

**(PARIVESH 1.0)****Minutes of the Meeting of the Advisory Committee (AC) meeting held on  
26.12.2024****Agenda No.1****File No. 4-APB-216-2023-VIJ**

**Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 4.41 ha forest land for extraction of Quartz and Feldspar in compartment no.122, Chaganam RF Venkatagiri Range, Nellore Division in favour of M/s. Chettinad Morimura Semiconductor Material (Pvt.) Ltd, SPSR Nellore District, Andhra Pradesh – regarding. (FP/API/QRY/149784/2021)**

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 26.12.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), RO, Chennai and Nodal Officer, Government of Andhra Pradesh were present in the meeting during the discussion of the above proposal. The AC after thorough deliberation and discussion observed the following:
  - i. The Government of Andhra Pradesh vide letter dated 19.06.2023 had submitted the above-mentioned seeking prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
  - ii. Legal status of forest land proposed for diversion is Reserved Forest. No non-forest land is involved in the mining lease. Vegetation density of 0.4 (Eco-class 4) has been reported with 296 project affected trees.
  - iii. The purpose-wise breakup is given as under:

<b>Sl.No</b>	<b>Particulars</b>	<b>Area (in ha)</b>
1	Area for Mining	0.32
2	Area for safety zone	0.66
3	Storage for top soil, waste and OB dump	0.238
4	Approach road	0.30
5	Common area	1.812
6	Unutilized area	1.08
	<b>Total</b>	<b>4.41</b>

- iv. Compensatory Afforestation has been proposed over 4.66 ha of non-forest land in Sy.no. 723/1, Bollupalli village, Ardhaveedu (M), Turimella Range, Prakasam District, for compensatory afforestation purpose. It is reported that CA area is in enclosure of ENB- III Reserve Forest, Turimella Range of

- Giddalur Division. The identified non-forest land suitable for raising of AR Model plantation with forest species and it can be treated with some SMC works. The soil is mostly red loamy type and it is suitable for raising Compensatory Afforestation Plantation with Misc. species (NTSH) like Chinta, Nemalinara, Yepi, Narepi, Chinduga, Tellamaddi, Neem etc. CA scheme to an extent of 3.75 ha with a financial outlay of 48.500 lakh for a period from 2023-24 to 2034-35 with 10 years maintenance has been submitted. Site inspection of the CA area by the DFO has been submitted. Site suitability certificate for CA area is furnished.
- v. Scheme for fencing, protection, regeneration of safety zone area and for raising and maintenance of enrichment plantation over an extent of 1.20 ha in compartment no.122, Chaganam RF, Venkatagiri Range, Nellore District in lieu of safety zone area of 0.66 ha. CA scheme with a financial outlay of ₹20.653 lakh for a period from 2023-24 to 2034-35 with 10 years maintenance.
  - vi. The non-forest area identified for CA purpose was inspected by the AIGF (Central) IRO Vijayawada and found that non forest area is suitable for raising plantation.
  - vii. The area does not form part of any Protected Area, Wildlife Corridor or Eco-sensitive Zone. No rare endangered/unique species of flora and fauna have been reported in the area. No violation of Forest (Conservation) Act, 1980 have been reported.
  - viii. Site Inspection report of the Divisional Forest Officer SPSR Nellore Forest Division has been submitted and uploaded in the portal.
  - ix. Compliance of Forest Rights Act 2006 has been submitted.
  - x. Authorities in the State Forest Department and State Government have recommended the proposal.
  - xi. As per DSS report the area proposed for diversion is 4.41 ha and it is not-inviolate. An area of 4.66 ha of non-forest land proposed for CA falls under MDF (4 ha) and Open forest category (1 ha).
  - xii. As per records, the GoI vide letter dated 17.06.2010 accorded approval for an area of 2.0 ha in favour of Smt S.K.Rizwana Begum. Subsequently, the said lease was transferred to the M/s. Chettinad Morimura Semiconductor Material (Pvt.) Ltd on 7.03.2011. The said project site was monitored by the IRO Vijayawada on 12.05.2022. The present proposal is adjacent to the earlier diversion of 2.0 ha.
  - xiii. The proposal was discussed in the Regional Empowered Committee (REC) meeting held on 23.06.2023. The REC considered the proposal and noted that, as per the Monitoring report, the lease period is over and the area is under the control of Forest Department. With regard to reclamation, the UA has carried out back filling. The REC examined the area through google images and found that the forest area covered with vegetation and appreciated the UA for action taken on reclamation. However, the REC noted that the UA shall carryout re grassing on the mined area as per the Hon'ble SC of India directions. The REC noted that, since the said area is under the control of Forest Department, the UA shall make required amount to

- implement all other such reclamation as required (including re grassing of the area). The DFO shall prepare detailed plans and shall implement at the cost of the UA.
- xiv. Further the REC decided that, as the component wise breakup reported in the FC proposal and the component wise breakup reported in the mining plan, are not tallied. The RO shall forward the proposal to the Ministry after receipt of the modified mining (rectifying all discrepancies & ensuring all components are intact) from the User Agency.
- xv. After detailed deliberation the REC recommended the subject proposal to forward the same to the Ministry for obtaining the approval from the competent authority, after receipt of the modified mining plan as deliberated in the REC, subject to general conditions as applicable to such mining projects with following additional conditions:
- a. As the mining plan submitted for the first 5 years of the mining lease period, the approved mining plan shall be submitted to IRO Vijayawada before commencement of mining activity from 6th year onwards.
  - b. As proposed by the State Government, the User Agency shall deposit ₹2.50 lakh per hectare to ensure reclamation of the mined area once the mines are exhausted for minerals. The above-mentioned amount is only precautionary measures.
  - c. The User Agency shall abide by the rules / Hon'ble court directions and shall strictly comply to ensure the reclamation of mined out area before handing over to the forest department or during specified period as per the mining plan as the case may be.
- xvi. As suggested by the REC, the erstwhile IRO Vijayawada vide letter dated 26.06.2023 requested the UA to submit the modified mining plan. User Agency submitted the modified mining plan approved by the Department of Mines and Geology. The modified mining plan has been examined and found that component wise breakup and extent of area proposed for diversion are tallied.
- xvii. Accordingly, the proposal was forwarded to the Ministry for consideration. The Ministry after the examination of the proposal had sought the following:-
- a. Distance of the 2.00 ha abandoned mining lease area (for quartz, vermiculite, mica, Feldspar) from the present proposed 4.41 ha forest land in Chaganam RF.
  - b. The user agency has left 8000 tons of estimated material in the 2.00 ha nearby abandoned mining lease area (As per the IRO Vijayawada monitoring report submitted vide letter dated 12.08.2022 to the State Government.).
  - c. Why the User Agency has not extracted the remaining quantity of material from this 2.0Ha area?
  - d. How the land requirement, in the present proposal, can be considered as bare minimum, if the same User Agency has the option to extract similar material from this mining lease area?

- e. Why can't the possibility of extending the lease period of the abandoned 2ha area be considered instead of opening new forest land for mining?
  - f. What is the present status of reclamation in the 2.00 ha abandoned mining lease area?
- xviii. The observations of Ministry were examined in the RO and the State Government was requested vide letter dated 07.11.2023 to provide a map showing abandoned area and instant area and the revised CA scheme including the safety zone as per the guidelines in vogue.
- xix. Regarding the distance of the proposed forest land from the 2.00 ha abandoned mining lease area it has been informed that the abandoned lease area is abutting to the forest area proposed for diversion under instant proposal.
- xx. Regarding, left out 8000 tons of estimated material in the 2.00 ha nearby abandoned mining lease area (As per the IRO Vijayawada monitoring report submitted vide letter dated 12.08.2022 to the State Government), it has been mentioned that *though the estimated reserve was 16000, only 8000 tons of second quality material collected. It is also clarifies that, the actual availability of mineral is not 16000 but it is only estimated. In reality, in the said area quality of the minerals are also not good and hence, the UA able to extract only 8000 tons of second quality material. Hence, in the said area, no economically viable materials available to take up further mining activity. During monitoring, the UA furnished IBM letter No 659(557)/MC/Fel/Qtz/07/NLR dated 08.09.2014 wherein the IBM approved the Final Mine Closure Plan (FMCP).*
- xxi. It was asked that how the land requirement, in the present proposal, can be considered as bare minimum, if the same User Agency has the option to extract similar material from this mining lease area? In this regard it has bene informed that since minerals exhausted in the 2.0 ha of forest area under earlier lease, the User Agency has carried out back filling. Hence, the UA applied instant proposal under VSESA, 1980.
- xxii. It was desired to know the status of the reclamation of the abandoned mining lease area. The AC noted that the Proposal was placed before 15<sup>th</sup> REC, meeting of erstwhile IRO, Vijayawada held on 23.06.2023 and the committee considered the proposal and committee noted that, *as per the Monitoring report, the lease period is over and the area is under the control of Forest Department.* With regard to old mining lease reclamation issue, the committee appreciated the efforts made by the User Agency for backfilling result of which vegetation came up in the mined out area. However, in compliance to the Hon'ble SC of India directions, the UA shall make required amount to implement all other such reclamation works as required (including re grassing of the area). The DFO shall prepare detailed plan and shall implement at the cost of the UA. The IRO Vijayawada shall take up this reclamation issue separately with the State Government in the concerned file and to ensure through monitoring that required compliance to be met at the cost of the User Agency.

- xxiii. The State Government vide letter dated 24.10.2024 has submitted a revised CA Scheme in lieu of the entire proposed for diversion (including safety zone area) with a financial outlay of ₹57.90 lakhs.
- xxiv. As per the information provided by the department of Mines and Geology, GoAP, under Rule-12(5)(ii) of Andhra Pradesh Minor Mineral Concession Rules, 1966 as amended vide G.O.Ms.No.29 of Industries and Commerce (M-II) Department, dated.15.02.2017, the period for which a quarry tease for Granite and Marble and 31 minerals mentioned at S.No.18 to 48 in the Schedule-1 of Rule-10 shall be Thirty (30) years in case of leases serving as captive purpose to a Processing Industry and Twenty (20) years for non-captive purpose.  
Here, the subject Quarry Lease application is filed for grant of Quarry lease for Quartz and Feldspars which are mentioned at Sl.No.42 & 31 receptively in a Schedule-I of Rule-10 of APMMC Rules, 1966 and the column 3 (XVII) a (i)&(ii) of Form-P application made for grant of quarry lease, the applicant applied for captive purpose to feed their own plants located at Vijayanagaram in Andhra Pradesh and Kanchipuram in Tamil Nadu States. Hence, the subject Quarry Lease application. But this office vide Letter No. 1730/P/2017, dt:29.12.2017 has submitted for grant of Quarry Lease for a period of 20 years and the same can be eligible for renewal for a further period of not exceeding 20 years, and for a period of not exceeding 10 years at a time till the mineral is exhausted as per the Rule-12(5)(b)(x)(i) of APMMC Rules, 1966 as amended vide G.O.Ms.No.87, Industries & C (M.II) Department dated 01.08.2018.
- xxv. The RO has submitted the detailed SIR in the instant proposal. The DDGF (Central) has recommended the proposal and submitted that the proposal for diversion of 4.41 ha forest land in Sy. No. 553/P, Changanam RF, for extraction of Quartz and Feldspar minerals filed by M/s Chettinad Morimura Semiconductor Material Pvt. Ltd., is examined. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere reserve, Tiger Reserve/corridor, Elephant Corridor or Eco- Sensitive Zone. There are no protected archaeological/ heritage sites and defence establishments or any other important monuments in the proposed area. There are no works carried out in violation of the Van (Sanrakshan and Samvardhan) Adhiniyam, 1980. The requirement of forest land for quarrying is the barest minimum required. The quality of Quartz mineral from the proposed mining area is suitable for producing and exporting high purity silica powder by the company for electronic applications. The proposed mining will not only be meeting market demand and also generate employment to the local villagers in Andhra Pradesh and Tamil Nadu States. Hence the proposal is recommended.
- xxvi. The area proposed for CA on NFL however, on the examination of the said CA area on DSS it has been observed that the CA land claims as NFL falling in RF and also located within Gundla Brahmeswaram Wildlife Sanctuary. The

State Govt. has submitted the site suitability certificate and it has been certified that the non-forest land to an extent of 4.66 Ha identified in Survey no.723/1 of Bollupalli Village, Ardhaved Mandal, Prakasam District for raising of Compensatory Afforestation is an enclosure of ENB III Reserve Forest and it is suitable for Raising of Compensatory Afforestation from the management and protection point of view. Further, the CA area has also been inspected by the RO and recommended that the non-forest CA land is vacant agriculture land enclosure and plantation can be done according to the CA scheme proposed by the DFO. The CA land can be accepted for consolidation of forest area, and provide undisturbed area from the wildlife conservation point of view as there is tiger movement in the vicinity.

