated to earmark proportionate area as deemed fit for the purpose of stacking of top soil in the proposed land use plan. The proposed diversion of forest land will not attract displacement of people. The said proposal is therefore submitted for necessary approval under section 2 (ii) of FCA, 1980 taking the aforesaid facts into consideration.

10. The RCCF intimated that the project may be considered for approval as per provision under section 2 (ii) of Forest (Conservation) Act, 1980, 1980 (Amended), on its own merit with the suggestion that condition may be imposed on the User Agency to take up intensive Soil & Moisture Conservation Measures in the lease area and to stack top soil separately in an earmarked area within the area proposed for dumping of overburden.
11. PCCF and State Government had recommended the proposal.
12. **SITE INSPECTION REPORT OF THE REGIONAL OFFICE, BHUBANESWAR:** The SIR has been carried by Shri R. K. Samal, IFS, Conservator of Forest © for this proposal on 28.07.2017 with the officials of State Forest Department and representatives of the User Agency. Regional Office, Bhubaneswar vide their letter no. 5-ORA 052/2007-FCE dated 30.10.2017 has submitted Site Inspection Report (SIR). The SIR is reproduced below:

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

Proposed Reserve Forest-375.5607 ha.  
 Village Forest - 26.2217 ha.  
 Total - 401.7824 ha

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

Purpose of utilisation	Forest area in Ha. (virgin)		Forest area in Ha. (pre-80 broken)	Total forest land in Ha.
	PRF	VF		
Mining	306.2866	12.3715	19.51	338.1681
Dumping of overburden	3.5016	0	3.97	7.4716
Stacking of ore	0.4280	4.3597	0	4.7877
Sub-grade ore stacking	11.1385	0	0	11.1385
Processing and stacking	24.9305	3.9962	0	28.9267
Safety zone area of magazine (3.0 MT capacity)	4.0091	0	0	4.0091
Safety zone of the mining lease	1.7864	5.4943	0	7.2807
<b>Total</b>	<b>352.0807</b>	<b>26.2217</b>	<b>23.48</b>	<b>401.7824</b>



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

No. Does not involve construction of buildings including residential areas.

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

Rs.109.62 crores

5. **Wildlife:**

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

No rare or endangered flora and fauna is noticed in this area but movement of mega fauna like elephant is often noticed in the fringe area. The area comes under the elephant habitat Zone-2 of ORSAC, Bhubaneswar. Apart from elephant, sloth bear and spotted deer are also seen in the area. **Earlier there has been report about death of two elephants by falling into the pits of Gandhamardan-B mine during July ,2005.**

6. **Vegetation:**

The applied forest land is a part of Gandhamardan PRF which comes under the type 3C/C<sub>2e</sub> (ii) Moist Peninsular low level Sal forest type under Champion & Seth classification with canopy density 0.3 to 0.4 at the lower reaches and little higher at higher reaches and with site quality-IV.

(a) **Total number of trees to be felled.**

As per the sample plot estimation an estimated 87,591 number of trees above 30 cm girth and 2,054 number of poles have been enumerated over the applied forest area, which include 86,100 number of trees and 1,804 number of poles over virgin forest land of 378.3024 ha and 1,491 trees and 250 number of poles over broken up forest land of 23.48 ha.

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

The hills are having steep slopes and the area contains a lot of biodiversity and is very fragile. There will be loss of biodiversity as well as soil erosion.

(b) **Important species:**

The prevailing vegetation consists of Sal and its associates like Bija (*Pterocarpus marsupium*), Asan (*Terminalia alata*), Amla (*Emblica*





*officinalis*), Kasi (*Brideliaretusa*), Gambhar (*Gmelinaarborea*), Karada (*Cleistanthuscollinus*), Kumbhi (*Careyaarboria*), Kendu (*Dispyrosmelanoxylon*), etc. The main climbers associated with Sal (*Shorearobusta*) in these areas are Atundi (*Combretumdecandrum*), Latapalash (*Butea superb*), Siali (*Bauhinia vahlii*), *Smilax tetraphylla*, etc. The important grass species are Sinkula (*Heteropogoncontortus*), *Aplidamutica*, *Dicanthiumcarricosum*, Duba (*Cynodondactylon*), *Chrysopogonaciculatus*, etc.

**Number of trees of girth below 60 cm.**

As reported by DFO Keonjhar the total Number of trees below 60 cm to be felled is 71,191.

**Number of trees of girth above 60 cm.**

As reported by DFO Keonjhar the total Number of trees above 60 cm to be felled 18,454.

**7. Background note on the proposal:**

The mining lease was granted for a period of 30 years in the name of Gandhamardan (Block-A) iron mines in favour of M/s OMC Ltd. for exploration of iron ore over an area of 618.5760 ha. in the revenue villages of Suakati&Daonra and Gandhamardan proposed reserved forest under BanspalTahasil of Keonjhar district, Odisha vide letter No.III (A) A-11/13 dated 21<sup>st</sup> May, 1963, Mining & Geology Deptt., Govt. of Odisha. Thus, original mining lease was valid till 20.05.1993. The first renewal of mining lease application was filed by the lessee for iron ore over 618.5760 ha on 04.04.1992 i.e. one year prior to the expiry of lease. However, the renewal could not be obtained till the year 2012 and in the meantime the 2<sup>nd</sup> RML application was filed on 01.05.2012 for another period of 20 years.

The total mining lease area of Gandhamardan (Block-A) iron ore mines of M/s OMC Ltd. is 618.5760 ha. which involves 486.1340 ha. Proposed Reserved Forest, 33.6132 ha of Village Forest Land, 85.5772 ha non-forest Government land and 13.2516 ha non-forest tenanted land. The mining lease area is located within latitude 21<sup>o</sup> 36' 08.58286"N to 21<sup>o</sup> 37'41.89734"N and longitude 85<sup>o</sup> 29' 13.06230" E to 85<sup>o</sup> 31' 16.78446" E of Survey of India toposheet No.73 G/6 and 73 G/10. The northern ML boundary of Gandhamardan Block-A Iron Ore Mines of M/s OMC Ltd. is common with the southern boundary of Gandhamardan Block –B Iron Ore Mines of M/s OMC Ltd.

The extent of land broken prior to 1980 in this lease is 73.291 ha. that includes 64.7242 ha. of forest land (57.3327 ha. PRF and 7.3915 ha. village forest) and 8.5672 ha of non-forest land. During 1<sup>st</sup> RML period, the State Government



vide its letter dated 11.05.2007 had recommended for diversion of 117.9648 ha. of forest land (virgin forest land 76.7206 ha. and broken up forest land of 41.2442 ha.) out of 216.3617 ha of forest land proposed for diversion by the user agency considering wildlife concerns especially movement of elephants in the area. MoEF&CC, Government of India vide letter dated 17.02.2009 accorded State-I approval under Section-2 (ii) of FC Act, 1980 over 117.9648 ha. Now MOEF, Govt of India has accorded stage-II clearance for 41.2442 Ha of broken up forest land only and to consider the balance 76.7206 ha of virgin forest land after getting the carrying capacity study report is available. Besides the above the User agency needs 2.270 Ha of area for making a haulage road for carrying of materials from Top Quarry of Gandhamardan -B

OMC Ltd. had earlier approached the Hon'ble Supreme Court in IA No.3402/2012 with the prayer to restore the entire Gandhamardan-A mining lease in their favour and diversion of balance forest land in the lease taking note of Wildlife Institute of India vetting the required Wildlife Management Plan. On the basis of Hon'ble Supreme court order dated 16.04.2012 the user agency has filed forest diversion proposal for the remaining forest land i.e. 401.7874 ha. (total forest land 519.7472 ha – 117.9648 ha. already agreed for diversion in principle. The proposed forest land for diversion of 401.7824 ha. now consists of virgin PRF-352.0807 ha., Virgin VF-26.2217 and 23.48 ha. pre-1980 broken up forest land.

**8. Compensatory afforestation:**

Total forest land involved in this mining lease:  
519.7472 ha.

(-) Forest land for which Stage-I approval order has been accorded and CA cost deposited:  
117.9648 ha.

(-) Forest land broken up prior to 1980 for CA is not required:  
64.7274 ha.

(-) Forest land coming within safety zone for which CA is not required:  
7.2807 ha.

Non-forest land required for compensatory afforestation:  
329.7743 ha.

329.7743 ha. has been identified in village Khamarpadar under Thuamul Rampur Tahasil of Kalahandi district in Kalahandi (South) Forest Division.

**(a) Whether land for compensatory afforestation is suitable from plantation and management point of view or not:**

Yes. Suitability certificate given by Forest and Revenue authorities.



- (b) **Whether land for compensatory afforestation is free from encroachment/other encumbrances:**

Yes.

- (c) **Whether land for compensatory afforestation is important from Religious/Archaeological point of view:**

No.

- (d) **Land identified for raising compensatory afforestation is in how many patches, whether patches are compact or not:**

Land identified for raising CA is in 3 patches. The patches are compact.

- (e) **Map with details:**

Enclosed in the diversion proposal.

- (f) **Total financial outlay:**

The approved CA scheme has provisions for barbed wire fencing, special soil conservation measures, etc. tree species to be planted under the scheme are Teak (*Tectonagrandis*), Karanj (*Pongamiapiñnata*), Neem (*Azadiractaindica*), Amla (*Emblica officinalis*), Bahada (*Terminalia belerica*), Mahul (*Madhucaindica*) and Sisoo (*Dalbergiasisoo*), etc. Total cost of CA is Rs. 3,19,61,400/-.

9. **Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:**

**Violation:**

- (i) Illegal dumping of ores on forest land (Gandhamrdan PRF) extracted from adjoining lease Gandhamrdan Block-B in the lease hold area of Gandhamardan Block-A having dimension 200 mt x 40 mt (approx. 3.00 ha) at the common boundary with GPS location.

Latitude : N 21<sup>0</sup> 37'04.5"

Longitude : E85<sup>0</sup> 30'47.2"

- (ii) 2 ha. of forest land (Gandhamardan PRF) has been illegally used for road purpose in Gandhamardan Block-A without approval in violation of the FC Act, 1980.

**Action taken:**





- (i) Show cause notice has been issued to the Regional Manager, Gandhamardan Iron ore mines, M/s OMC Ltd. vide letter No. 9513 dated 19.12.2011 by DFO Keonjhar.
- (ii) OR Case No. 23BJ of 2015-16 has been booked. Prosecution sanctioned and submitted vide PR No.12 of 2016-17 in the Court of SDJM, Keonjhar by DFO Keonjhar.