- xxvii. The Nodal Office has also confirmed the legal status of the area proposed for CA land and informed that this is NFL land.
- xxviii. The committee agrees with the proposed CA land, however, there is not known that the status of this land has been verified as per the notification of the Gundla Brahmeswaram Wildlife Sanctuary.
- xxix. The Committee noted that the area proposed for diversion is 4.41 ha and almost 50% area is earmarked for common area and unutilized area. The committee desired to know that what activities are being proposed in these areas and justification for seeking this proposed land use.
- xxx. Further, the committee noted that as the abandoned mine the minerals estimated reserve was 16000, only 8000 tons has been collected and rest was lower /second quality. Therefore, in the instant proposal there is no information about the quality minerals, which will be available.

4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Chennai and Nodal Officer, Govt. of Andhra Pradesh, the Committee deferred the proposal for want of the following information from the State Govt.:
- i. Justification and details of activities been proposed over common area and unutilized area, which is almost 50% area of the proposed area for diversion shall be provided.
  - ii. The proposed NFL for CA is falling within the Gundla Brahmeswaram Wildlife Sanctuary as per the DSS analysis. The State Govt. shall provide status of this land as per the notification of the Gundla Brahmeswaram Wildlife Sanctuary and shall certify that the proposed NFL is not part of the WLS.
  - iii. The State Govt. shall provide the information regarding availability of the quality minerals which will be collected from the proposed forest area as in the nearby closed mine the State Govt. has suggested that same was closed due to low quality of minerals.

## Agenda No. 2

File No. 3-ANB/161/2023/GHY

**Sub: Proposal for seeking prior approval of the Central Government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Project Manager, Halaipani Hydro Power Pvt. Ltd. for non-forestry use of 4.75 ha. of forest land (Pailo Village Reserve Forest = 0.88 ha & Unclassed State Forest = 3.87 ha) for construction of Halaipani HEP (16 MW) by Halaipani Hydro Project Ltd. in Anjaw District of Arunachal Pradesh (Online Proposal No. FP/AR/HYD/156579/2022)- regarding.**

1. The agenda item was considered by the AC in its meeting held on 26.12.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DIGF (Central), Regional Office, Shillong and Nodal Officer, Government of Arunachal Pradesh attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Arunachal Pradesh vide their letter No.FOR.116/CONS/2002/Pt-I/338-40 dated 20.01.2023 (uploaded on 08.02.2023 on the PARIVESH portal) submitted the above mentioned proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to Sub-office, Guwahati.
  - ii. The component-wise break up of forest land is submitted along with the proposal. Details of the same are as under:

Sl. No.	Component	Forest Area (m <sup>2</sup> )
1	Reservoir	8000
2	Barrage & intake structure	1087.20
3	Feeder channel	1620.00
4	Desilting tank	2961.00
5	Power channel	6156.00
6	Forebay Tank	660.00
7	Penstock pipe (4 No's)	974.40
8	Power House complex	990.00
9	TRC (4 Nos)	320.00
10	Switchyard	2100.00
11	Residential & Non-residential building	3055.50
12	Approach road (2.90 Km)	87.00
13	Dumping site- 1	5659.00

14	Dumping site- 2	5174.00
<b>Total</b>		<b>47457.10</b>

- iii. The proposed diversion area is 4.75 ha and the density of vegetation is 0.3 having Eco-class 5. Trees proposed to be felled in the proposal are 188.
- iv. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect have been submitted by DFO concerned.
- v. Compensatory Afforestation has been proposed on Degraded forest land identified in two plots, Plots-I (8.407 ha) and Plots-II (1.093 ha) in Pailo VFR under Nampong Forest Division in Anjaw District. CA scheme with year wise maintenance is not submitted along with the proposal. Site suitability certificate has been furnished by the concerned DFO.
- vi. The Committee was informed that Violation has been done by earlier User Agency i.e. EE, Hayuliang Hydro Power Division, Hayuliang and not by the current user agency i.e. Halaipani Hydro Project Private Ltd., action has been initiated against the earlier user agency i.e. EE, Hayuliang Hydro Power Division, Hayuliang vide R.O Ditchu No. WLS OR/01/2023 dated 24.07.2023 and same has been forwarded by DFO Anjaw to the JFMC-cumcivil Judge, Jr. Division, Hawaii vide No. ANJ/CONS-22/2022/2355-57 dated 17.10.2023.
- The then user agency i.e. DHPD, Govt. of Arunachal Pradesh initially constructed on 2.66 ha forest area without the approval of the central Govt. Currently the area is non-functional with old structure of damaged electric tower, power channel, penstock foundation & forebay tank which was damaged due to cloud burst and otherwise no any violation continuing.
- Further, action has been initiated against the user agency i.e. EE, Hayuliang Hydro Power Division, Hayuliang vide R.O Ditchu No. WLS OR/01/2023 dated 24.07.2023 and same has been forwarded by DFO Anjaw to the JFMC-cumcivil Judge, Jr. Division, Hawaii vide No. ANJ/CONS-22/2022/2355-57 dated 17.10.2023.
- The current U/A provided undertaking to bear the penalty, if directed, by Central Govt. against the violation done by earlier project proponent and further requested that the matter of penalty relating to old issue may be kept separate and may not be linked with their present project.
- vii. The Committee was informed that the project envisages utilization of water of Halai River, a tributary of Lohit River. The project is under the 'run of river' project. Carrying Capacity and Cumulative Impact Assessment



study of Lohit river has been carried out and published in August, 2016 and Halaipani Hydro Power Pvt. Ltd. is not mentioned in Carrying Capacity and Cumulative Impact Assessment study.

- viii. The Committee was further informed that after preliminary scrutiny of the proposal in Sub-office, Guwahati, certain shortcomings were observed and the same was communicated to the State Govt. on 14.02.2023. In reference to Sub-office, Guwahati letter dt. 14.02.2023, the State Govt. vide letter dated 24.05.2023 furnished information which was incomplete. Accordingly, the State Govt. was further requested on 16.06.2023 & 12.09.2023 to furnish the complete information and reply was submitted by the State Government on 31.08.2023 and 15.11.2023. However, information on action taken report on violation was found incomplete, hence asked the State Govt. to furnish the complete information on 12.09.2023 and 15.11.2023.
- ix. Further, the above proposal was considered in REC meeting held on 29.11.2023. After through deliberations and discussions with Addl. PCCF & Nodal Officer, Government of Arunachal Pradesh, the REC recommended the proposal for diversion of 4.75 ha. forest land for construction of Halaipani HEP (16 MW) by Halaipani Hydro Project Limited, in Anjaw District of Arunachal Pradesh and recommended for sending to Ministry to following:
- (i) **Subject to submission of :-**
- (a) The NOC/consent from the community for the muck dumping area.
- (b) The geomorphological study of the proposed area.
- (c) The new user agency shall provide NOC certifying to abide the penalty of the violation of FC Act, 1980 undertaken by the earlier user agency i.e. Power Department, Govt. of Arunachal Pradesh as per the applicable guideline and rules of F(C)Act,1980.
- (ii) **The REC further recommended: -**
- (a) To delink the current proposal i.e. 4.75 ha from the reported violation area i.e. 2.66 ha. which earlier user agency was responsible and action to be taken by the State Govt. as per exiting rules and guideline.
- x. The Committee was appraised that the State Govt. vide letter dated 15.01.2024 submitted the information in response to Sub-office, Guwahati letter dated 04.12.2023. The same is given as under:

S. No.	Observations raised by the REC on 04.12.2023	Reply submitted by State Govt. on 15.01.2024
1.	The No objection certificate/consent from the community where the muck dumping area has been identified for this proposal.	In this regard, the State Govt. informed that the user agency has submitted a copy of the No objection certificate/consent from the community of

		muck dumping area.
2.	The geomorphological study of the proposed area.	In this regard, the State Govt. informed that the user agency has submitted a copy of geo-morphological study of the proposed area, further it is recommended that the user agency will comply with the suggestion made in this report.
3.	The new user agency shall provide NOC certifying to abide the penalty of the violation of FC Act, 1980 undertaken by the earlier user agency i.e. Power Department, Govt. of Arunachal Pradesh as per the applicable guideline and rules of F(C)Act,1980.	In this regard the State Govt. informed that the undertaken submitted by the earlier user agency i.e. Power Department, Government of Arunachal Pradesh.

xi. The Committee was informed that Techno-Economic review report prepared by Department of Hydro and Renewable Energy, Indian Institute of Technology, Roorkee has been submitted wherein it is mentioned that the project with its proposed technical parameters is found to be technically feasible.

xii. The Committee noted that Site Inspection has been carried out by Regional Office, Shillong on 07.10.2024. Summary of the same are as under:

**A. Background of the proposal:**

State Government of Arunachal Pradesh submitted the proposal for diversion of 4.75 ha forest land for construction of Halaipani HEP (16 MW) by Halaipani Hydro Project Ltd. in Anjaw District of Arunachal Pradesh to Sub Office, Guwahati, seeking forest clearance under Forest (Conservation) Act, 1980.

Out of total 4.75 ha proposed area, State Govt. of Arunachal Pradesh earlier submitted the proposal for diversion of 2.66 ha forest area for Halaipani SHP (12 MW) by Department of Power, Govt. of Arunachal Pradesh to Regional Office, Shillong. The Stage I/ In Principle Approval for 2.66 ha forest area Halaipani SHP (12 MW) was granted on 04.08.2005 to the earlier user agency, i.e. Department of Power, Govt of Arunachal Pradesh however the Stage I approval was revoked due to non-submission of compliance for more than 5 years vide Regional Office, Shillong letter dated 14.01.2013.