**Present status:**

- (i) Removal of dump from the OB dump site in Block-A is under progress as per the direction of the Hon'ble Supreme Court of India vide their order dated 16.04.2012 and subsequent direction of Steel and Mines Department, Govt. of Odisha.
- (ii) The lessee has represented and submitted a proposal for use of the road under question which has been furnished to MoEF&CC, Govt. of India for consideration.

**10. Whether proposal involves rehabilitation of displaced persons. If yes, whether rehabilitation plan has been prepared by the State Government or not :**

No.

**11. Reclamation plan:**

**Details and financial allocation:**

Reclamation will be carried after exhaustion of the mined out areas as per the mining plan.

**12. Details on catchment and command area under the project:**

Not applicable. However, it contains the Gandhamardan hills which are steep hills.

**Catchment area treatment plan to prevent siltation of reservoir:**

Not applicable.

**13. Cost benefit ratio:**

1:13.60



**14. Recommendations of the Principal Chief Conservator of Forests/State Government:**

Yes. Recommended.

**15. Recommendations of Addl. Principal Chief Conservator of Forests (Central) along with detailed reasons:**

The site inspection report of CF (Central) for the proposal of application for diversion of balance forest land of 401.782 ha including 7.2807 ha of safety zone out of total forest land of 519.7472 ha within total mining lease area of 618.576 ha for iron ore mining in Gandhamardan (Block-A) mining lease in Keonjhar District, Odisha of M/s Odisha Mining corporation Ltd. is forwarded for consideration of the Ministry.

The proponent has one mine adjacent to this proposed site and both the sites are situated in the Gandhamardan hills, which is a pristine forest ecosystem of the State. Which is a habitat of wildlife including the flagship species, the elephants. **There had been alarming incidence of elephants death due to drowning in the dangerously exposed mining pits of OMC.**

Gandhamardan hills also cater to river Baitarani, through the feeder streams, which shall also be affected by mining activities. The Ministry may keep in mind these serious issues while considering this proposal.

**16. Conservator of Forests shall give detailed comments on whether there are any alternative routes/alignment for locating the project on the non-forest land:**

It is site specific and it cannot be shifted to any other forest or non-forest land.

**17. Utility of the project:**

It has been stated by the project authorities that about 377 people will get direct and 2000 people will get indirect employment.

**18. Numbers of Scheduled Caste/Scheduled Tribes to be benefited by the project:**

The area has a lot of Scheduled Tribes population and is expected many of them to be benefited directly and indirectly.



(a) **Whether land being diverted has any socio-cultural/ religious value:**

Not reported.

(b) **Whether any sacred grove or very old growth trees/forests exist in the areas proposed for diversion:**

Yes, the area contain old growth trees existing in the natural state.

(c) **Whether the land under diversion forms part of any unique eco-system:**

Yes, the area exhibits an undulated topography with varying elevations from 620 to 1009 metre above mean sea level. This is the southward extension of the North-South trending Gandhamardan hill and is a prominent physiographic unit with highest elevation 1061 metre above mean sea level occurring towards north of this area. It is stated that the local population depend this forest for various herbs and shrubs and firewood for meeting their day to day lives.

19. **Situation with respect to any Protected Area:**

There is no protected area nearby. Similipal Tiger Reserve is around 60 km away.

20. **Any other information relating to the project:**

The validity of the lease is till 31<sup>st</sup> March, 2020. The lease is adjacent to another lease of the same agency i.e. Gandhamardan-B. Total area of the Gandhamardan-B lease is 1590.87 ha. containing 1409.649 ha of forest area and out of this forest clearance has been given for 232.438 ha. and Stage-I clearance has been given for balance area of this lease. **The ecosystem of Gandhamardan hills will be severely damaged if mining is also taken up in the hill tops of the Gandhamardan-A area, rather the foot hills of Gandhamardan-A lease is covered with Lantana and Eupatorium weeds and mining has already been done and being used for storage of ore.** This also includes the roads that lead to Gandhamardan-B lease. For storage of iron ore and proper transportation from Gandhamardan-B mines the remaining broken up forest land prior to 1980 i.e. 23.48 ha. along with 2.270 ha for construction of haulage road will be sufficient for meeting the needs of the user agency as on date. **The balance virgin areas with natural forests may be kept intact and shall be operated once the Gandhamardan-B lease is exhausted of the stock of iron ore and progressively reclaimed. This will ensure containing the damage to the environment in this area and meeting the needs of the local people.** The mitigative measures proposed in the Wild Management Plan prepared by user agency and vetted by Wildlife Institute of India will reduce the ill-effects for movement of elephants and other wildlife in the region. The DSS report of the proposed mine is enclosed.





### **Recommendation of FAC:**

FAC after through deliberation & discussion with Nodal Officer (FCA) of the State and APCCF, Regional Office and User Agency observed that the presentation by Regional Office, Bhubaneswar and Site Inspection Report submitted by Regional Office are contradictory. Taking the Site inspection report, the submission of Regional Office, Bhubaneswar and facts produced by NIT Rourkela in its report on *Scientific study on Biodiversity and its conservation for forest land around Gandhamardan Region in Keonjhar district*, into consideration, FAC recommends that a subcommittee under the Chairmanship of Dr Tejender Singh APCCF Regional office Bhopal shall be formed. Dr Sanjay Deshmukh FAC member, Sh R.K Samal CF Regional Office Bhubneswar and Sh Sandeep Sharma AIG MoEF&CC will be member of the committee. The committee shall visit the area and analyse following points

1. Whether it is imperative to open new area when, Gandamardan B Mine, adjoining to the present proposal area is under consideration of MoEF&CC
2. What is total requirement of forest area for OMC to meets its targeted production for next five years. How many mines are operational and what is the envisaged production capacity vis a vis actual production.
3. May analyse the *Scientific study on Biodiversity and its conservation for forest land around Gandhamardan Region in Keonjhar district* and submit the summary of facts before FAC for consideration
4. May obtain year wise schedule for extraction of Iron ore from Gandamardhan A mine.
5. May check if CAT plan for the area is required ,as it is reported that area cater to River Baitrani through feeder streams

### **Agenda No. 3**

**F. No. 8-21/2018-FC**

**Sub: Diversion Of 68.00 ha of forest land (49.34 Ha of non-forest land recorded as 'Forest' as on 25th october 1980 and 18.660 ha of non-forest land having enough forest growth to be considered as 'Forest' in line with the orders dated 12.12.1996 of Hon'ble Supreme Court of WP(C) No. 202/1995) In respect of Unchabali (Mahaparbat) iron ore mines of M/S OMC Ltd including 11.240 Ha of forest land located In the safety zone in village Unchabali and Balda under Barbiltahasil within the jurisdiction of Keonjhar forest division in Keonjhar District, Odisha.**

1. **The proposal same proposal was considered earlier by the FAC in its meeting held on 26.04.2018 and thereafter in FAC meeting on 20.09.2018.**



2. The project is located in the Keonjhar Forest Division, Keonjhar District, Odisha
3. It is reported that 49.34 ha land was recorded as Forest as on 25.10.1980 but later changed into non forest as per hal record of right .The balance area of 18.660 was treated as forest as per 12.12.1996 judgment of Hon'ble supreme court.
4. It is reported that Soil erosion is likely to increase following felling of trees in the undulating topography.
5. It is reported that the applied area for diversion is situated adjacent to Baitarani Reserve Forest.
6. It falls in Eco Class-I which is ascertained on the basis of proximate location of Baitarani Reserved Forest .The canopy density has been considered at par with Baitarani RF and kept at 0.5.
7. There are **1,872 nos of trees** of different floral species above 30 cm girth comprising of 415 numbers of sound trees, 1457 numbers of unsound trees and 4764 numbers of poles below 30 cm girth which has been enumerated in the proposed area.
8. It is reported that the applied area does not form part of any National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. However, movement of wild elephants in the adjoining forest blocks can't be ruled out.
9. It is reported that no rare or endangered flora & fauna is noticed in this area ,however, movement of mega fauna like elephant is often noticed in the fringe area. The area comes under the elephant habitat zone-2 of ORSAC, Bhubaneswar.
10. It is reported that no violation is observed in the forest land, involved in the instant diversion proposal under FC Act, 1980, It is mentioned that the total broken up land, involved in the mining lease is 1.923 ha. The said land was mined out treating the land as non-forest land.
11. It is reported that the requirement of land is unavoidable and barest minimum for the Mining purpose.
12. Environment Clearance has already been obtained by the user agency vide Ministry's letter no. J-11015/779/2007-IA. II (M) dated 16.01.2009. In the said letter it is mentioned that total land is 68.000 ha and out this 0.1 ha is agriculture land and 67.43 ha is wasteland and 0.47 is surface water bodies. It was indicated in the EC that no forest land is involved.
13. The Compensatory Afforestation has been proposed over non-forest Govt. land to the tune of 65.591 ha. in lieu of proposed diversion of 68.00 ha. in village Kerapai under Thuamulrampur Tahasil with total financial outlay of Rs. 2,00,37,300.00 .
14. It is observed that Land Suitability Certificate has not given for CA Land.
15. The complete compliance of Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 along-with resolution of Gram Sabha has not submitted by the State Government.
16. The proposal has been recommended for approval under section 2(ii) of Forest (Conservation) Act, 1980 by DFO, RCCF, PCCF and the State Government.
17. The ML is located in village Unchabali and Balda of Barbil Tahasil of Keonjhar district of Odisha. This iron ore mining lease was granted in favour of M/s Odisha Mining





Corporation (M/s OMC Ltd.), a State Govt. Undertaking, vide proceedings of the Govt. of Odisha in erstwhile Mining and Geology Department bearing No. III (A) SM.5/99-6327 dt. 11.06.2003.

18. The lease deed was executed on dated 09.06.2008 for a period of 20 years with validity up to 09.06.2028.
19. The ML area located within jurisdiction of Champua Forest Range of Keonjhar Forest Division in Keonjhar district, finds place within the Latitude of 21°52' 42.54"N to 21°53'23.54"N and longitude of 85° 25' 5.66"E to 85° 25'36.49"E on Survey of India Toposheet No. F 45 N 5.
20. The area exhibits an undulating topography with varying elevations from 525.00 m to 608.50m above Mean Sea Level (AMSL).
21. Although the total mining lease holds area over 68.0 ha was non forest land having kissam Parbat-II entirely, yet pursuant to the issue of guidelines bearing F. No. 8-78/1996-FC (pt.) dt. 10.03.2015 read with F No. 8-78/1996-FC(pt.) dt. 09.03.2016 by MoEF&CC, Govt. of India, status of the land involved in the mining lease as on 25.10.1980 was provided by the Tahasildar, Barbil.
22. The un-surveyed non-forest land in village Balda, having enough forest growth, has been considered as " forest" as per orders of Hon'ble Supreme Court dt. 12.12.1996 in WP(C) 202/1995.
23. Thus the mining lease granted/executed over 68.00 ha, involves 49.34 ha of non-forest land recorded as 'Forest' as on 25<sup>th</sup> October 1980 and 18.660 ha of non-forest land having enough forest growth considered as "forest".
24. It is reported that above leasehold area was also earlier held by OMC Ltd. within their ML area over 686.73ha. for iron ore in village Balda, Unchabali etc which had been executed on 6.8.1963 for a period of 20 years. Later OMC Ltd. had surrendered the said area which has been accepted by Government w.e.f. 1.9.1982. Thereafter the area was thrown open for re-grant of the area. It has also been reported that that during this period, OMC had only undertaken prospecting operation
25. It is reported by the DDM, Joda that excavation done previously by M/s Essel Mining & Industries Ltd had crossed the Southern boundary of existing Unchabali Mining lease of OMC Ltd at CC1 lease line. This broken up area in the ML area over 68 ha. is to an extent of 1.923 ha .
26. The project does not involve displacement of human habitation.
27. The detail of broken up forest area as well as virgin forest area is tabulated as under

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

S. No.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken up non-forest land considered as deemed forest (in ha)	Total broken up non-forest land recorded as forest as on 25.10.1980 and deemed forest (in ha)
1.	Mining Quarry-1	-	1.120	1.201





2.	Mining Quarry-2	0.078	-	0.078
3.	Mining Trench-1	0.334	-	0.334
4.	Mining Trench-2	0.116	-	0.116
5.	Mining Trench-3	0.060	-	0.060
6.	Dump-1	0.094	-	0.094
	Dump-2	0.040	-	0.040
<b>Total</b>		<b>0.722</b>	<b>1.201</b>	<b>1.923</b>

Table-2

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

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

Table-3

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

S. no.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.19	Virgin non-forest land recorded as forest as on 25.10.19	Total non-forest land recorded as forest as on 25.10.198	Broken up non-forest land considered as deemed	Virgin non-forest land considered as deemed	Total non-forest land considered as treated forest in	Grand total (in ha)
--------	------------------------	---	--	--	--	---	---	---------------------

		80 (in ha)	80 (in ha)	0 (in ha)	d forest (in ha)	forest in ha	ha	
1	Mining	0.493	36.533	37.131 (Add 0.105 ha OB dump from row-2 and column-3)	1.002	6.821	7.823	44.954
2	Dumping of over burden	0.105	2.132	2.132 (Deduct 0.105 ha OB dump from row-2 and column-3)	0	0.034	0.034	2.166
3	Infrastructure for site services and weigh bridge	0	3.578	3.578	0.115	1.512	1.627	5.205
4	Minerals rejects	0	1.105	1.105	0	2.145	2.145	3.250
5	Road	0	0	0	0	0.110	0.11	0.110
6	Nala	0	0.479	0.479	0	0.596	0.596	1.075
	Sub-total	0.598	43.827	44.425	1.117	11.218	12.335	56.760
7	Safety Zone	0.124	4.791	4.915	0.084	6.241	6.325	11.240
	<b>Total</b>	<b>0.722</b>	<b>48.618</b>	<b>49.340</b>	<b>1.201</b>	<b>17.459</b>	<b>18.660</b>	<b>68.00</b>

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

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



	<b>Grand Total</b>	<b>68.00</b>	<b>68.00</b>
--	--------------------	--------------	--------------

### Safety zone

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

S. n o.	Pattern of Utilization	Broken up non-forest land recorded as forest as on 25.10.1980 (in ha)	Virgin non-forest land recorded as forest as on 25.10.1980 (in ha)	Total non-forest land recorded as forest as on 25.10.1980 (in ha)	Broken up non-forest land considered as deemed forest (in ha)	Virgin non-forest land considered as deemed forest in ha	Total non-forest land considered as treated forest in	Grand total (in ha)
1	7.5 mtrs width all along the mining lease boundary	0.124	1.174	1.298	0.084	1.118	1.202	2.500
2	50 mtrs width along both sides of Express Highway	0	0.061	0.061	0	0.950	0.950	1.011
3	50 mtrs width on both side of the perennial Nala	0	3.556	3.556	0	4.173	4.173	7.729
<b>Total</b>		<b>0.124</b>	<b>4.791</b>	<b>4.915</b>	<b>0.084</b>	<b>6.241</b>	<b>6.325</b>	<b>11.240</b>

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

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

- a) The User Agency shall pay towards cost of removal of trees enumerated before





commencement of work on Stage-II approval and tree felling should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest Officer, Keonjhar Forest Division.

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

30. FAC after thorough deliberation and discussion with APCCF, Regional Office, Bhubneshwar and user agency on **26.04.2018** recommended that *“State Government shall clarify the reason for execution of lease over forest land in 2008 without prior approval of MoEF&CC, Government of India. State Government shall initiate action as per the provisions of MoEF&CC letter no 11-42/2017-FC dated 29.01.2018. The action taken report shall be submitted to MoEF&CC prior to consideration of the proposal”*.

31. Accordingly, the State Government was requested vide this Ministry’s letter dated 24.05.2018 for submission of clarification as sought by FAC .

32. The State Govt. vide their letter no. 10 F (Cons) 151/2018/18673-F/E, dated 28.08.2018 has submitted their response indicating the following:

- a. In this context, the Steel & Mines Department, Odisha was requested to furnish their comments. Based on the comments of Steel & Mines Department furnished vide their letter No. 6634/F&E dt.23.08.2018, it is stated that **instant iron ore mining lease in village Unchabali and Balda in Keonjhar District was granted in favour of M/s Odisha Mining Corporation vide proceedings of the Govt. of Odisha in erstwhile Mining and Geology Department bearing' No. 111 (A) SM.5/99-6327 dated 11.06.2003.** following approval by Central Government under Section 5(1) of the IVEM(R&D) Act, 1957 with relaxation of Section 6(1)(b) and 6(1)(c) of the said Act for 20 years vide their order dt. 3.6.1999 Accordingly, the lease deed was executed on dated 9.06.2008 for a period of 20 years with validity up to 9.6.2028 . As reported



earlier while forwarding the diversion proposal, the ML area of 68 ha. includes 49.340 ha of non-forest land in village Unchabali found to be recorded as 'Forest land' as on 25.10.1980 (as per guidelines bearing F No. 8-78/1996-FC (pt.) dt.10.03.2015 of MoEF&CC) and 18.660 ha of non-forest land in village Balda which stands un-surveyed as on 25.10.1980 having enough forest growth, has been considered as "forest" as per orders of Hon'ble Supreme Court dt. 12.12.1996 in. WP(C) 202/1995. In view of issue of guidelines bearing F No. 8-78/1996-FC (pt.) dt.10.03.2015 read with F No. 8-78/1996-FC(pt.) dt. 09.03.2016 by MoEF& CC, Govt. of India, OMC Ltd. had to verify the land schedule of the ML area in Hal record corresponding to its status as 25.10.1980 (sabik record) and 49.340 ha. of non-forest land in Hal record in village Unchabali of this ML was found to be of FOREST Kisam as on 25.10.1980. Further the remaining area of ML i.e. 18.660 ha. of this ML in village Balda was reported to be un-surveyed which was found to be having enough forest growth as per site inspection of the DFO, Keonjhar to be treated as FOREST as per order dt. 12.12.1996 of the Apex Court in WP© No. 202/1995. In view of above developments, the OMC Ltd. had to file proposal for diversion of 68 ha. of forest land in this lease under section 2(ii) of Forest Conservation Act, 1980 for carrying out mining operation in this lease.

b. Thus it needs to be taken note that while execution of lease deed on 9.6.2008, the ML area was not having any forest Kisam land as per hal record. The lease deed was executed considering the land schedule of Mining lease in Hal record which was entirely non-forest land. Hence, no violation of Forest Conservation Act, 1980 has been resorted to at the time of execution of lease deed on 9.6.2008. Since no violation has been committed in this lease so far, no action is required to be initiated against any official's/user agency.

c. Meantime, the State Government in Steel & Mines Department vide their Order No. 4998/SM dt. 27.6.2018 have been pleased to order that in terms of Rule 3(1.) of the Mineral (Mining by Government Company) Rules, 2015, the period of original lease is deemed to be granted for 50 years i.e. from 9.6.2008 to 8.6.2058 subject to the lessee executing the supplementary lease deed for such extended lease period

33. FAC in its meeting on 20.9.2018, observed that the reply of the State Government is not satisfactory. It its reply state government had not clarified the circumstances under which lease over 18.660 ha of deemed forest land was executed without approval under the provisions of FCA 1980 in 2008

#### **Recommendation of FAC:**

FAC after through deliberation & discussion with Nodal Officer (FCA) of the State, APCCF, Regional Office and User Agency recommended the proposal for in principle approval with standard, general and following specific conditions:





1. State Government shall initiate action as per the provisions of MoEF&CC letter no 11-42/2017-FC dated 29.01.2018. The action taken report shall be submitted to MoEF&CC prior to stage II approval.
2. The User Agency shall pay towards cost of removal of trees enumerated before commencement of work on Stage-II approval and tree felling should be taken up in phases strictly as per requirement under the supervision of the Divisional Forest Officer, Keonjhar Forest Division.
3. The User Agency shall pay the proportionate cost for implementation of Regional Wildlife Management Plan as per revised cost norm. Besides, the Site Specific Wildlife Conservation Plan for the project as well as its impact area shall be prepared by the user agency and approved by CWLW, Odisha for its execution at project cost.
4. 11.24 ha of forest land is to be maintained as safety zone and in no circumstances, it shall be used for mining and other allied activities.
5. The user agency shall undertake demarcation of the lease area on the ground posting four feet high cement concrete pillars embedded two feet inside the soil with serial number, forward and backward bearings, and distance from pillar to pillar. The user agency shall also submit the map of lease area showing different kinds of forest land using DGPS survey data and latitude and longitude of each pillar to the Divisional Forest Officer, Keonjhar for his reference before commencement of work on final forest clearance.
6. Since environmental clearance has been obtained by the user agency for 0.7MTPA and Mining scheme is for production of 1 MTPA, revised environmental clearance if required, shall be obtained by the user agency.
7. Since the DFO has reported that soil erosion is likely to increase following felling of trees in undulating topography, the user agency shall take appropriate steps to control erosion in the applied area. An approved Soil moisture conservation plan shall be submitted prior to stage II approval
8. The land use plan in the mining area shall be in consonance with the approved mining plan

#### Agenda No. 4

F. No. 8-13/2017-FC

**Sub: Diversion Of 174.510 Ha Of Forest Land For Construction Of Piperchhedi Tank In Gariyaband Forest Circle, Distt. Gariyaband, Chhattisgarh By Executive Engineer, Water Resources Division, Gariyaband, Chhattisgarh.**

1. The above stated agenda item was considered by FAC on 20.09.2018. FAC observed that the present proposal was considered by the **FAC in its earlier meeting held on 20.07.2017** and after thorough deliberation and discussion with the user agency, the representative of state government and regional office, had **recommended the proposal with general, standard and following specific conditions.**
  - (i) As reported, there are 1, 44,000 trees within the forest area sought for diversion. State government shall not allow felling in the area between FRL and (FRL-10) meters.