The State Govt. reported violation of Forest (Conservation) Act, 1980 in 2.66 ha by the earlier user agency i.e. Department of Power, Govt. of Arunachal Pradesh in the submitted proposal for 4.75 ha forest land for

construction of Halaipani HEP (16 MW) by Halaipani Hydro Project Ltd. in Anjaw District of Arunachal Pradesh.

This proposed diversion project is for construction of Halaipani HEP (16 MW) by Halaipani Hydro Project Ltd. in Anjaw District of Arunachal Pradesh. The project envisages utilization of water of Halai River, a tributary of Lohit River. The project is under the 'run of river' scheme that relies on the strength of the river's flow to drive turbines. This project is also to provide significant amount of electricity in this way requires a fast-flowing river, usually found in steep terrain or where a large stream is confirmed in a narrow bed.

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

Yes.

**Details on the violation:-**

1. Violation reported in 2.66 ha forest area of the proposed area (4.75 ha) by the earlier user agency i.e. Department of Power, Govt of Arunachal Pradesh and not by the current user agency i.e. Halaipani Hydro Project Private Ltd.
2. No violation is continuing by the new user agency i.e. Halaipani Hydro Project Private Ltd.
3. Out of 4.75 ha proposed area, proposal for 2.66 ha forest area for Halaipani SHP (12 MW) was earlier granted Stage-I by RO, Shillong letter dated 04.08.2005 to Department of Power, Govt. of Arunachal Pradesh, however revoked due to non-submission of compliance for more than 5 years vide RO, Shillong letter dated 14.01.2013. The then user agency i.e. DHPD, Govt. of Arunachal Pradesh initially constructed on 2.66 ha (0.88 ha in VFR and 1.7804 ha in USF) forest area without the approval of the Central Govt.

**Action taken by the Govt.**

- a) As per State Govt. report, work taken up by the earlier U/A in around 2004- 2006 against the Stage-I accorded vide Ministry's letter dated 04.08.2005 and work was in full swing in year 2012-13 but due to cloudburst on 25<sup>th</sup> -26<sup>th</sup> June, 2012, there was unprecedented flood in Halai river and the infrastructure under construction were fully damaged.
- b) However, State has not taken timely action at the time of violation.
- c) In reply to queries raise by RO, it was informed that action could not be taken against the earlier user agency by the DFO, Lohit Forest Division, Late K. Pertin (Prior to the creation of Anjaw district) due to the remoteness of the location.

- d) Date of detection is 24.07.2023. Broken area and violation reported on 2.66 ha.
- e) Action has been initiated against the user agency i.e. EE, Hayuliang Hydro Power Division, Hayuliang vide R.0 Ditchu No. WLS OR/01/2023 dated 24.07.2023 and same has been forwarded by DFO Anjaw to the JFMC-cum-civil Judge, Jr Division, Hawaii vide No. ANJ/CONS-22/2022/2355-57 dated 17.10.2023.

**C. Recommendation of DDGF(C), Regional Office, Shillong along with detailed reasons.**

The electricity generated from the proposed project will assist and improve the power scenario in the region and generate local employment, which will benefit the local population. The proposal is therefore recommended with the following:-

- (i) As recommended by REC meeting dated 29.11.2023, to delink the matter of violation relating to "diversion of 2.66 ha of forest land for construction of Small Hydro Power 12 MW on Halaipani river in Lohit district of Arunachal Pradesh" from the present proposal and action to be taken by the State Govt. against the responsible concerned officials of forest department and user agency as per exiting rules and guideline in respect to the reported violation area i.e. 2.66 ha in current proposed area i.e. 4.75 ha.
- (ii) As directed by the REC, NOC for muck dumping has been obtained from Community and Geomorphological study carried out.
- (iii) Further, undertaking for payment of penalty for earlier violation has been submitted. Hence, the proposal is recommended.

**D. Utility of the proposal.**

This proposed diversion project is for construction of Halaipani HEP (16 MW) by Halaipani Hydro Project Ltd. in Anjaw District of Arunachal Pradesh. The project envisages utilization of water of Halai River, a tributary of Lohit River. The project is under the 'run of river' scheme that relies on the strength of the river's flow to drive turbines. This project is also to provide significant amount of electricity in this way requires a fast-flowing river, usually found in steep terrain or where a large stream is confirmed in a narrow bed.

**E. Any other information relating to the proposal.**

Out of the total proposed diversion area i.e. 4.75 ha forest land for construction of Halaipani HEP (16 MW) by Halaipani Hydro Project Ltd. in Anjaw District of Arunachal Pradesh, an area of 2.66 ha has been broken by the earlier user agency i.e. Department of Power, Govt of Arunachal Pradesh without prior approval of Central Govt, which is gross violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

The Stage- I/ In Principle Approval was granted for diversion of 2.66 ha of forest land for construction of Small Hydro Power 12 MW on Halaipani river in Lohit District of Arunachal Pradesh vide Ministry's letter No 3 AP B 044/2005-SHI/1691- 93 dated 04.08.2005 and thereafter revoked due to non-submission of compliance for more than 5 years vide RO, Shillong letter dated 14.01.2013. The component wise break-up submitted in the earlier proposal for diversion of 2.66 ha (8800 sqm in VFR and 17803.8, USF) with their legal status of land involved are as under:

- a) Weir Site (400 sq m, USF ),
- b) Intake and setting basin (128 sqm, USF),
- c) Power channel {19635 sq m (0.8800 sq m VFR & 10835 sq m USF)},
- d) Forebay tank (550 sq m, USF),
- e) Power house and switch board (1200 Sq m, USF),
- f) 0 Penstock line (640.80 sq m, USF),
- g) By pass Channel (50 sq m, USF) and
- h) Approach road(4000 sq m, USF).

The construction work was taken up in 2004-2006 by the earlier user agency i.e. Department of Power, Govt. of Arunachal Pradesh in the earlier proposal 2.66 ha and work was in full swing in 2012-13 without the prior approval of the Central Govt. However, the constructed infrastructure was fully damaged due to cloud burst incident on 25<sup>th</sup>-26<sup>th</sup> June, 2012 as per the State Govt. Currently the area is nonfunctional and old structure of Switchyard, Power Channel, Power House, Penstock, approach road, damaged electric tower, forebay tank, etc. could be observed at the proposed site.

The current user agency i.e. Halaipani Hydro Project Private Ltd. has not started any work in the proposed area i.e. 4.75 ha and provided No Objection Certificate from the community for the muck dumping area and geo-morphological study of the proposed area, undertaken by the current user agency i.e. Halaipani Hydro Project Ltd. for abiding the penalty of the violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 undertaken by the earlier user agency i.e. Power Department, Govt. of Arunachal Pradesh.

The catchment area involved is 267 sq km. and 95% to 97% is under Dense forest and snow. The amount drawn up for CAT Plan is ₹119.97 lakhs (i.e. 0.97 % of the project cost) and CAT plan has been approved by PCCF, Govt. of Arunachal Pradesh.

The other existing Hydel projects under Department of Hydro Power Development, in Anjaw district near to the instant proposed Halaipani HEP (16 MW) are submitted as under and as far as the Halai river, this is the only Hydel Project on this nalla/river:

SL. No.	Name of Hydel Station	Installed Capacity (in KW)	Remarks ( Distance from Hydel to Hydel to next hydel Station)	In operation or not
1	Kaho MHS	1 x10	Kho to Karawati-12 km	Operational
2	Karawati Nallah MHS	2x50	Karawati to Walang-35Not KM	Operational
3	Yapak Nallah MHS	2x100	Walang to Mati Nallah-45 KM	Operational
4	Mati Nallah MHS	2x250	Mati Nallah to Halaipani-17 Km	Operational
5	Langpani MHS	2x200	Lanpani to Teepani-30 km	Operational
6	Teepani MHS	2x250	Teepani to Kachopani-50 km	Operational
7	Kachopani MHS	2x 100	Kachopani to Halaipani-97 km	Operational

The proposal is recommended with usual condition for approval of Hydro Power Project along with the following:-

- (i) The Sate Govt. and user agency to take preventive measure like concurrent gravel wall, jute coir mate, etc. to avoid landslide and to protect the trees growing on the adjacent area of the proposed site during the tree felling and cutting of hills.
- (ii) The State Govt. shall ensure that fishery department shall conduct study to ensure ecosystem services, providing fish passages/ladders and supporting fish hatcheries to ensure fishing livelihoods and fish populations are maintained in the river by creating hatcheries and rearing facilities at the project site
- (iii) To avoid rapid increases or decreases in flow rates that can adversely affect downstream ecosystems.
- (iv) The minimum water flow of the river shall be maintained as per applicable guideline of Hydropower for the protection and survival of aquatic flora and fauna.
- (v) To carry out assessment for water flow requirement and take precautionary measures of the river flow of the proposed area in order to protect the E-flows of the area as the river itself is a source of food for various aquatic life, animals etc.
- (vi) The existing Power Channel shall be covered to protect from wild animals and other unwanted accident.

(vii) The approved CAT plan shall be implemented within the stipulated time bound period and carrying capacity of the river basin to be carried out.

xiii. The Committee noted that the violation of the Stage- I approval for 2.66 Ha issued by the Regional Office, Shillong was carried out by the previous User Agency, the Department of Power, Govt of Arunachal Pradesh. The penalties for violation of the previous User Agency cannot be levied on the present User Agency. Further, it was stated that it is a run of the river project.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), Regional Office, Shillong and Nodal Officer, Government of Arunachal Pradesh, recommended the proposal for grant of '**in-principle**' approval for diversion of 4.75 ha. of forest land (Pailo Village Reserve Forest = 0.88 ha & Unclassed State Forest = 3.87 ha) for construction of Halaipani HEP (16 MW) by Halaipani Hydro Project Ltd. in Anjaw District of Arunachal Pradesh subject to the general, standard and following specific conditions:

- i. No Objection Certificate from the competent authority with reference to the CIA/CCS studies (Impact Assessment) of River Lohit and its recommendations shall be obtained by the State Government along with any other environment related compliance/clearance.
- ii. The State Government shall ensure that the proposed 16 MW HEP unit is within the stipulated carrying capacity recommended in the CIA/CCS study.
- iii. Since 1.024 ha of land out of the Plots- I (8.407 ha) and Plots-II (1.093 ha) proposed for CA is moderately dense forest, the State Government shall submit programme for improvement of forest crop along with Stage- I compliance report.
- iv. The Regional Office shall initiate action under section 3A/3B of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 against officials responsible for the violation of the Stage- I approval issued for Halaipani Dam in 2005.
- v. The State Govt. shall levy on the Department of Power five (5) times penal NPV for the extent of violation carried and 12 percent simple interest from the date of raising of such demand till the deposit is made with regard to reported violation in Halaipani Dam.