- (ii) Site specific wild life plan approved by Chief wild life warden shall be implemented
- (iii) CA shall be done on equivalent non-forest land as per the revised CA scheme along with shape files of Non-forest land to be identified and submitted by the State Government.
- (iv) Catchment Area Treatment plan shall be implement as per the approved CAT plan.

FAC on 20.07.2017 further observed that, the file shall be processed and put for the approval of competent authority on receipt of following information from the state government.

- i. Site specific wildlife plan approved by Chief wild life warden of the State
- ii. Revised CA scheme along with shape files of Non-forest land so identified for Compensatory afforestation.
- iii. Approved Catchment Area Treatment Plan.

2. Accordingly, the State Government was requested vide this Ministry's letter dated 25.08.2017 and 17.07.2018 to submit the information/documents to this Ministry for further necessary action in the matter and in-turn the Nodal Officer(FCA), Government of Chhattisgarh vide their letters No.BHU-Parbandh/Khanij/332/1557 dated 23.05.2018 and No.BHU-Parbandh/Khanij/332/2355 dated 25.07.2018 forwarded the compliance report as sought by the Ministry on the recommendation of FAC. The point-wise reply is as under:

S.N.	Information sought	Reply given by State Govt.
1.	Site specific wildlife plan approved by Chief wild life warden of the State	In this regard, it is reported by the Nodal Officer (FCA), Govt. of Chhattisgarh that an approved scheme of Rs.82.00 lakhs for Wildlife Conservation and Management plan has been submitted.
2.	Revised CA scheme along with shape files of Non-forest land so identified for Compensatory afforestation.	In compliance to this condition, the Nodal Officer (FCA), Govt. of Chhattisgarh furnished the <b>Revised CA scheme</b> along with shape file.
3.	Approved Catchment Area Treatment Plan.	In this regard, it is reported by the Nodal Officer (FCA), Govt. of Chhattisgarh that the Catchment Area Treatment Plan of Rs.97.15 lakhs duly approved by CCF, Raipur has been submitted .

3. As requested above, the State Government provided revised CA scheme along with the shape files for identified Compensatory Afforestation area. The shape file for revised CA sites has been examined through DSS Cell of FC division of MoEF&CC. As per DSS report, the State Government has provided the DGPS maps of proposed CA sites along with the Google imagery maps clearly showing the CA sites and the State Government has

revised/ changed the sites for Compensatory afforestation from the previously proposed sites for CA as detailed below:

<u>Earlier Proposed CA sites</u>			<u>Presently Proposed CA Sites</u>		
S No.	Patch Name	Area (Ha.)	S No.	Patch New Name	Area (Ha.)
1	RF 1252	22.91	1	OA 1252	22.541
2	PF 93	33.32	2	OA 93	33.317
3	PF 382	50.25	3	OA 477	65.384
4	OA 477	65.38	4	OA 538	11.987
5	OA 538	11.99	5	OA 559	25.168
6	Comp 559	25.17	6	OA 71	25
7	Comp 550	42	7	OA 08	57
8	Comp 539	23.31	8	OA 35	109.603
9	Comp 537	31.44			
10	OA 72	20.18			
11	OA 71	25			
	<b>TOTAL</b>	<b>350.93</b>		<b>Total</b>	<b>350</b>

It is further mentioned in DSS report that the Revised CA patches falls in Degraded Forest land (Legal status: **Reserve Forest**) instead of Non-forest land. In addition, out of total proposed CA land, 56 ha. of land having the moderately dense forest as per ISFR 2017 of FSI.

In view of above, the State Government of Chhattisgarh vide this Ministry's letter dated 16.08.2018 was again requested to clarify as to why the CA land has been proposed in Reserved Forest instead of Non-forest land. It was also reiterated that the CA shall be done on equivalent non-forest land under this project as recommended by FAC

4. In response to this Ministry's letter dated 16.08.2018, the APCCF (Land-Management) - cum -Nodal Officer(FCA), Government of Chhattisgarh vide his letter No.BHU-Parbandh/Khanij/332/2798 dated 27.08.2018 informed that the DCF , Forest Management Information System, New Raipur vide his letter No.FMIS /DM/2018/1253 dated 27.08.2018 had again confirmed that the legal status of identified alternative afforestation area in accordance with table-I of Annexure-III for Working Plan for the year 2006-07 to 2015-16

It is also reported by the Nodal Officer(FCA) that the proposed CA area is not Reserved Forest, but it is orange forest area(OA)for which notification for Reserved Forest has not been issued.

**Recommendations of FAC:**

1. FAC after through deliberation & discussion with Nodal Officer (FCA) of the state and APCCF, Regional Office observed that the state government has once again reiterated its stand that the CA land area is a orange forest land and there is no notification to consider the land as reserved forest land.FAC took note of the justification and agreed to consider the proposed orange forest land as CA with condition that same shall be mutated in the name of forest department prior to Stage II approval and declared as protected forest /RF within six months of stage II approval.

**Agenda No. 5**

**F. No. 8-25/2016-FC**

**Sub: Diversion Of 564.00 Ha Of Forests Land Under Section 2 (Ii) And 2 (Iii) Of Forest Conservation Act For Development Of Proposed International Standard Zoo Under Forest (Conservation) Act, 1980-Reallignment – Regarding.**

1. The above stated agenda item was considered by FAC in it, meeting on 20.09.2018.
2. FAC observed that the proposal was granted stage II approval by MoEF&CCon 27.06.2017 and now state government has submitted the proposal for re –alignment in the area approved earlier.

**Recommendation of FAC:**

FAC after through deliberation & discussion with Nodal Officer (FCA) of the state, APCCF, Regional Office and User Agency recommended the state government proposal for realignment of various components with in approved scheme of Gorewada International Zoo and rescue centre Nagpur for approval with following conditions.

- i. The State Government shall obtain approval from CZA prior to commencement of work on ground.
- ii. The area to be utilized for non forestry activities shall not exceed 79.07 ha which is less than 15 per cent of total area.
- iii. MoEF&CC shall issue clear cut guidelines to all state as well as CZA that no proposal for construction of Zoo will be entertained under the provisions of FCA 1980 unless an approved plan by CZA is placed before FAC for consideration.



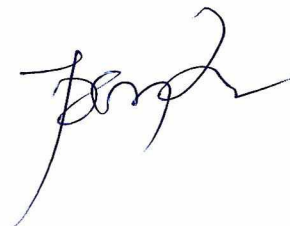


**Agenda No. 6**

**F. No. 11-29/2017-FC**

**Sub: Clarification On “Gramya Jungle Jogya” Land Involving In The Mining Lease Area Of Gadabahali Graphite Mines Over 28.615 Ha. In The District Of Nuapara, Odisha.**

1. The above stated agenda item was considered by FAC in its meeting on 20.09.2018
2. Shri Prabhas Chandra Agrawal, Sambalpur (Odisha) vide his letter dated 27.03.2017 and 26.07.2014 made a representation addressed to the then MEF requesting for a clarification regarding applicability of FC Act for lands under the revenue department having mentioned in the remark column as “Gramya Jungle Jogya” which means suitable for afforestation as there is no classification in the FC Act in this regard.
3. He also mentioned that any land which has got soil cover can grow any type of vegetation which should not in any manner come under the category of forest land as it does not come under; Reserve Forest, Protected Forest, Land declared under DLC and village forest land under Revenue Department.
4. He further informed that the Environment Clearance could not be granted for about last three years in spite of recommendation by the State Expert Appraisal Committee. His mining lease over 28.615 ha. for graphite in village Gandabahali district, Nuapada a backward district of Odisha (KBK) region contains 0.619 ha. land of “Gramya Jungle Jogya” and Environment Clearance has been held up by the State Environment Impact Assessment Authority for want of clarification on the status of 0.619ha
5. In view of above, he requested to issue a clear cut guideline about the status of “Gramya Jungle Jogya” land i.e. “suitable for afforestation” .
6. The Ministry vide its letter of even number dated 07.04.2017 had informed the applicant (Sh.Prabhas Chandra Agrawal) that as per the Supreme Court Judgement dated 12.12.1996 in the case of T. N. Godavarman Thirumulkpad Vs Union of India, the land which are recorded in Government records as forest are treated as forest for the purpose of Forest Conservation Act, 1980. The Judgement is quoted below:  
*“The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word “forest” must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2 (i) of the Forest Conservation Act. The term “forest land, occurring in Section 2, will not only include “forest” as understood in the dictionary sense, but also any area recorded as forest in the government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the*



*Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all classification thereof.”*

7. The applicant again submitted a representation vide his letter dated 01.05.2018 regarding “Gramya Jungle Jogya” land involvement in the Mining Lease area of Gandabahali Graphite Mine over 28.615 ha in the district of Nuapara, Odisha he informed that the Mining Lease was granted and executed on 15.02.2005 and the mine is under working since 22.06.2006 over an area of 70.71 acres or 28.615 ha in village-Gandabahali of Nuapara District, Odisha. There is some “Gramya Jungle Jogya”kissam land an area of 1.53 acres or 0.619 ha of land is within the Mining Lease area. Whereas, the Collector and District Magistrate, Nuapara vide letter No. 860, dated 09.09.2002 clarified that the difference in the status of lands recorded as Gramya Jungle and Gramya Jungle Jogya is that lands recorded as Gramya Jungle are forest land whereas “Gramya jungle Jogya” lands are the land identified for future forest growth such as for plantation purpose and also the Gramya Jungle Jogya plots of village Kirikita and Gandabahali are not included in the D.L.C. report. Further, the Collector and District Magistrate, Nuapara vide letter no. 1680, dated 13.06.2013 once again clarified that there is no land with kissam “Gramya Jungle” is available in village-Gandabahali and there is no forest growth on there “GramyaJogyaJunge” kissam land. The present status of land is there is no tree growth over the “Gramya Jungle Jogya” kissam land. However, these lands are being used by the villagers as cultivation purpose. The Revenue and Disaster Management Department, Odisha vide letter no. 30169 dated 07.08.2013 states that the recording of “Gramya Jungle Jogya” cannot be stretched to mean that the said land is recorded as forest land
8. The Ministry of Environment, Forest and Climate Change, New Delhi vide its letter No.11-499/2014-FC dated 27.10.2014 requested the Government of Odisha, Bhubaneswar to furnish the comments on the representation dated 26.07.2014 of Shri Prabhas Chandra Agrawal, Sambalpur, Odisha.
9. The State Government of Odisha vide their letter no. 10F(Cons) 115/2014-23287 dated 19.12.2014 had furnished their response on the said representation dated 26.07.2014 stating that the comments of State government on Formulation of Parameters for classification of an area as “Forests” by dictionary meaning has already been sent to MoEF&CC, Government of India vide F&E Deptt. Letter no. 20126, dated 01.11.2014 which may kindly be referred to comments furnished by State Government also indicates views of State Government on “Jungle JogyaJamin” which has been referred to in this representation. In the comments of the State Government of Odisha, it is stated that Paragraph 2 of the record of discussions held at the level of DGF&SS to Government of India regarding para 2(i) (A) (b), **lands as ‘Jangle Jogyajamin’ should not be treated as recorded forest land (unless they actually have natural forest growth there on) . Like wise ‘Pathar Bani’ classification relates to bushy growth in stony land and may not be treated as forest kisam.**





**Recommendations of FAC:**

1. FAC after through deliberation & discussion with Nodal Officer (FCA) of the state and APCCF, Regional Office recommended to clarify that the '**Gramya Jungle JogyaJamin**' should not be treated as recorded forest land (unless they actually have natural forest growth thereon) for the purpose of provisions of Forest (Conservation) Act 1980.

**[Shri Shrawan Kumar Verma, DIGF (FC)]**

**Agenda No. 1**


**File No. 8-04/2016-FC**

**Sub: Diversion of 1576.81 ha of Reserved forest land for the development of Special Economic Zone and Industrial Park at Village – Siracha, Navinal, Dhrub, Mundra, Baroi, Gorasama, Luni, Bhadreshwar, Ta. Mundra, Dist. Kutch in favour of Adani Port and Special Economic zone (APSEZ).**

The above stated agenda item was considered by FAC in its meeting held on 20.09.2018. The details of the background may be seen at the corresponding agenda item of the FAC meeting for 20.09.2018, in the Ministry's website.

The State Government of Gujarat submitted the proposal seeking prior approval of Central Government in accordance with section-2 of the FC Act, 1980 vide their letter No. FCA-1014/10-11/14/S.F-66/F dated 21.01.2016. The proposal was earlier considered by the FAC in its meeting held on 25.01.2018 recommending the grant of In-principal approval for the diversion of 1552.81 ha (1576.81 – 24 = 1552.81 ha) of the Forest Land subject to general and specific conditions. The User Agency submitted the representation requesting to modify the FAC conditions. With the approval of competent authority, the matter was referred to the State Government for comments. The State Government submitted their reply vide letter No. FCA-1014/10-11/14/S.F-66/F dated 26.07.2018. The proposal in the light of the comments received from State Government, was again placed before FAC in its meeting on 30.08.2018 as an agenda item. The FAC after thorough deliberation and discussion constituted a Sub-Committee to visit APSEZ site and submit a report to FAC for further action within 10 days.

The sub-committee visited the site on 6-7 September, 2018 and had on-site discussions with User agency and officials of State Forest Department. The report of the sub-committee was submitted to FAC. The details of the report are as follows:





**Report of the Sub-Committee of FAC based on its Field Visit to APSEZ area on 6<sup>th</sup> and 7<sup>th</sup> September 2018, in connection with diversion of 1576.81 ha of forest land**

A. The forest land of 1576.81 ha, as proposed for diversion, consists of eight disjunct land parcels within the approved APSEZ area. Each parcel of forest land is surrounded by non-forest lands most of which form part of the SEZ. The vegetation of the forests is predominantly *Prosopis juliflora*, in bushy form, with occasional occurrence of *Acacia nilotica* particularly in the forest patch around Sirocha village. The vegetation is thus typical of semi arid climatic area. The forest density ranges from 0.1 to 0.5.

As per the latest report of CWLW, Government of Gujarat, the area is not important from wildlife point of view. During the visit the Sub-Committee observed that most of the forest area consists of *Prosopis juliflora* in bushy form. Moreover, as observed by the Sub-Committee, the forest areas are not a continuous patch and after the whole 10000 ha area is developed more like an industrial area, the forest patches will hold still less value as true forests.

As informed by the State Government, for the purpose of Compensatory Afforestation, the user agency has to transfer 3154 ha of non-forest land, to be mutated in the name of State Forest Department (besides the payment towards CA over the double the non-forest land to be transferred to Forest Department and NPV as applicable). Accordingly, from a conservation viewpoint this should be acceptable to the Government.

B. However, while processing the proposal for diversion, certain issues have come up which seem inconsistent with certain guidelines framed under FC Act and certain standard norms that are followed. These are:

- i. The developer, i.e. APSEZ will transfer/sub-lease areas within the SEZ, including the forest areas under diversion, without seeking any approval from GoI. (*Where transfer of lease on forestland, from one user agency to another for the same purpose for which the forestland was diverted, becomes necessary, prior permission of the Central Government would be required*).

In the opinion of the Sub-Committee, this requirement of SEZ, which is special in nature and necessary for the establishment of any SEZ or a cluster of industries, requires to be addressed by MOEF&CC by suitable modification in the existing guidelines. **Accordingly, taking into account special requirement of SEZ and also Industrial corridor, FAC may like to take a decision whether any specific guideline needs to be framed or suitable modification of concerned Guidelines need to made.**

- ii. It is not possible to furnish, at this stage, the detail land use of each parcel of forest area to be diverted. (*As per standard norms, User agency has to furnish detail land use plan along with diversion proposal.*)

The UA has furnished broad land use plan. In the opinion of the Sub Committee, it is not possible for a developer of an SEZ (the UA) to give detailed land use over any land parcel at the



developmental stage. In an SEZ, project proponents for specific activities come at a later stage and only then detailed land use plan can be given. Moreover, in an SEZ, project proponents of specific activities expect that all statutory clearances have already been obtained. It would not be attractive to seek Forest clearance before setting up any activity.

- iii) As per the SEZ Act, it would prevail over any provision under any other act under force. *(It is not clear if diversion is allowed, whether SEZ Act, 2005 will have overriding effect on FC Act and Rules?)*

**In the opinion of the Sub-Committee the supremacy of the FC Act over the use of forest land be made clear while giving the permission for diversion.**

C. During the visit, the comments of the State Government of Gujarat on the justification of the User agency against certain conditions of FAC recommended in its meeting on 25.01.2018 were examined. Out of 15 such conditions, the submissions of the state Government on 12 points are acceptable. The views of the sub-committee on the comments on remaining three conditions (i.e. no. 2, 6 and 14) are as follows:

Sl.no.	Condition as recommended by FAC	Comments of Govt. of Gujarat	Views of the sub-committee of FAC
2	The diverted forest land measuring 1576.81ha shall be maintained as green area and diversion for non-forestry purpose will be considered only on case to case basis.	The UA has already submitted details regarding proposed land use plan which may kindly be considered. As this is going to be part of the SEZ, the permission on case to case basis proposals under FCA may be relooked. It is felt that the condition may be modified. If the entire area under diversion is asked to be maintained as green area, then the purpose of making diversion application under FCA is not served.	The UA has furnished broad land use plan (not detailed land use, as required for processing). As understood, it is not possible for a developer of an SEZ (the UA) to give detailed land use over any land parcel at development stage. In an SEZ, project proponents for specific activities come at a later stage and only then detailed land use plan can be given. Moreover, in an SEZ, project proponents of specific activities expect that all statutory clearances have already been obtained. It would not be attractive to seek Forest clearance before setting up any activity there.  <b>Hence this condition may be modified as follows.</b>  <i>The entire forest area of 1576.81</i>



			<p><i>ha, being diverted, should not be cleared off the vegetation in one go after diversion. As and when a specific project / industry is to come up in the SEZ, a corresponding area shall be marked on the ground and cleared off vegetation. Till then the area shall be maintained as green cover. It shall be ensured that the cleared up area to be utilised for specific project/industry is started within six months of clearing the vegetation. A detailed landuse for the marked area, on which clearing of vegetation is proposed shall be submitted to Regional Office of MoEF&amp;CC, before start of work on the area, for information. The regional Office shall ensure that the user agency carries out the work which is in conformity with the broad land use submitted by it. It shall be ensured that minimum number of trees are cleared. The user agency will explore the possibility that trees of 10 cm diameter at breast height,, and above, proposed for felling/ clearing are translocated to suitable location within or outside the SEZ in consultation with State Forest department .</i></p>
6	100m green shelter belt along the sea coast except in the water front areashall be included in the Master plan of APSEZ.	The UA had represented that some part of the proposed diversion is located on sea coast and water front. Upon scrutinizing the map for the proposed diversion, it is observed that areas proposed of Mundra survey no. 141/P, Baroi survey no. 207/P, Goversama survey no. 52/P, Luni survey no.	The view of the State Government may be accepted.





		468/P and Bhadreswar survey no. 733/P are having sea front. Hence, condition of 100mt green belt in above villages only may be insisted, excluding stretches where use of water front is inevitable.	
14	The State Government will inform about the status of the land admeasuring 122ha in village Jarapara and 683ha of land belonging to GMB transferred to APSEZ. The area need to be deducted from the proposed forest land diversion as recommended by State Government.	The FAC.s recommendation of deduction of 122 ha will be applicable only if 122 ha. land in village Jarapara is transferred by State Government to APSEZL.As per the report of state revenue department total 836.888 ha. land has been transferred to APSEZ for notified SEZ area in form of sale in village Jarapara. In this report it is not clear that the 122.00 ha. Land is part of above 836.888 ha. Area of land. The same will be clarified before final approval. At present the condition may be retained. As per user agency claim that the 683 ha. of land will never be transferred to APSEZ as it is belonging to GMB. The user agency has also claimed that the 683 ha of land has been given to the user agency on lease by GMB till FY-2031. GMB is yet to clarify the matter. Moreover, user agency has given undertaking that if any controversy regarding this land occurs, they undertake that they will reduce the same area from their proposal before final allotment. At present the condition may be retained.	The stand of the State Government in this regard that <i>“at present the condition may be retained”</i> be accepted. The condition reads as follows: <i>“If 122 ha land of village-Jarapara, 683 ha land of GMB or any other revenue land is allotted for this SEZ then equivalent land from the forest land shall be reduced from the demanded forest land for this SEZ.”</i>



		The map of Entire SEZ notified area, GMB land leased to APSEZ, 683 ha. reclaimed land, 2008.41 ha. previously diverted forest area in the year 2009 and applied forest land area 1576.81 ha. area is attached	
--	--	---	--

In view of the above, the FAC may like to take an appropriate view on the said diversion of 1576.81ha of forest land subject to the conditions outlined.