### **Agenda No. 3**

**File No. 9-JKC-032/2023-Jammu**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (i) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 in**

**favour of NHPC URI-ISTAGE-II, Baramula Jammu & Kashmir for non-forestry use of 17.00 ha. of forest land for underground work of URI-I Stage II HE Project, District Baramula UT of Jammu & Kashmir (Online Proposal No. FP/JK/HYD/144277/2021)- regarding.**

1. The agenda item was considered by the AC in its meeting held on 26.12.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by Member Secretary. Committee was also apprised of the relevant provisions under Adhinyam, other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DIGF (Central), Regional Office, Chandigarh and Nodal Office, Government of Jammu & Kashmir attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:

The Advisory Committee noted that the instant proposal was considered in its earlier meeting held on 30.04.2024, wherein following was discussed in the meeting. The summary of the said meeting are as under:

- i. Pr. Chief Conservator of Forest, UT Government of Jammu & Kashmir submitted the above-mentioned proposal vide No.FP/JK/HYD/144277/2021 dated 13.10.2023 seeking prior approval of the Central Government under Section 2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.
- ii. The above proposal was examined by the RO, Chandigarh & certain shortcomings were observed. After submission of complete information, the instant proposal was considered in the 65<sup>th</sup> REC meeting of Regional Office, Chandigarh held on 25.01.2024. The REC listened to the submission made by the Nodal Officer; DFO, JV Forest Division and User agency and examined the proposal online on PARIVESH Portal including KML files and DGPS maps of project and CA areas. The UA informed that the proposal is for extension of the already existing URI-I Stage-I project and detailed CAT plan has been submitted to the EAC for consideration. After the detailed deliberation, the REC recommended the proposal for forwarding to the MoEF&CC for consideration and granting ***In-Principle*** approval.
- iii. Density of vegetation in the proposed area is 0.7 having Eco class 6 and no trees are proposed to be felled in the proposal.
- iv. Compensatory afforestation has been proposed over totally 19.30 ha. as follows:-
  - (A) Non-forest land in Compartment No: Uri-Kalgai, Khasra No 184,203,488 of Revenue land (NFL), Range Uri, JV Forest



Division, Baramulla, CA area is 9.30 ha

(B) Compartment No: Uri-Kalgai, Khasra No 184,203,488 of Revenue land (NFL), Range Uri, JV Forest Division, Baramulla, CA area 10 ha.

Suitability certificate has not been submitted by DFO concerned. Certificate to defray the cost of CA has been submitted by the User Agency. CA scheme for 10 years have been submitted along with the proposal.

- v. The Committee was informed that the land in question to be taken by the user agency is all underground land, which will be used for construction of tunnel, which is passing through the forest compartments covering approximately 17 ha. out of which, 7.77 ha falls in compartment No. 58/BNR of Boniyar Range and 9.23 ha falls in compartment 71/ URI of Uri Range.
- vi. The Committee was informed regarding Ministry's letter dated 27.12.2023 wherein, it has been stated that especially with regards grant of prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 to small and medium hydel projects proposed in various river basins, the following has been decided by the Central Government:
  - a. Carrying Capacity Studies and Cumulative Impact Studies are essential if more than one Hydro-power Project is to be sanctioned in a river basin.
  - b. Since grant of approval under the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 is a time taking process, the Forest Conservation Division of the MoEF&CC may consider grant of 'in-principle' approval under the Adhinyam following due process subject to the conditions that Carrying Capacity Studies (CCS) and Cumulative Impact Assessment Studies (CIS) as per the OM NoJ-11013/I/2013-IA-I dated 28th May, 2013 shall be carried out. except for the first Hydro-electric Project in a river basin where such study CCS and CIS need not be carried as mentioned in the aforesaid OM, and based on the outcome of such study the 'final' shall be granted for taking up any hydro-power project in a basin.
  - c. The provisions mentioned in the clause (a) and (b) prospectively for sanctioning of new projects. Above, shall apply prospectively for sanctioning of new projects.
  - d. Detail of available River basin study reports shall be shared by the IA Division of the MoEF&CC with the concerned State Governments.
- vii. Further, the Committee was upraised regarding provisions mentioned

in para 9.3 of chapter 9 of consolidated guidelines issued by the Ministry on 29.12.2023 as under:

*9.3 Carrying Capacity and Cumulative Impact Assessment Study of river basin:*

- (i) Cumulative Impact Study: Cumulative Impact study of a basin would reflect the cumulative impact of commissioned/up-coming hydro-power projects in the basin on environmental flow, bio-diversity, muck disposal sites, traffic flow in the region, R&R issues, etc. While, the first project in a basin could come up without insisting on cumulative study for all subsequent hydro-power projects in the basin, it should be incumbent on the developer of the second/other project(s) to incorporate all possible and potential impact of other project(s) in the basin to get a cumulative impact assessment done. This condition shall be stipulated at the ToRs stage itself during the EC process. Once such a cumulative impact study has been done, the same could be shared by Expert Appraisal Committee with AC. The Cumulative impact study in respect of bio-diversity component may be separately got done by one of the specialized institutes. While making recommendation on EC/FC for such projects, the EAC/FAC will take into account the results of such cumulative studies.*
- (ii) Carrying Capacity Study: The carrying capacity study of a river basin is important to plan optimal number of power projects in a basin. All State Governments will be required to get such studies done for river basins in their State. The process may be initiated in the next three months and completed within a period of two years, after which the carrying capacity study report would be made a pre- requisite for considering EC/FC cases of projects of any basin. All State Governments will send the details of river basins where such studies are to be done and confirm Initiation of studies to MoEF within 3 months of issuance of this OM. The institutes for such studies may be settled by the State Government in consultation with the EAC.*
- (iii) Studies, as mentioned under para (i) and (ii) above, shall be a prerequisite for grant of 'in-principle' approval under the Adhinyam and environment clearance under the Environment Impact Assessment Notification, 2006.*

viii. The Committee was further informed that the proposal was considered in Advisory Committee meeting held on 30.04.2024. The Committee after detailed discussion and deliberation with the DDGF (Central), RO Chandigarh and after going through the facts of the proposal decided that:-

- a. The proposal shall again be deferred till the State Government obtain the Cumulative Impact Study (CIS) and Carrying Capacity Study (CCS) report for the Jhelum River Basin, as per para 9.3 of chapter 9 of the consolidated guidelines issued by the Ministry on 29.12.2023.
  - b. Site Suitability certificate for CA land by the DFO concerned shall be submitted.
  - c. Comments of Chief Wildlife Warden, Jammu & Kashmir Government for the land proposed for diversion along with conservation measures, if required, may be submitted since there is presence of Black Bear on it, as per Part II of the proposal.
- ix. The Committee was further informed that the decision of Advisory Committee was communicated to the State Government on 18.05.2024. Accordingly, Government of Jammu and Kashmir vide letter No. PCCF/FCA/3386/4789-92 dated 29.11.2024 submitted their reply to Sub-office, Jammu & Kashmir on 29.11.2024 and the same was forwarded to the Ministry on 08.12.2024. The Summary of the same as discussed in the Committee meeting are as under:

S. No.	Observations raised by MoEF&CC on 18.05.2024	Reply submitted by the State Govt. on 29.11.2024
1.	The proposal shall again be deferred till the State Government obtain the Cumulative Impact Study (CIS) and Carrying Capacity Study (CCS) report for the Jhelum River Basin, as per para 9.3 of chapter 9 of the consolidated guidelines issued by the Ministry on 29.12.2023.	As intimated by user agency, Uri-I Stage II HE project is the second stage of already commissioned URI-I Power Station of 480 MW on river Jhelum in Baramulla district of UT of J&K. Department of Science & Technology Govt. of India, New Delhi accorded environment clearance to URI (Stage-I) on 27-06-1980 and MoEF granted forest clearance on 21-05-1986. This project is planned as per provisions kept in the DPR of Uri-I Power Station. The provision for second stage has been kept in the design of surface water conveyance system of Uri-I Power Station. Accordingly, the Barrage, Head regulator, desilting basins, open channel and Boniyar Nallah intake structure shall be utilized by the project i.e. Uri-I Stage II HE project. Further, Uri-I Stage-II HE project shall utilize water available in the existing reservoir of URI I Power Station and there shall be no change in submergence area due

		to the proposed project and there will be no change in the current natural watercourse of the river. The user agency intimated that Uri-I Stage-II HEP is the second stage of already commissioned Uri Power Station (480 MW) which is a run of the river project on river Jhelum using the same dam and same reservoir of Uri-I Power Station.
2.	Site Suitability certificate for CA land by the DFO concerned shall be submitted.	Site suitability certificate has been submitted by DFO, Baramulla.
3.	Comments of Chief Wildlife Warden, Jammu & Kashmir Government for the land proposed for diversion along with conservation measures, if required, may be submitted since there is presence of Black Bear on it, as per Part II of the proposal.	<p>It is mentioned that a comprehensive EIA Study has been undertaken wherein study of the Biological Environment is one of the aspect. It covers both floral and faunal components including terrestrial and aquatic ecosystems. It describes forest type floristic as well as faunal diversity, the occurrence of RET species if any, and the presence of sensitive zones like any notified Protected areas etc. in the vicinity of the proposed project.</p> <p>As per EIA study, no project component falls within any notified protected area or notified Eco-Sensitive Zones (ESZ). Also, no area around the project has been designated as the wildlife corridor. Moreover, the project involves construction of underground components only and there is a minimal impact on its surroundings.</p> <p>Further, in reference to additional conditions of Terms of Reference (TOR) issued by MoEF&amp;CC vide letter No. F. No. J-12011/08/2021-IA-I, dated 10.06.2021, the Biodiversity Management and Wildlife Conservation Plan along with conservation Measures of Schedule-I species is prepared with a total cost of Rs.144.00 lakh. It is pertinent to mention that none of the Schedule-I species were reported in the primary survey during EIA study. The</p>

		<p>Biodiversity Conservation and Wildlife Management Plan and Conservation Plan for Schedule-I species is attached herewith.</p> <p>The comments from office of the Chief wildlife warden dated 14.05.2024 stating that the Project area lies outside the boundaries of Notified limits of the eco- sensitive zone around the wildlife areas is also attached as Annexure-III.</p> <p>However, approved copy of Biodiversity Conservation and Wildlife Management Plan is not submitted along with the reply.</p>
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- x. It was stated by the State Govt. that the project is the second stage of the already commissioned URI-I power station. It is a run of the river project with no change in submergence proposed. No felling of trees is required. The diversion is sought for underground works only.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Jammu and Kashmir, **recommended** the proposal for grant of 'in-principle' approval for diversion of 17.00 ha. of forest land for underground work of URI-I Stage II HE Project, District Baramula UT of Jammu & Kashmir subject to the general and standard conditions for hydroelectric projects along with following conditions.
- i. No Objection Certificate from the competent authority with reference to the CIA/CCS studies (Impact Assessment) of River Jhelam and its recommendations shall be obtained by the State Government along with any other environment related compliance/clearance.
  - ii. The State Government shall ensure that the proposed HEP unit is within the stipulated carrying capacity.