**Recommendations of FAC:**

FAC in course of its deliberation heard the User agency and also considered the comments received from Conservation Action Trust. Further after discussion with Officials of Regional Office, MoEF&CC and Government of Gujarat and thorough deliberation on the matter, including over the comments of the State Government submitted vide its letter dt. 26.07.2018, and report of the sub-committee of the FAC that visited the site, recommended for according In-principle approval for diversion of 1576.81 ha of forest land in favour of APSEZ Ltd. subject to general, standard and following specific conditions:

1. Ministry may suitably modify the Para 2.8 of the Guidelines, 2003, to address the issue of transfer of lease, which is special requirement for establishment of SEZ and Industrial corridors involving diversion of forest land.
2. FAC in its meeting held on 25.01.2018, had imposed following as condition no. 2.  
*“The diverted forest land measuring 1576.81 ha shall be maintained as green area and diversion for non-forestry purpose will be considered only on case to case basis.”*

FAC accepted the recommendation of the sub-committee in this regard, which reads as follows:

*“The entire forest area being diverted, should not be cleared off the vegetation in one go after diversion. The UA may clear vegetation for the purpose of basic/essential infrastructure to be developed in the SEZ. Thereafter, as and when a specific project / industry is to come up in the SEZ, the corresponding area shall be marked on the ground and cleared off vegetation. Till then the remaining areas shall be maintained as green cover. It shall be ensured that the lease agreement is made within six months of such clearing. A detailed landuse for the marked area, on which clearing of vegetation is proposed shall be submitted to the Regional Office of MoEF&CC before start of work on the area, for information. The Regional Office of MoEF&CC shall ensure that the user agency carries out the work which is in conformity with the broad land use submitted by it. It shall be ensured that minimum number of trees are cleared. The user agency shall*

*explore the possibility of trees of 10 cm dia at breast height, proposed for felling/clearing are translocated to suitable location within or outside the SEZ in consultation with State Forest department.*

3. FAC in its meeting held on 25.01.2018, had imposed following as condition no. 6.

*100m green shelter belt along the sea coast except in the water front area shall be included in the Master plan of APSEZ.*

FAC accepted the recommendation of the sub-committee in this regard, which is also based on the corresponding recommendations of the Government of Gujarat, vide its letter dated 21.01.2016. The same reads as follows:

*“Forest areas proposed within of Mundra survey no. 141/P, Baroi survey no. 207/P, Goversama survey no. 52/P, Luni survey no. 468/P and Bhadreswar survey no. 733/P are having sea front. 100mt shelter belt/green belt in above villages be included in the Master plan of the SEZ, excluding stretches where use of water front is inevitable.”*

4. FAC in its meeting held on 25.01.2018, had imposed following as condition no. 14:

*The State Government will inform about the status of the land admeasuring 122ha in village Jarapara and 683ha of land belonging to GMB transferred to APSEZ. The area need to be deducted from the proposed forest land diversion as recommended by State Government.*

FAC recommended to modify the above condition as below:

- i. The State Government shall clarify whether any non-forest land situated in and around the SEZ but not forming part of the SEZ at present, can be acquired by/allotted to the APSEZ before Stage-II approval.*
  - ii. If 683ha land of GMB or any other non-forest land is allotted for this SEZ, then the equivalent forest land shall be reduced from the forest land diverted/being diverted for the SEZ.*
  - iii. The State Government and the UA shall make effort to include 122 ha of non-forest land in village Jarapara in the SEZ. Accordingly, it is recommended that 122 ha of forest land in Bhadreswar Block be maintained as green belt at the cost of UA.*
5. Only site-specific activities, permissible under the Rules and guidelines framed under the FC Act, shall be taken up in the forest land to be diverted.
6. The recommendation of the FAC is subject to the condition that in case of conflicts, the provisions of FC Act, 1980, shall prevail over those of SEZ Act.





7. All other conditions/recommendations made by FAC on this proposal in its meeting on 25.01.2018, not in conflict with the recommendations of FAC on 20.09.2018 shall remain unchanged.
8. The User agency shall identify and mutate in the name of State Forest Department of Government of Gujarat, 3154 ha of suitable non-forest land for CA adjacent to notified Forest in the State.
9. The User agency shall identify suitable land for Compensatory Afforestation over double the forest area being diverted. The land shall be mutated in the name of State Forest Department before the Stage-II approval.
10. The User Agency shall deposit in the designated account the estimated amount towards compensatory afforestation to be carrying out by the State Forest Department.

**Agenda No. 2**

**F.No.8-6/2007-FC**

**Sub: Diversion of 1283.570 hectares of forest land for Coal Mining in Amelia Coal Block by M/s. THDC limited, in Singrauli District of Madhya Pradesh.**

- 1) The above stated agenda item was considered by FAC in its meeting on 20.09.2018.
- 2) The proposals to obtain prior approval of the Central Government under the Forest (Conservation) Act, 1980, for diversion of 1283.57 hectares of forest land was submitted by the APCCF (Land Management) & Nodal Officer, FCA, 1980, Madhya Pradesh vide his letter No. F-1/437/06/10-11/281 dated 01.02.2007 in Amelia Coal Blocks in favour of M. P. State Mining Corporation Limited (MPSMCL) in Singrauli District of Madhya Pradesh. The Sainik Mining & Allied Services Limited (SMASL) had entered in to the joint venture with MPSMCL. The FAC in its meeting held on 09.08.2007 recommended the proposal with specific and general conditions. The proposal was cancelled by the MOEF vide letter dated 02.03.2009 due to the Hon'ble Supreme Court order dated 20.02.2009 as per recommendation of CEC. The proposal was reconsidered after several request from the Government of MP and placed in FAC meeting held on 29-30 April 2014. The same area was part of 204 mining proposals cancelled by the Supreme Court and which were later reallocated to the various agencies. This block was allotted to the THDC India Limited for Khurja Super Thermal Power Project (STPP), Bulandsahar, UP vide order of Ministry of Coal, Govt of India F. No. 103/11/2016-NA dated 17.01.2017. The THDC India Limited submitted the revised maps and KML files after resurveying the area along with the MP Forest Department for which APCCF (LM), Govt of MP submitted the letter dated 02.07.2018. This was put up in FAC meeting 26.07.2018 but due to insufficient data and records the proposal was recommended to be put again in next FAC. The FAC in its meeting



on 30.08.2018 after thorough deliberation and discussion recommended to constitute a Sub-Committee of the FAC to visit Amelia Coal block site and submit a report to FAC for further action.

3) Report of Sub-Committee of FAC based on its Field Visit to Amelia Coal Block of Ms THDC India Ltd( a Central PSU) in Singrauli district of MP area on 04.09.2018 in connection with diversion of 1283.57 ha of forest land

a) The Site Inspection Report by the Regional Office, Bhopal vide No.6-MPA008/2007-BHO/237 Dt:4/7/18 reveals the area distribution amongst various categories of land in the proposal as 1619.10 ha. The KML shape file of the area proposed for diversion provided by the GIS-DSS Cell of FC Division, has a KML area of 1596 ha and a vector area of 1592.10 ha. The notified forest area in two parts in the block has an actual vector area of 1168 ha. Its compartment wise distribution and their details as per the Working Plan is given in **Annexure-1**, which shows close matching of the extent concerned.

b) Since the basic area figures shown in the SIR, KML file and the letter of No, MP Dt:2/7/18 do not tally with each other, the Committee made efforts to reconcile the same. Authorities from M/s THDC have informed that the current proposal for diversion is only for 1591.57 ha instead of 1691.1 ha, which tallies with the actual vector area of the KML file of the block. In addition the proposal involves 186.90 ha outside the KML shape, thus bringing the total area requirement to 1778.90 ha. They have informed that the diversion proposal is for 1255 ha broadly, as given below, whose distribution is 1209 ha of forest (1168 in notified and 41 outside the notified area) in the KML block and 46.26 ha outside the block, leading to a total of 1255.26 ha.

**Table: 1**

S.No	Forest block/Khasra	Area (ha)
1	North Forest Block	1078.93
2	South Forest Block	88.99
3	Khasra 265/1	1.21
4	Khasra 357	6.74
5	Khasra 354	8.03
6	Khasra 256	6.43
7	Khasra 110	0.76
8	Khasra 572	24.90
9	Khasra 551	7.14
10	Khasra 682	32.37
	<b>Total Area</b>	<b>1255.50</b>





- c) It may further be seen that the diversion proposal involves Khasra No's 354, 357, 572, 551(P) with a total area of 186.90 ha lying outside the KML block, with 46.26 ha forest. The types of the land involved thus stand resolved to include: in the block forest 1209 ha(1168 notified and 41 outside), tenancy 259 and Govt. Revenue land 122, in addition to the 46.26 ha outside the KML block, broadly totalling 1255.50 ha as above.
- d) The Site Inspection Report of DCF, RO, Bhopal Dt:4/7/18 indicates the datum of DSS analysis as 14<sup>th</sup> cycle and that of tree enumeration as 2006-07. It indicates presence of VDF (210 ha), MDF (789 ha) and OF (160 ha) in the coal block. The APCCF, RO, Bhopal has also observed the datum as being old. Therefore the Committee made efforts to update the datum by using both 15<sup>th</sup> cycle and the latest satellite imagery (LISS-III) of Oct-Dec, 2017. The area figures across the three points of time in terms of the forest cover present in the coal block is given below:

**Table-2:**

Imagery used for classification	Density classes in Coal Block Area					Total Area (Vector)
	VDF	MDF	OF	SCRUB	NF	
LISS III 2015	264.55	819.29	234.00	12.85	261.41	1592.1
LISS III 2017	264.55	818.08	234.00	12.85	262.62	
	Density Classes in notified forest area					
LISS III 2015	260.11	757.85	136.37	0.00	13.59	1167.91
LISS III 2017	260.11	756.64	136.37	0.00	14.80	

- e) In view of very little variation in the extent of different cover classes across the two time series, the extent land with forest cover in the entire coal block comes out to be 1316.63 ha (1153.11 inside the notified forest and 163.52 ha outside) and with Scrub included becomes 1329.48 ha. The overlay upon Forest Type Map (2011) reveals the presence of 5B/C1c Dry Peninsular- Sal Forest and 5B/C2 Northern Dry-Mixed Deciduous forests in the area. Dry peninsular Sal is the predominant forest type in the coal block occupying around 64% of area and mixed deciduous forest forming around 18.6 %. The spatial distribution of the forest density and types is given in **Annexure-2**.
- f) The site inspection report of DCF, RO, Bhopal Dt:4/7/18 citing the tree enumeration by DFO and earlier SIR of 2007, mentions the numbers of trees in the coal block as 11,80,884. In view of the observation of APCCF supra, the Committee made efforts to update the datum through a sample tree enumeration. Accordingly six sample plots of 0.1 ha each were got laid from out of a grid of 25" with numbers proportional to size of the VF(2No.s), MDF(3 No.s) and OF(1 No.) layers. The enumeration reveals 450, 333 and 360 numbers of stems per hectare above 10 cm dia, which translates to around 4.75 lakh in the coal block. Given the fact that the number trees of lower diameter is around 1.5-1.6 as per standard n-d distribution patterns in natural forests, the total number of stems indicated in the SIR as 11.81 lakh, seems reasonable. The predominant species are Sal, Tendu, Mahua, Achar, Lendia, Dudhi, Bhilwa, Saja, Palash etc in that order. The crop condition was also observed by the Committee during its transect walk on 17/9/18.
- g) The SIR mentions the DSS status of the proposed coal block as inviolate. Since the details of the grids/extent of inviolate/remaining is clear from the SIR, the Committee made



efforts to identify the inviolate grids/compartments and their extent. DSS throws 12 Grids viz. IDs 1552013-16, 1554305-07, 1556597, 1556599, 1558887-89 as inviolate due DR-I or II, of which 8 viz. 1552013, 1552014, 1552015, 1552016, 1554305, 1554306, 1554307 & 1556599 are both under DR-I and DR-II. The overlay of the grids upon coal block and the areas involved is depicted in **Annexure-3**.

h) The spatial extent of coal present in the block has been enquired from the user agency and the details of the depth of the seam as per the borehole explorations is given **Annexure-4** and their locations in **Annexure-5**, both of which show the presence of coal at varying depths over the entire block. The status of the area required outside the main block under DSS need be confirmed.

4) **Area proposed is as below**

a) **Main Block called Coal Block: 1592 ha**

RF/PF in the Coal Block : 1168 ha  
 Revenue Forest : 41 ha  
 Tenancy Land : 259.4 ha  
 Revenue Land : 123.3 ha

b) **Two Compact pockets of Revenue land outside the main coal block: 186.90 ha**

Revenue Forest in these two pockets : 46.26 ha  
 Revenue Land in these two pocket : 140.64 ha

c) **Total Project Area: 1592+186.90 = 1778.90 ha**

d) **Total Forest Area to be Diverted: 1168+41+46.26 = 1255.26 ha**

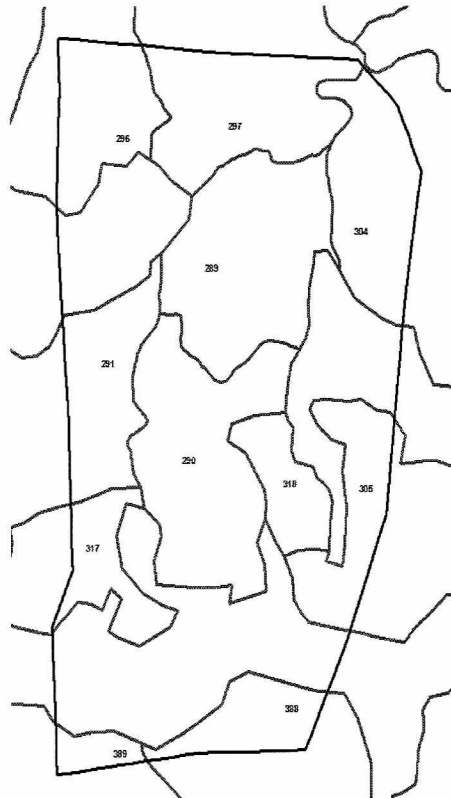
5) **The Annexures are given below**

**Annexure-1**

**Compartments in the proposed coal block area**

Forest Block	Range	Beat	Compartment and Working Circle	Area of the Compartment as per Working Plan	Area proposed for diversion
North Forest Block	Sarai East	Pidarwah	R 289 ( SCI), RF, VA, Sal	195.17	195.17
			R 296 (SCI), RF, VA, Sal & Mixed	175.27	92.03
			R 297 (SCI), RF, VA, Sa	259.75	146.45
			R 304 (SCI), RF, IVB, Sal	395.75	135.18
		Badanwada	R 305 (RDF), RF, IVB, Sal & Mixed	245.12	89.1
			R 290 (RDF), RF, VA, Sal	202.82	202.82
			R 291 (RDF), RF, VA, Mixed	306.23	104.23
			P 318 (RDF), RF, IVB, Sal	55.12	55.12
		Bandha	P 317 (RDF), PF, VA, Sal & Mixed	117.36	33.87

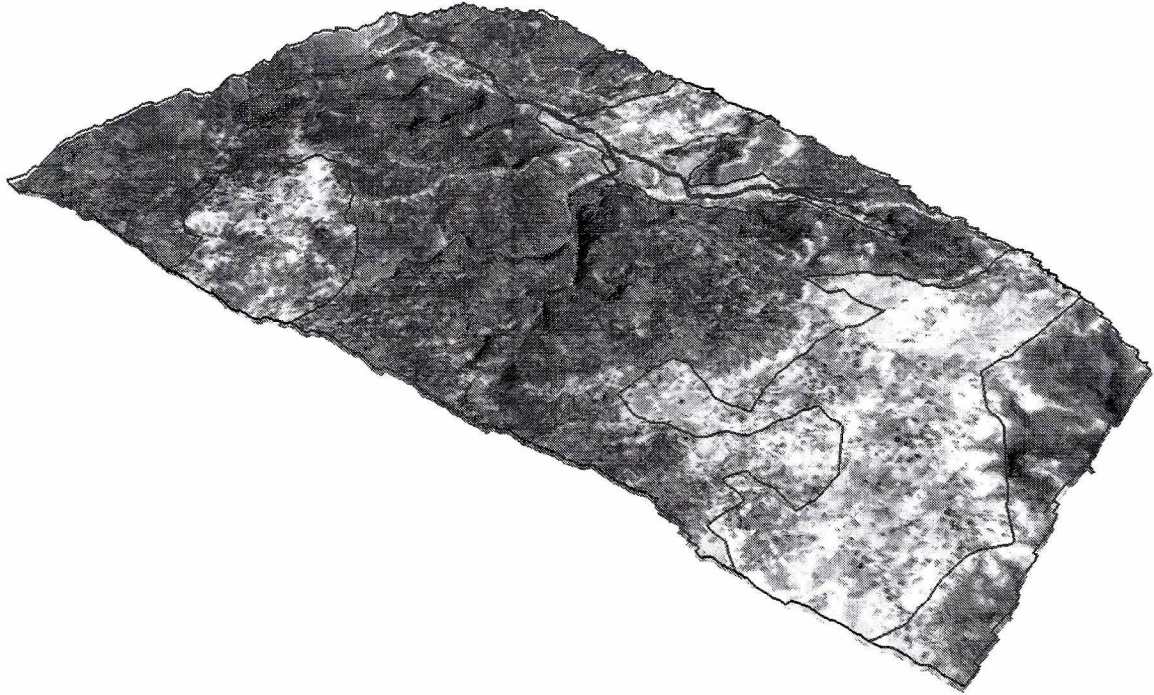
South Forest Block	Waidhan	North Amelia	R388 (SCI), PF, VA, Sal	376.85	78.2
			R389 (SCI), RF, VA, Sal	170.10	35.95
Total Area of Forest Blocks				<b>2499.54</b>	<b>1168.12</b>



The proposed area has 682.98 ha under Selection cum Improvement (SCI) and 485.14 ha under RDF Working Circles as per the current working plan (2008-09 to 2018-2019 by Sh.AmitabAginhotri for Singrauli Division. The WP places compartments with more than 50% of the total extent under dense Sal and miscellaneous forests with a canopy density of 40% and above and having site quality IV(a) to V(b). The Plan estimated 320.75 trees/ha with a volume of 38.60 cmt and regeneration of 1482.75 plants/ha, on an average in the Working Circle. The plan constituted compartments with more than 50% of are in understocked, degraded or blank into the Rehabilitation of Degraded Forests(RDF) Working Circle. The number of trees/ ha is estimated by the Plan as 231.23 with a volume of 20.97 cmt and regeneration of 403.82 plants/ha. The lay of the land is depicted using ASTER-DEM for easy visualization. The slope is below 30° and the elevation ranges from 375-510 meters.

The Working Plan identifies all the 11 compartments in question as part of the Baikunthapur-Kachan-Sarai-Gopad-Baikunthapur Elephant corridor and 4 compartments viz.289, 291, 297 & 304 as perennial water sources. Movement of elephant is described as almost every year with entry from Baikunthapur going onto Kachan reservoir and Gopad river back to Baikunthapur. The Plan observes that mining in the corridor has potential to disrupt the movement and increase severity of Human-Elephant conflict.

6) ASTER-DEM showing the lay of the land in the proposed coal block



7)

**Forest density and types in the proposed coal block area**  
LISS-III 2015                      LISS-III 2017

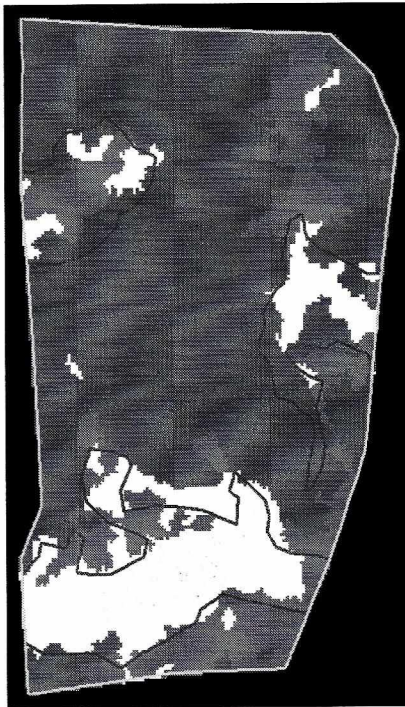
**Annexure- 2**

A handwritten signature in black ink, located at the bottom center of the page. The signature is stylized and appears to be a name, possibly "J. Singh" or similar, written in a cursive script.