#### Agenda No. 4

File No: FC-I/MH-341/2023-NGP

**Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.20 ha Zudpi Jungle forest land for opencast mining for Bhatadi Expansion Mine Project in favour of M/s Western Coalfield Limited, District Chandrapur in the State of Maharashtra (Online No. FP/MH/MIN/17443/2016) - regarding**

1. The above stated agenda item was considered by the AC in its meeting held on 26.12.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The DDGF(Central), Regional Office, MoEF&CC, Nagpur and Nodal Officer, Government of Maharashtra attended the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
  - i. The Government of Maharashtra vide their letter No. FLD-3620/CR-40/F-10 dated 21.06.2023 forwarded a proposal to obtain prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.20 ha Zudpi Jungle forest land for opencast mining for Bhatadi Expansion Mine Project in favour of M/s Western Coalfield Limited, District Chandrapur in the State of Maharashtra.
  - ii. Originally the proposal was submitted by the State Government to the Regional Office, Nagpur and the instant proposal was already discussed in the REC meeting of RO, Nagpur held on 13.12.2023 wherein the recommendation of REC was as under:  
*The REC noted that the proposal falls under mining category which under the extant rules of 2023 does not fall in the competency of the REC but with the Ministry. Accordingly, the committee decided that the Regional Office would carry out a site inspection and to forward the proposal to the MoEF&CC New Delhi for their examination and necessary action.*
  - iii. The Nodal officer, Govt. of Maharashtra apprised that the Bhatadi Expansion Opencast is an ongoing project of Western Coalfields Limited, Chandrapur Area having capacity of producing 0.975 Million Tonnes of Coal per annum. The 0.20 Ha forest land is falling inside the lease hold boundary of Bhatadi Expansion Opencast Mine. In addition, it is lying in the middle of the proposed quarry no.2. So this forest land is vital for mining operations of quarry no.2. The Project will supply coal to the MAHAGENCO Chandrapur Super Thermal Power Station of MSEB that caters to the need of power supply in Vidarbha and other parts of the Maharashtra State. Hence, to run the power plant and to meet the growing demand of power, the requirement of the forest land is inevitable for the smooth operation of the project.
  - iv. The Nodal officer, Govt. of Maharashtra further apprised that the proposed 0.20 ha Zudpi Jungle land is having Eco-class 3 vegetation and canopy density is 0.1. Thus, with no major trees exist and it is located closest to the village. Hence, no tree felling is involved. Further, the forest area in question being a Flat land is not vulnerable to erosion. It did not form part of eroded area.

- v. The State Government reported that the Bhatadi Opencast Expansion Project is located at 11.335 Km distance from the Core Area and 1.140 Km. from the Buffer Area of Tadoba-Andhari Tiger Reserve. It has been further informed that the PCCF (Wildlife) -cum-CWLW, Government of Maharashtra vide letter dated 26.05.2022 has submitted his comments wherein it has been categorically mentioned that the 0.20 ha. land is reported Shrub Forest and does not fall within any Protected Area, Eco-Sensitive Area, Buffer Zone or Tiger Corridor. Therefore, the proposal does not require separate approval from the point of view of Wildlife Conservation. Hence, it does not need to be discussed in the State Wildlife Board. In addition, the CWLW has clarified that the 837.94 ha project area does not fall in Tiger/Wildlife corridor as per Tiger Corridor of Eastern Vidarbha Landscape study conducted by Wildlife Institute of India, Dehradun. In addition, the PCCF (Wildlife) -cum-CWLW has given opinion vide letter dated 30.12.2019 in which it is stated that "a separate Wildlife Conservation Plan is not required".
- vi. The DSS analysis of the proposal revealed the presence of Hanuman Mandir located in Bhatadi Village. In this regard, the Nodal officer, Govt. of Maharashtra has submitted that as per the mining plan of user agency i.e. M/s WCL the Bhatadi Villages proposed for rehabilitation. User Agency submitted that the Mandir is also proposed for rehabilitation during the rehabilitation process and the financial provision for rehabilitation have been made. It has been further informed that the 20.00 Ha. additional land is being proposed for Bhatadi village rehabilitation and the User agency submitted an undertaking stating that forest land will not be used for rehabilitation and resettlement of Bhatadi village.
- vii. The DSS analysis revealed that apart from 0.20 ha Zudpi Jungle land, 4.86 ha protected forest land is also located within the Mining lease. However, in this regard the State has clarified that total area of the Bhatadi Open Cast project is 838.14 Ha. Further, it has been mentioned that their office has scrutinized total land records of the project during the Part-II process. After through verification of land record it is certified that 0.20 Ha. Zudpi Jungle forest land only located within the mine lease boundary of this project. Apart from that remaining 837.94 Ha. is found as non-forest land.
- viii. The committee observed that satellite imagery shows that Irai river is at a distance of 201 meter from the proposed forest land for diversion wherein the Nodal officer, Govt. of Maharashtra submitted that the present distance of OB Dump from Irai river is 250 meter which is well within the EAC condition dated 24.01.2020. In addition, it is submitted that as per the Site Inspection by the field Officers, there is no mining activity or OB Dumping is located near to the Irai river.
- ix. The committee insisted upon mode of mineral transportation from the instant mine wherein the Nodal officer, Govt. of Maharashtra has informed that Coal produced from this project is being transported to CSTPS

through aerial rope conveyor system and examination of the plan in the State Govt. forest land is not involved in mineral evacuation.

- x. The committee further noted that the Regional Office, Nagpur has submitted their Site Inspection Report wherein the proposal is recommended by the DDGF, RO, Nagpur subject to the condition that the *Safety zone with effective green belt shall be maintained by the User Agency along the inner boundary of the lease area.*
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with DDGF (Central), Regional Office, Nagpur and the Nodal Officer, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Maharashtra the Committee, recommended the proposal for grant of '**in-principle**' approval for diversion of 0.20 ha Zudpi Jungle forest land for opencast mining for Bhatadi Expansion Mine Project in favour of M/s Western Coalfield Limited, District Chandrapur in the State of Maharashtra subject to the general, standard and following specific condition:
- i. The state shall initiate the action for the correction of digital boundaries of 4.86 ha area (which is PF as per DSS analysis) and provide the correct details to Forest Survey of India for appropriate correction on the DSS portal.
  - ii. The safety zone with effective green belt shall be maintained by the User Agency along the inner boundary of the lease area.

### Agenda No. 5

**File No. 3-MGB013/2022-SHI**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s. Hill Cement Company Ltd. for non-forestry use of 4.0 ha. of Deemed forest land for lime stone mining at Mynkre, Jaintia Hills Forest Division, East Jaintia Hills District, Meghalaya (Online Proposal No. FP/ML/MIN/42964/2019)- regarding.**

1. The agenda item was considered by the AC in its meeting held on 26.12.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.



3. The DIGF (Central), Regional Office, Shillong and Nodal Officer, Government of Meghalaya attended the meeting. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
- i. The Government of Meghalaya vide their letter No.FOR.25/2021/73 dated 28<sup>th</sup> March, 2022 submitted the above mentioned proposal to Regional Office, Shillong for the diversion of 4.0 ha. of Deemed forest land for lime stone mining at Mynkre by Hill Cement Company Ltd. to Regional Office, Shillong, seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
  - ii. The proposed diversion area is 4.00 ha and the density of vegetation is 0.6 having Eco-class 1. No trees are proposed to be felled.
  - iii. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect have been submitted by DFO concerned.
  - iv. Compensatory Afforestation has been proposed over 4.00 ha. non-forest land in Moulhai village of Saipung Elaka, Khliehriat Block in East Jaintia Hills District. CA scheme with year wise maintenance is not submitted along with the proposal. Site suitability certificate has been furnished by the concerned DFO.
  - v. The purpose wise breakup of the forest area is given as under:

S. No.	Purpose	Area in (ha.)
1.	Mining working area	2.87 ha
2.	Safety Zone	0.59 ha
3.	Waste dump area	0.195 ha
4.	Green Belt area	0.345 ha
	<b>Total</b>	<b>4.00 ha.</b>

- vi. The Committee was informed that since the proposal was for mining and involved violation, the proposal was forwarded to the Ministry by the Regional Office, Shillong.
- vii. ML grant order valid upto 2030 as per Grant of Mining Lease for Limestone over an area of 4.00 ha dated 16<sup>th</sup> November, 2010.
- viii. The user agency has submitted the Mining Plan along with Progressive Mine Closure Plan for the period 2020-21 to 2024-25 approved by Indian Bureau of Mines is submitted.
- ix. The Committee was further informed that after examination of the proposal in the Ministry, certain shortcomings were observed and the same was communicated to the State Govt. as well as Regional Office, Shillong vide its Ministry's letter dated 26.07.2024.

- x. Accordingly, Government of Meghalaya vide their letter No.FOR.45/2021/500 dated 18.11.2024 attached a copy of letter received from Nodal Office, FC & CAMPA, Meghalaya and informed that the aforesaid user agency is not intentional violator as they got valid mining lease under rule 12 (4) of Major Mineral Concession rules 1960 after the due compliances. Further, it has been informed that latter in the year 2013, the Joint Inspection Team have inspected the said leased area and ascertained the status as "Forest" and also advised the user agency to apply for Forest clearance U/s. 2 of Forest (Conservation) Act 1980. In compliance of the same, the user agency has applied for Forest clearance under the said act and the same is now under process. Considering the facts mentioned above, this office is of the considered opinion that there is no scope for imposing penalty since there is no intentional violation by the user agency which has complied with all the conditions while getting mining lease prior to the Joint Inspection and as advised by the JIT, also indented to comply with all the conditions stipulated under the FC Act. Therefore, the M/s. Hill Cement Company Ltd may be exempted from the payment of Penalty and requested to grant Forest clearance U/s. 2 of Forest (Conservation) Act 1980 for the said proposal.
- xi. Nodal Officer, Government of Meghalaya vide letter dated 30.10.2024 submitted/uploaded the additional information in response to this Ministry's letter dated 26.07.2024. The point wise reply is given as below:

Sl. No.	Observations raised by the MoEF&CC, Gol, New Delhi on 26.07.2024	Reply submitted by the SG on 18.11.2024
1.	The State Govt. initially recommended the proposal subject to payment of 5 times of NPV plus 12 simple interest till the penalty is paid by project proponent as penalty for violating provisions of Adhiniyam, 1980. Further, State Govt. vide letter No. FOR.45/2021/147 dated 31.10.2023 requested to exempt User Agency from payment of penalty for violating Forest (Conservation) Act, 1980. The State Govt. is requested to offer its comments in this regard.	In this regard it is informed that with regard to payment of penalty by the user agency, the Divisional Forest Officer (T), Division, Jowai has reported that they had initially recommended the proposal subject to payment of 5 times of NPV plus 12 percent simple interest till the penalty is paid by the project proponent as penalty for violating provisions of Adhiniyam, 1980 vide letter No. JH/ HCCL/4.0 Ha/2021-22/A/578 dated 06.08.2023 and accordingly the same was communicated to the State Government vide his office letter No.MFG.16/50/HCCL/Pt.I/11748 dated 31.10.2023.