8) Forest Types in proposed Amelia Coal Block



9)

Overlay of grids over compartments

Annexure-3

Page 38 of 45



GRID ID	Area (Ha)	
	Inviolated	Not Inviolated

*[Handwritten signature]*



1552013	55.77	Nil
1552014	60.28	Nil
1552015	53.22	Nil
1552016	6.25	Nil
1554305	100	Nil
1554306	100	Nil
1554307	36.07	Nil
1556597	100	Nil
1556599	25.26	Nil
1558887	75.76	Nil
1558888	100	Nil
1558889	100	Nil
1561185	1.161	Nil
1565766	1.75	Nil
1554304	Nil	83.71
1556596	Nil	80.29
1556598	Nil	100
1558890	Nil	13.61
1561182	Nil	79.36
1561183	Nil	100
1561184	Nil	90.12
1563476	Nil	89.53
1563477	Nil	91.79
1563478	Nil	48.21
<b>Total Area</b>	815.521	776.62
<b>Combined Area</b>		<b>1592.141</b>

10) **Recommendations of sub-committee:** In view of the reconciliation of area figures and the updation of the crop condition by the Sub-Committee as above and the spread of coal over the entire block, the recommendations of the Regional Office vide its SIR Dt:4/7/18, can be considered with reference to the remaining area and the levels of inviolate DSS Grids.

11) The recommendation of sub-committee was considered in FAC Meeting on 20.09.2018.

12) **Recommendations of FAC:**

FAC after thorough deliberations and discussions with Nodal Officer Government of Madhya Pradesh and user agency, noting that coal was present over the entire area of the proposal, recommended to grant in-principle approval for diversion of 843.76 ha (1255.26 – 411.5 = 843.76 ha) forest land after exclusion of 411.5 ha of notified forest land in 8 grids (i.e. 1552013-16, 1554305-7 and 1556599) after analysed under Decision Support System (Rules 1 & 2), from the proposed main block to act as an ecological buffer, with general, standard and following specific conditions.





1. The User Agency shall submit the fresh KML file for the revised area totalling to 1367.1 ha (1180.2 ha in the main block, 186.90 outside the main block) and also demarcate the revised area on ground jointly with the Forest Department.

**Agenda No. 3**

**F. No. 8-62/1986-FC (Pt.)**

**Sub: Renewal for diversion of 874.146 ha of Forest Land in favour of M/s. Northern Coalfields Limited for mining of coal in Nigahi Open Cast mining in Singrauli District in the State of Madhya Pradesh.**

1. The above stated agenda item was considered by FAC in its meeting on 20.09.2018.
2. The proposal to obtain prior approval of the Central Government under the Forest (Conservation) Act, 1980, for renewal for diversion of 874.146 ha of Forest Land in favour of M/s. Northern Coalfields Limited (NCL) for mining of coal in Nigahi Open Cast mining in Singrauli District in the State of Madhya Pradesh, was submitted by the Addl. PCCF (Land Management) & Nodal Officer, FCA, 1980, Government of Madhya Pradesh vide their letter No. F-1/FP/MP/MIN/28571/2017/10-11/2007 Bhopal dated 07.07.2018. The MOEF&CC earlier granted the approval for diversion vide letter F. No. 8-62/1986-FC dated 18.06.1987 for 30 years. The SIR was done by the Regional Office (Western Zone) Bhopal on 09.08.2018.
3. The validity of the approval given on 18.06.2087 for 874.146 ha forest land was till 17.06.2017 only and the user agency was using it without approval of Ministry which is a violation of FC, Act 1980 and attracts penalty.

**4. Recommendations of FAC:**

FAC after thorough deliberation and discussion with the Nodal officer (FCA) of Madhya Pradesh and recommended of Renewal for diversion of 874.146 ha of Forest Land with General, Standard and following specific conditions as applicable on the mining project:

- (i) *The user agency shall deposit the NPV and penal NPV for the entire area as per Ministry's guideline dated 29.01.2018.*



**Agenda No. 4**

**F. No. 8-194/1984-FC (Pt.)**

**Sub: Renewal for diversion of 1195.00 ha. Forest Land in favour of M/s. Northern Coalfields Limited for mining of coal in Amlori Open Cast mining in Singrauli District in the State of Madhya Pradesh.**

1. The above stated agenda item was considered by FAC in its meeting on 20.09.2018.
2. The proposal to obtain prior approval of the Central Government under the Forest (Conservation) Act, 1980, for renewal for diversion of 1195.00 ha. of Forest Land in favour of M/s. Northern Coalfields Limited for mining of coal in Amlori Open Cast mining in Singrauli District in the State of Madhya Pradesh, was submitted by the Addl. PCCF (Land Management) & Nodal Officer, FCA, 1980, Government of Madhya Pradesh vide their letter No. F-1/FP/MP/MIN/28743/2017/1958 Bhopal dated 04.07.2018. The MOEF&CC earlier granted the approval for 895 ha forestland for diversion under the forest (Conservation) Act, 1980 vide its letter F. No. 8-194/1984-FC dated 30.12.1987 for 30 years. For remaining 300 ha the approval was granted by this Ministry's letter vide No 8-100/97-FC dated 18.10.2002 for 18 year w. e. f. 12.08.2001 till 11.08.2019. The SIR was done by the Regional Office (Western Zone) Bhopal on 21.08.2018.
3. The validity of the approval given on 30.12.2087 for 895 ha forest land was till 29.12.2017 only and the user agency was using it without approval of Ministry which is a violation of FC, Act 1980 and attracts penalty.
4. **Recommendations of FAC:**  
FAC after thorough deliberation and discussion with the Nodal officer (FCA) of Madhya Pradesh and recommended with General, Standard and following specific conditions as applicable on the mining project:

*(i) The user agency shall deposit the NPV for entire area (1195 ha. Forest land) and penal NPV for 895 ha. Forest land, as per Ministry's guideline dated 29.01.2018.*

**Agenda No. 5**

**F. No. 9-HRB-119/2018-CHA**

**Sub: - Diversion of 2.84792 ha of forest land in favour (Khasra No. 192/16/3, 17/2, 25/1, 201/4, 5/1, 6, 7, 15 min, 14/1 min and 13/2 min of Reserve Forest Loharu) in favour of Principal, Govt. college for women, Loharu for construction of Govt. College for women at Loharu, under forest division and District Bhiwani, Haryana.**

1. The above stated agenda item was considered by FAC in its meeting on 20.09.2018.



2. The above proposal was submitted by the Nodal Officer FCA, 1980, Government of Haryana vide their letter No. FP/HR/SCH/33815/2018Admin-D-3-8358/1314 dated 02.07.2018.
3. FAC during its meeting on 20.09.2018, observed that neither the proposal is site-specific nor the State Government of Haryana has explored the possibilities for alternatives lands. As seen on the google map, there are other lands available adjacent to proposed forest land.
4. **Recommendations of FAC:**  
FAC after thorough deliberation and discussion with the Officials of Govt. of Haryana decided not to recommend the said proposal for granting in-principle approval.

**Agenda No. 6**

**F. No. 11-423/2011-FC**

**Sub:** Identification and suitability of Non-forest land for Compensatory Afforestation under Forest (Conservation) Act, 1980 – **regarding identification of Land Bank for Compensatory Afforestation (CA).**

1. The above stated agenda item was considered by FAC in its meeting on 20.09.2018.
2. The Additional Chief Secretary (Forests) to Government of Himachal Pradesh, Shimla vide his letter No. FFEB-F (5)9/2017 dated 30.07.2018 while forwarding the representation regarding identification of Land Bank for Compensatory Afforestation (CA) has submitted following:-
  - a. The Hon'ble Chief Minister of Himachal Pradesh (HP) during a meeting with Hon'ble Minister MOEF&CC on 17.07.2017 at New Delhi had raised the issue of delay in obtaining forest clearance for State Sector Projects mainly, for want of suitable non-forest land for CA in Himachal Pradesh. After that the Ministry issued guidelines vide letter No. 11-423/2011-FC dated 08.11.2017, in which the specific issues related to the State of Himachal Pradesh could not be addressed.
  - b. The HP Government vide notification dated 25.02.1952, provisions of chapter -IV (of Protected Forests) of IFA, 1927 were made applicable to all forest land and waste land of HP which were of the Government, or over which the Government had proprietary rights. As a consequence, all Government owned waste land came under the category of Protected Forest but these were neither demarcated on ground, nor transferred and mutated in the name of State Forest Department in the revenue records. This land is still under settlement and awaits transfer and mutation in the name of the Forest Department.
  - c. In view of the Government of India guidelines dated 08.11.2017 and the discussion held in the meeting dated 17.07.2018, it is our understanding, that all such waste land covered by the notification of 1952 (except those areas which in due course got notified as new DPFs/RFs) qualify for being considered as non-forest land for the purpose of carrying out CA under para 3.2 (i). as such lands





have not been transferred and mutated in the name of the State Forest Department in revenue records.

- d. Therefore in the view of the Government of India guidelines dated 08.11.2017, the State Government shall, while formulating and processing cases of the forest clearance, consider all such lands brought under the purview of the Government notification of 1952, for undertaking CA over equivalent area over forest land in lieu of areas proposed for the diversion under FCA, 1980 for all projects whether being implemented by State Government Departments or by the State Government Corporations/Private entities.

**Recommendations of FAC:**

FAC after thorough deliberation and discussion with the Nodal Officer of Govt. of Himachal Pradesh recommended that the request of the Government of Himachal may be considered for Government waste land of HP which comes under category of Protected Forests (PF) as per Government of Himachal Pradesh notification dated 25.02.1952. These notified areas were neither demarcated on the ground nor transferred & mutated in the name of the State Forest Department in the revenue records. Therefore these areas shall be considered for the purpose of compensatory afforestation (CA) under Forest Conservation Act 1980, provided that double the area of such category is covered under CA and is declared as RF/PF under Indian Forest Act, 1927, after mutated in the name of State Forest Department in a time bound manner. This dispensation will be applicable for the Centre/State Government projects and Private projects.

\*\*\*\*\*

*Not present*  
(Dr. Sanjay V. Deshmukh)  
Member

*Confirmed through email*  
(Dr Rajesh Kaushal)  
Member

*Confirmed through email*  
(S. D. Vora)  
Member

*[Signature]*  
(A. K. Mohanty)  
Inspector General of Forests (FC)

*[Signature]*  
(Saibal Dasgupta)  
Addl. Director General of Forests (FC)

*Not present*  
Additional Commissioner (Soil Conservation)  
Ministry of Agriculture (Member)

*[Signature]*  
(Siddhanta Das)  
Director General of Forests & Special Secretary