		<p>The same proposal was forwarded to the MoEF &amp; CC, Regional Office, Shillong by the State Government vide their letter No. FOR.45/ 2021/431, dated 22.11.2023.</p> <p>However, in connection to the State Government letter vide No. FOR.45/2021/147 dated 31.10.2023, regarding request for exemption to user agency from payment of penalty for violating Forest (Conservation) Act, 1980, as per the record available it is to be stated that the proposal was not communicated from this end.</p> <p>However, vide letter No. JH/HCCL/4.0Ha/2021-22/A/415, dated 19.09.2024 the Divisional Forest Officer, Jaintia Hills (T) Division, Jowai has informed that after proper examination of the records and site inspection carried out by their office along with the project proponent and further clarification and representation from the user agency, the DFO has reported that the mining of 4 ha. area was started by obtaining necessary clearance from the competent authority (enclosed copy of clearance issued by the Addl. Deputy Commissioner, Khliehriat Civil Sub-Division, Khliehriat is submitted, NOC issued by JHADC, Jowai is submitted, copy of grant of mining lease by Mining &amp; Geology Dept. is submitted, copy of NOC issued by the DFO (T), Jowai is submitted, copy of NOC issued by the CF (M&amp;E), Jowai prior to the JIT-I which declared the said plot of land as forest land in 2012. Therefore, in accordance with the JIT-I assessment as forest land, the user agency had applied for limestone mining of the 4 ha of deemed forest land through Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Therefore, as reported by the DFO (T), Jowai, it is to clarify that the mining was</p>
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		carried out prior to JIT-I and there was no violation of the provisions of Adhinyam, 1980 by the user agency after JIT-I assessed the said plot of land as forest land in 2012. Hence, the recommendations to impose penalty by the DFO (T), Jowai letter dated 06.08.2023 and this office communication vide above said letter dated 31.10.2023 may kindly be revoked.
2.	The State Forest Department is requested to submit action taken report against the erring officials responsible for violation;	In this regard, it is mentioned that the matter will not arise in view of the above.
3.	The State Govt. has not submitted the approved copy of the land use plan. In this regard, the State Govt. is requested to submit the approved copy of land use plan clearly mentioning OB dumping site.	In this regard, approved copy of the land use plan is submitted.
4.	The State Govt. is requested to offer its views on the mining activity that is visible outside the area proposed for diversion. In case Forest clearances have been issued for the said site earlier or in its surroundings, the State Government is requested to submit a copy of the same.	In this regard it is informed that as per the report of the Divisional Forest Officer, Jaintia Hills (T) Division, Jowai, the proposed mining area measuring 4 ha falls within the plant boundary of the user agency measuring 68.313 ha. In view of the JIT-I report half of the area i.e. 32.693 ha was declared as deemed forest land and accordingly, the user agency has already applied for the same area i.e. 32.693 ha for diversion of land under Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and it is under process (proposal No. FP/ML/IND/150152/2021). The map submitted by the user agency depicting the site of the proposed mining area measuring 4 ha which is located within the plant area of 68.313 ha. There is no mining activity outside the proposed area for diversion. The broken

		land which is seen adjacent to proposed diversion area does not belong to the user agency and it is a private and community land.																		
5.	Component wise breakup has been submitted for an area of 0.798 ha forest land. Moreover, KML files of the following components have not been uploaded online:	In this regard, it is informed that the PDF of map is enclosed.  The KML files has been examined by the DSS cell.																		
	<table border="1"> <thead> <tr> <th>S. No.</th> <th>Components</th> <th>Area (Ha)</th> </tr> </thead> <tbody> <tr> <td>1.</td> <td>Mining working area</td> <td>2.87</td> </tr> <tr> <td>2.</td> <td>Safety Zone</td> <td>0.59</td> </tr> <tr> <td>3.</td> <td>Waste dump area</td> <td>0.195</td> </tr> <tr> <td>4.</td> <td>Green Belt area</td> <td>0.345</td> </tr> <tr> <td></td> <td><b>Total</b></td> <td><b>4.00</b></td> </tr> </tbody> </table>	S. No.	Components	Area (Ha)	1.	Mining working area	2.87	2.	Safety Zone	0.59	3.	Waste dump area	0.195	4.	Green Belt area	0.345		<b>Total</b>	<b>4.00</b>	
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6.	KML file showing the proposed routes for the transportation of the mined out mineral & involvement of forest land, if any, has not been submitted. The same needs to be submitted;																			
7.	DGPS map of the proposed forest land is found varying from the KML file. Further, the State Govt. may be requested to upload the Survey of India (SoI) toposheet map indicating the proposed forest land;	Toposheet is submitted.  DGPS map is not submitted.																		
8.	Due to unavailability of the forest boundaries of the Meghalaya State over the DSS portal, the legal status of the proposed CA land	It is mentioned that KML files of forest boundary is enclosed.																		

cannot be ascertained. In this regard, the State Govt. is requested to submit KML file highlighting forest boundary;	KML files is not submitted along with the reply.
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- xii. The Committee was informed that in reference to Ministry letter dated 26.07.2024, DIGF (C) Regional Office, Shillong vide letter No. 3-MGB013/2022-SHI/1723 dated 23.08.2024 forwarded comments on the Site inspection report. The Comments of Regional Office is given as under:

As mentioned in this office report dated 30th April, 2024 the User Agency had been carrying out mining based on the Mining Lease granted vide letter No. MG .66/2009/83 dtd. 20th October 2009 by Mining and Geology Department of Meghalaya under Major Mineral Concession Rule as per Provisions given under MMDR 1957 based on NOC and status of land (as Non Forest) issued by the Jaintia Hills Autonomous District Council. Grant of Mining Lease by Under Secretary, Mining & Geology Department for Mis Hills Cement Company Limited (HCCL) was on 16.11.2010 with Notice of Opening in Fonn-C submitted to IBM, DMR, DC Jowai on 10.04.2011. The mining operations were legally started as per rules / regulation in place at that time.

The area of HCCL prior to visit of JIT-I was a non-forest land. It was only after the Joint Inspection Team (JIT)-I visited to area of HCCL in 2012, that a large portion of land holding of HCCL was declared forest, thereby attracting the provisions of the Forest (Conservation) Act, 1980.

The site inspection to the proposed diversion area of 4.0 ha was undertaken on 07.02.2024 but no mining activities were being carried out at the time of inspection. During inspection, it has been observed that out of the total area of 4.0 ha, about 1.9 ha. land was already broken. It has been observed that a low-lying area was created filled with water and appeared as a water body. The surrounding of the area has some trees, shrubs and other vegetation. Due to the good regeneration status of land and adequate rainfall, any area left undisturbed for a few years would have good vegetation cover and hence no broken open area was observed during the inspection.

- xiii. The Committee was informed that User Agency has given justification that prove that mineral deposit is present in the area. Major raw material for cement production is limestone mineral and quality of limestone required for production of the cement was found in this area. The mineral deposit is close to our cement unit project site. Mining lease in the said area has been granted in favour of Hill cement private limited from concerned authority.
- xiv. The Committee was further informed that The Govt. vide letter dated 31.10.2023 has requested Regional Office, Shillong to kindly exempt M/s

Hill Cement Company Ltd. from payment of penalty for violating Forest (Conservation) Act, 1980. Following clarification has been submitted stating that no violation was done in starting of Mining operations over 4.0 Ha ML at Mynkree which is before JIT-I:

- a. Additional Deputy Commissioner, Khliehriat enquiry report of the area. Point no.- 3 tells that no village forests, cultivation etc. on the above said mining area of 4.0 Ha at Mynkree.
- b. NOC from Jaintia Hills Autonomous District Council, Jowai for the 4 Ha ML at Mynkree.
- c. Deputy Chief Forest Officer, JHADC, Jowai letter to DFO (T), Jowai in reply, stating clearly that 4.0 Ha said ML area of Hills Cement Company is not recorded as Forest area.
- d. Letter of Grant of ML- 4.0 Ha at Mynkree from Under Secretary, Government of Meghalaya (M&G Deptt) to the Director, Hills Cement Company Limited.
- e. DFO (T), Jowai letter to the Conservator of Forest (M&E), Shillong stating the ground reality of the 4.0 Ha ML area and gave recommendations for issuing NOC.
- f. The Conservator of Forest (M&E), Shillong acknowledged the DFO (T) recommendations and gave NOC/approval for Mining over the said area of 4 Ha at Mynkree.
- g. Hills Cement Company submitted the copy of the above CF NOC & Approval to the Commissioner & Secretariat for the information.
- h. Under Secretary, Government of Meghalaya (M&G Deptt) to Hills Cement asking for NOC received from Principal Chief Conservator of Forest, Meghalaya Letter No. MG.66/2009/341, Dated 17.06.2010.
- i. Hills Cement to Under Secretary to the Government of Meghalaya, (M&G Deptt) submitted the NOC received from Principal Chief Conservator of Forest, Meghalaya letter dated 17.06.2010.
- j. ML Grant order from the Under Secretary, Government of Meghalaya, (M&G Deptt) to the Deputy Commissioner, Jaintia Hills District, Jowai to grant a Mining Lease over an area of 4.0 Ha at Mynkree Village, Jaintia Hills District, Meghalaya.
- k. However, after the JIT-I the proposal for 4.0 ha was declared as 'Forest' and processed for Forest Clearance in accordance with the provisions of Section 2 of Forest (Conservation) Act, 1980, hence, M/s Hill Cement Company applied for Forest Clearance through PARIVESH 1.0 with Proposal number FP/ML/MIN/42964/2019. Since the proposal involves violation, State Government recommended the proposal with payment of 5 (five) times the Net Present Value (NPV) plus 12% simple interest till the penalty is deposited by the project proponent as penalty.

- xv. The Committee was further informed that DIGF (C) Regional Office, Shillong of MoEF&CC has carried out Site Inspection and submitted site inspection report on 07.02.2024. Further, the DDGF (C) has also recommended the proposal. The major findings and recommendation of the Site Inspection is given as under:

- i. **Background of the proposal:** State Government of Meghalaya vide letter No. FOR 25/2021/73 dated 28th March, 2022 forwarded proposal for the diversion of 4.0 Ha of Deemed forest land for lime stone mining at Mynkre by Hill Cement Company Ltd. to Integrated Regional Office, Shillong, seeking forest clearance under Forest (Conservation) Act, 1980.

The User Agency has submitted the proposal in compliance of the JIT-I report after due inspection in the year 2012 and was recommended to apply for Forest Clearance.

The proposal submitted by the User Agency is very important for mining of limestone to be used for cement manufacturing to cater the needs of development works in the State. It will also generate employment for the public in the District.

- ii. Item wise break-up details of the forest land proposed for diversion: Limestone mining for Captive Cement Plant (3000 TPD).

Sl. No.	Break up of forest land	Area (ha)
1.	Mining working area	2.87
2.	Safety Zone	0.59
3.	Waste dump area	0.195
4.	Green Belt area	0.345
<b>Total</b>		<b>4.00</b>

- vi. **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:**

Yes, about 1.9 ha has been broken. A water body has formed naturally from rainwater in the broken area and now appears like a lake. Four (4) photographs at different angles of the water body has been enclosed along with photographs of the entire 4 ha is also enclosed, The State Govt. of Meghalaya vide letter dated 31.10.2023 has requested this office for complete waiving of Penalty amount by stating that no violation done in starting of the Mining operations of 4.0 Ha ML. at Mynkre. The Chronological order of seeking of Mining Lease by HILLS CEMENT COMPANY LIMITED (HCCL) is Attached with documents submitted. Earlier, in the proposal, State Govt has proposed Penal NPV over 5 (live)



times the NPV plus 12% interest till the penalty is deposited by PP for violation of FC Act submitted in PART-V.

- vii. **Reclamation Plan:** Details and financial allocation Progressive Reclamation Plan has been submitted and part of the Mining plan which has been approved by IBM dated 30.07.2020. As per the Reclamation Plan the waste generated during 5 years will be used in back filling of the area, at the end of life of mine, total mined out land will be about 3.3 ha. Out of which about 0.55 ha area will be backfilled, when the mineral be completely exhausted, remaining 2.75 ha area will be converted to reservoir, soil will spread over the backfilled area and plantation will be done. Proper fencing will be done around water reservoir.
- viii. **Recommendations of the Principal Chief Conservation of Forests/ State Government:** Recommendation given.
- ix. **Recommendations of Deputy Director General of Forests (C) along with detailed reasons:** The proposal is recommended with payment of penalty over 1.9 ha of land broken prior to the Inspection of JIT- 1 which is still intact and unbroken with no ongoing mining activities observed during the Site Inspection. The remaining area intact with no mining activity and unbroken.

### **Conclusion:**

During the Site Inspection, no mining activities was being undertaken, the area of 4.0 ha was bare and there were no trees. It was informed that the 1.9 ha land was broken prior to the inspection of land by JIT-I and created a low lying area where water had filled up and appeared as a water body. The surrounding of the area still has some trees and shrubs. The area also has broom grass and other grass species.

Grant of Mining Lease by Under Secretary (Mining & Geology Deptt.) for M/s Hills Cement Company was on 16.11.2010 with Notice of Opening in Form-C submitted to IBM, DMR, DC-Jowai on 10.04.2011. The mining operations were legally started as per rules / regulations in place in the State and Central Govt. at that time and as per record given in chronology of events is given.

It was only because that the Joint Inspection Team (JIT)-I visited the area of HCCL in 2012, that a large portion of the land holding of HCCL was declared forest as given above. Hence, the land of HCCL prior to JIT-I was still non-forest.

However, subsequent communication from the State Government vide letter dated 31.10.2023 has recommended waiver of penalty based on the following reasons:-

- a. Grant of Mining Lease by Under Secretary (Mining & Geology Deptt.) for M/s Hills Cement Company was on 16.11.2010 with Notice of Opening in Form-C submitted to IBM, DMR, DC-Jowai on 10.04.2011. The mining operations were legally started as per rules / regulations in place in the State and Central Govt. at that time and as per record given in chronology of events.
- b. It was only because that the Joint Inspection Team (JIT)-I visited the area of HCCL in 2012, that a large portion of the land holding of HCCL was declared forest as given above. Hence, the land of HCCL prior to JIT-I was still non-forest.
- c. This proposal for diversion of 4.0 as now was declared 'forest' by JIT-I and is to be processed for Forest Clearance in accordance with the provisions of Sec 2 of Forest Conservation Act, 1980. M/s Hills Cement Company has now applied for Forest Clearance through PARIVESH in 2019.
- d. DFO-Territorial, Jowai has given his Detailed Report on violation as mentioned above. It may be mentioned that the user agency has been granted mining lease for the aforesaid land vide letter No. MG.66/2009/83 dated 20th October 2009 by the Mining and Geology Department, Government of Meghalaya under Major Mineral Concession Rule 1960 as per the provisions given under MMDR 1957 based on the NOC and status of land (as Non-Forest) issued by the Jaintia Hills Autonomous District Council. Even though the area was broken for Limestone Mining with period of work is 6 years, however the so called violation is before JIT-I.

The proposal uploaded on PARIVESH in 2019, was forwarded by the State Govt. recommending Penal NPV proposed over 5 (five) times the NPV plus 12% interest till the penalty is deposited by P/P for violation of FC Act, 1980 (Page 60/c) in 28/3/2022.

Subsequently, Secretary (Forest and Environment) vide letter dated 26.09.2022 has written to the Commissioner & Secretary submitting the representation of M/s Hills Cement Company Limited for exemption from payment of penalty as mining activities started during 2010-2011 before JIT assessment. Secretary (F&E) letter to Commissioner & mentioning that user agency has not violated the FC Act, 1980 and hence not liable to pay penalty.

Further, Joint Secretary vide his letter dated 31.10.2023 requesting for exemption from payment of Penalty for violation of Forest (Conservation) Act, 1980 based on the representation of M/s Hills Cement Company Limited.

Violation report enclosed, since only 1.9 ha land was broken, the calculation for violation should be for 1.9 ha.

The CF (T & WL), Khasi and Jaintia Hills region upon Inspection of proposed site has recommended some element of leniency, if deemed proper, and may be considered since the matter involves violation of FC Act, 1980, the provisions and necessary permissions had already issued by the State Govt. pre-JIT-1.

The proposal is now complete and submitted for Ex-post facto approval from Competent Authority at MoEF&CC, New Delhi.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DIGF (Central), Regional Office, Shillong and Nodal Officer, Government of Meghalaya, recommended the proposal for grant of '*in-principle*' approval for diversion of 4.0 ha. of Deemed forest land for lime stone mining at Mynkre, Jaintia Hills Forest Division, East Jaintia Hills District, Meghalaya subject to the general, standard and following specific conditions:
- i. The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
  - ii. Action under section 3A/3B of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 be taken by Regional Office, Shillong and intimated to the Ministry before Stage- II approval.
  - iii. As per the proposal, Mining Lease grant order is valid up to 2030, however, Mining Plan along with Progressive Mine Closure Plan is submitted for the period 2020-21 to 2024-25. Revised mining plan to be submitted along with Stage- I compliance report.
  - iv. DGPS map of area proposed for diversion shall be submitted along with Stage- I compliance report.
  - v. The Stage-II approval in the instant case shall only be considered after the required Stage-I approval for the cement plant area of the User Agency situated on adjoining 32.693 Ha forest land for which the proposal has already been submitted by the State Govt..

#### Agenda No. 6

File No. 5-ORB557/2023-BHU

**Sub:- Proposal for seeking *ex-post facto* approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 for**

**diversion of 1.849 ha of forest land for implementation of Dhamra-Haldia Pipeline (DHPL) Project, a spurline of Jagdishpur-Haldia-Bokaro-Dhamra Pipeline (JHBDPL) Project in Bhadrak, Balasore & Mayurbhanj District of Odisha pertaining to 3 Divisions i.e. Bhadrak (WL) Division (0.3762 ha of forest land), Balasore (WL) Division (1.1921 ha of forest land) and Baripada Division (0.2807 ha of forest land by GAIL (India) Ltd.**

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 26.12.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), RO, Bhubaneswar and CCF, Government of Odisha were present in the meeting during the discussion of the above proposal. The AC after thorough deliberation and discussion observed the following:
4. The above mentioned proposal has been forwarded by the Regional Office, Bhubaneswar since the proposal involves violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
  - i. The extant proposal relates to diversion of 1.849 ha of forest land for laying of 18" dia underground pipeline to supply Natural Gas along with optical fibre cable across Bhadrak (WL) Division (0.3762 ha), Balasore (WL) Division (1.1921 ha) and Baripada.
  - ii. The proposed pipeline is crossing from three forest divisions namely Bhadrak WL Division, Balasore (WL) Division and Baripada Division. The legal status of the proposed forest land is Revenue Forest, Sabik Forest and DLC Forest.
  - iii. Total land involved in this project is 309.1056 ha, out of which 1.849 ha is forest land (Revenue Forest 0.7998 ha + Sabik Forest 0.0539 ha + DLC Forest 0.9953 ha) and 307.2566 ha is non-forest land.
  - iv. The Division wise breakup of the total land involved in the project is furnished below:

Sl. No.	Division	Forest land involved (in ha)				Non-forest (in ha)			Grand Total (in ha)
		Revenue Forest	Sabik Forest	DLC Forest	Total Area	Govt. land	Private land	Total Area	
1.	Bhadrak (WL)	0.0388	0	0.3374	0.3762	7.4555	80.7582	88.2137	88.5899

2.	Balasure (WL)	0.4803	0.0539	0.6579	1.1921	10.7646	177.0435	187.8082	189.0003
3.	Baripada	0.2807	0	0	0.2807	2.7802	28.4545	31.2347	31.5154
<b>Total</b>		<b>0.7998</b>	<b>0.0539</b>	<b>0.9953</b>	<b>1.8490</b>	<b>21.0003</b>	<b>286.2562</b>	<b>307.2566</b>	<b>309.1056</b>

- v. Total 33 nos. of trees and 80 no. of Bamboo clumps have been enumerated over proposed forest land. Similarly, 167 nos. of trees and 202 nos. of Bamboo clumps have been enumerated over non-forest land of the project.
- vi. The DFO, Balasure has reported that the proposed patches exist at a distance of more than 08 Km from Kuldiha Wildlife Sanctuary and more than 20 Km from Chandipur RF. The DFO, Baripada has reported that the applied forest land is at distance of 5 Km from Totapada RF. The DFO, Bhadrak (WL) in online Part-II has reported that approximate distance of the project is 15 Km from nearest forest boundary.
- vii. State Govt. has reported the applied area does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor etc. also the applied area is not part of any Eco-Sensitive Zone of any Protected Area. There are no protected archaeological heritage site/defense establishments or any other important monument is located in area applied. The DFOs have reported that there is no rare/endangered/unique species of flora and fauna available in the project area. However, the DFO, Baripada has reported that fauna namely monkeys, reptiles, snakes, lizards, mongoose etc. are seen. The occasional movement of wild elephant reported in Totapada RF which is 5 Km from the proposed project area.
- viii. The DFOs of Bhadrak (WL) & Balasure (WL) Division have reported that the user agency has not violated the Forest (Conservation) Act, 1980.
- ix. However, the DFO, Baripada has reported that the pipeline laying work has been found completed with respect to an area of 0.2379 ha of forest land in violation of FC Act, 1980 since 15.06.2022. The detailed land particulars are mentioned below:

Sl. No	Mouza	Plot No.	Kisam as on 25.10.80	Map area (in ha)
1.	Kaniphulia	82	Forest	0.0362
2.		83	Forest	0.0451
3.	Shikarkhuntha	82	Forest	0.1423
4.		83	Forest	0.0088

5.		84	Forest	0.0055
<b>Total</b>				<b>0.2379</b>

- x. In lieu of 1.849 ha of forest land proposed for diversion, State Govt. has identified 4.2 ha of degraded forest land in Nuagaon RF under Betnoti Range of Baripada Forest Division under Mayurbhanj District for raising compensatory afforestation. The DFO, Baripada has furnished the CA land suitability certificate. The certificate regarding no plantation has been carried out previously on the identified CA land furnished by the DFO, Baripada. The certificate of non-encroachment and non-encumbrance over the CA land is furnished. The DFO, Baripada has prepared CA Scheme over 4.2 ha of degraded forest land @ 1600 plants per ha with 10 years maintenance along with provision of SMC measures, watering and vegetative fencing around the plantation. The PCCF (Nodal), Odisha has technically approved the C.A. Scheme for a financial outlay of ₹23,96,900/- as per approved onetime cost norms basis.
- xi. All the concerned DFOs, CFs, Nodal Officer and the State Govt. has recommended the proposal.
- xii. As the proposal involves violation of the Van (Sanrakshan Evam) Samvardhan) Adhinyam, 1980 as the user agency, has laid pipeline over 0.2379 ha of Revenue forest land under 2 nos. of villages such as Sikharkhunta and Kainphulia under Betanati Tahasil of Mayurbhanj district in Baripada Forest Division without prior approval under the Adhinyam.
- xiii. Regarding whether construction has been done prior to submission of proposal or after submission of the proposal, the State has informed that no project work under Baripada Forest Division has been implemented over Revenue forest land of (0.0428 ha of Gramya Jungle) in mouza-Muruda under Rasgobindapur Tahasil. Construction work has been carried out and pipeline laying work has been completed in the area of 0.2379 ha of forest land (in Mouza-Kainphulia: 0.0813 ha and Mouza Shikharkhunta: 0.1566 ha) under Betnoi Tahasil prior to submission of the proposal. The report submitted by the Addl. District Magistrate, Mayurbhanj.
- xiv. As per DSS analysis, the area under non-forestry activity appeared to be more; however, the state has reconfirmed the area under violation as 0.2379 ha only.
- xv. The DFO, Balasore (WL) Division in his compliance report has reported that no non-forestry activity has been undertaken over the forest land by GAIL India Ltd. in Jaleswar, Basta, Bhograi, Remuna & Bahanaga Tahasils coming under the jurisdiction of Balasore (WL) Division. The report submitted by the Addl. District Magistrate, Balasore.
- xvi. The RCCF, Bhubaneswar Circle has reported that no construction has been in proposed diversion area pertaining to Bhadrak (WL) Division.
- xvii. Regarding action taken by Revenue officials for allowing construction in Revenue Forest land without forest clearance, the State has reported that

the Addl. District Magistrate, Mayurbhanj vide his letter No.1336 dated 01.07.2024 addressed to DFO, Baripada has submitted enquiry report along with a copy of action taken report submitted by the the Tahasildar, Betnoti and Tahsildra, Rasgobindpur. The Addl. District Magistrate, Mayurbhanj has reported that neither the Tahasildars have given any permission to the Executive Agency nor the Executive Agency have informed the concerned Tahasildars before starting the project work. As per report of Tahsildar, Betnoti the sabik status of the land is Jungle kissam and in Hal RoR it is Sarada, Patita, Rasta, Nadi and Chaka etc. and as per report of Tahasildar, Rasgobindapur the Hal Kisam of the proposed plot is Gramya Jungle.

- xviii. As per the report of Tahasildars there was no forest growth in which the agency has already undertaken the digging work for laying pipeline. For its illegal activity of the Agency, the Tahasildar, Betnoi has already imposed penalty of ₹30,000/- only which has been realized vide Money Receipt dated 02.12.2023.
- xix. The RCCF, Bhubaneswar Circle has reported that no construction has been in proposed diversion area pertaining to Bhadrak (WL) Division.
- xx. The proposal was discussed in the REC meeting held on 30.10.2024. The Committee deliberated up the proposal and examined the reply of the State Govt. The State Govt. has reported that the construction work has been carried out and pipeline laying work has been completed in the area of 0.2379 ha of forest land (in Mouza-Kainphulia: 0.0813 ha and Mouza Shikharkhuntha: 0.1566 ha) under Betnoi Tahasil prior to submission of the proposal. The Tahasildar, Betnoti has imposed penalty of ₹30,000/- against Project Authority for use of revenue forest land for non-forestry activities. Further, State Govt. reported that neither the Tahasildars have given any permission to the Executive Agency nor the Executive Agency have informed the concerned Tahasildars before starting the project work. As per the report available as the land in question belongs to Raiyats, the user agency contacted the Raiyats and did the work.
- xxi. Since, the proposal involves violation of the provisions of the Adhinyam, as per Rule 10 (2) of Van (Sanrakshan Evam Samvardhan) Rules, 2023 and REC has recommended the proposal and Regional Office has forwarded the proposal to the Ministry for further necessary action. Keeping in view the fact the area involved is small and the proposal has been recommended by the REC, the site inspection have not been insisted in view other similar cases dealt in the past.
- xxii. The REC observed that the case comes under Para 1.16 (i) (a) of Chapter-1of Consolidated Guidelines issued under Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023. The Committee decided to recommend the proposal to Ministry with following condition:
- a. The State Govt. shall realize 5 times Penal NPV (for the area violated) from the user agency for unauthorized use of forest land

for non-forestry purpose from the date of commence of work with 12% interest.

- xxiii. As per the DSS analysis, proposed forest area for pipeline is located at an approx. aerial distance of 6.95 km from Kuldiha WLS. As per the notification of ESZ, the extent of the Eco-sensitive Zone varies from 0 (along the urban areas/ NAC areas adjoining the boundary on Eastern side), to 7 kms, on Western side around the Kuldiha Wildlife Sanctuary and zero extent is towards Eastern side adjoining the boundary along the NAC and urban areas and the area of the Eco-sensitive Zone is 219.88 square kilometers. The proposed forest land is on Eastern side of the WL.
- xxiv. On the analysis of the KML file of the proposed compensatory afforestation area it has been observed that pits are visible over the DFL area proposed for CA (as per the satellite imagery available on 29.04.2010). The suitability of the CA area in view of the same needs to be ascertained by the state.

5. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Bhubaneswar and CCF, Govt. of Odisha, recommended the proposal for grant of **'in-principle'** approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 for diversion of 1.849 ha of forest land for implementation of Dhamra-Haldia Pipeline (DHPL) Project, a spurline of Jagdishpur-Haldia-Bokaro-Dhamra Pipeline (JHBDPL) Project in Bhadrak, Balasore & Mayurbhanj District of Odisha pertaining to 3 Divisions i.e. Bhadrak (WL) Division (0.3762 ha of forest land), Balasore (WL) Division (1.1921 ha of forest land) and Baripada Division (0.2807 ha of forest land by GAIL (India) Ltd, subject to the general, standard and following specific conditions:

- i. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
- ii. Action under section 3A / 3B of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 shall be initiated for violation of the provisions of Adhinyam.
- iii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.
- iv. It has been observed that pits are visible over the DFL proposed for CA (as per the satellite imagery available on 29.04.2010). The suitability of the CA area in view of the same shall be ascertained by the state and if needed alternate DFL shall be provided for CA and requisite details shall be submitted prior to final approval.



## Agenda No. 7

File No. 5-ORC636/2024-BHU

**Sub: Proposal for seeking *ex-post facto* approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhna) Adhiniyam , 1980 for Diversion of 5.127 ha of forest land (4.837 ha in Athamallik Division + 0.29 ha in Boudh Division) for construction of 132/33 KV transmission line from Grid Sub-station at Boudh to proposed 220/132/33 KV Grid Sub-station at Kiakata, Angul by Dy. General Manager (Elect), EHT Construction Division, OPTCL, Angul.**

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 26.12.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), RO, Bhubaneswar and CCF, Government of Odisha were present in the meeting during the discussion of the above proposal. The AC after thorough deliberation and discussion observed the following:
  - i. The proposal is for construction of Tr. Line and being a linear proposal it was dealt at the RO level. Due to involvement of the violation of the Adhiniyam the RO as per Rule 10 (4) of the Van (Sanrakshan Evam Samvardhna) Rules, 2023 has sent this proposal to the Ministry.
  - ii. The State Govt. has informed that the OPTCL proposed to construct a 132 KV/DC transmission line from 220/132/33 KV Grid Sub-Station at Boudh and the line has been connected with the newly constructed Grid Sub-Station at Kiakata, Angul District of Odisha over a distance of about 19.324 Km. Out of total length of 19.324 Km, the length passing through forest area is 2.028 Km and over non-forest area having length of 17.296 Km. The RoW of the transmission line is to be maintained over 27 meter. Total 73 nos. of Towers to be erected for construction of transmission line, out of which 9 nos. of towers will be in forest area and 64 nos. of towers in non-forest land. The project will supply EHT voltage, which will ensure un-interrupted power supply to the local area as well as for sustainable power supply outages and to prevent inconveniences. Uninterrupted power supply and to prevent low voltage of the locality will also help to provide better service. Total cost of the project has been estimated at ₹17,80,38,000/-. The project will generate regular employment to 15 nos. persons and temporary employment to 5000 men per day.
  - iii. Giving justification, State Govt. reported that the construction of 132/33 KV transmission line from existing Grid Sub-station at Boudh to proposed Grid Sub-station at Kiakata in the district of Angul is very much needed in order to make the 132 KV system voltage level stable in the

network connecting to Grid Sub-station at Kiakata to Katapali. The proposed 132/33 KV Grid Sub-station at Kiakata is also required to share the load of Boudh and will improve the voltage profile of the area. Some part of the Athamallik Tahasil mostly rural belt is suffering from low voltage and power interruption. The area is also rich in agricultural products like rice, sugarcane and vegetables. The area is also huge source of water supply. Because of this huge demand in agricultural products State Govt. is planning for many mega lift projects which could not be feasible because of voltage profile and multiple interruption of power supply. Hence, the proposed transmission line is very needful for supply of uninterrupted power and to pacify low voltage problem in the area and to supply & cater the power to newly proposed Grid Sub-station at Katapalli in the District of Sambalpur to distribute and enhance the power supply in the Western districts of Odisha. The three alternate route alignment has explored by the user agency. In first alternative the area and no. of trees were less so the option 1 have been selected.

- iv. Total land involved in this project is 49.555 ha comprising of 5.127 ha of Revenue forest land and 44.428 ha of non-forest land (Govt. non-forest 10.357 ha + Private non-forest 34.055 ha). The Division wise total land required for the project the project is furnished below:

Sl. No.	Division	Forest Area (in ha)		Non-forest Area (in ha)			Grand Total (in ha)
		Revenue Forest	Total Forest	Govt. Non-forest	Private non-forest	Total non-forest	
1.	Boudh	0.290	0.290	2.485	6.559	9.044	9.334
2.	Athamallik	4.837	4.837	7.872	27.496	35.368	40.205
<b>Grand Total</b>		<b>5.127</b>	<b>5.127</b>	<b>10.357</b>	<b>34.055</b>	<b>44.412</b>	<b>49.539</b>

- v. The purpose wise break up of total land required in the project is furnished below:

Sl. No.	Component	Revenue Forest land (in ha)	Non-forest land (in ha)	Total land (in ha)
1.	Foundation Casting (AP & Suspension tower)	0.034	0.290	0.324
2.	Passing of transmission line	5.093	44.138	49.231
<b>Total</b>		<b>5.127</b>	<b>44.428</b>	<b>49.555</b>

- vi. Total 279 trees have been enumerated over Revenue forest land and 670 no. of trees are over non-forest land involved in the project in both Division. The species wise & girth class wise and abstract of tree

enumerated over forest and non-forest land in the project has been furnished. The Division wise tree enumerated is furnished below:

Division	No. of trees over Forest land	No. of trees over non-forest land	Total nos. of trees enumerated
Athamallik	279	648	927
Boudh	0	22	22
<b>Total</b>	<b>279</b>	<b>670</b>	<b>949</b>

- vii. The DFO, Athamallik reported that in the area moderate erosion is expected and the DFO, Boudh has reported that there is no remarkable vulnerability noticed in this area.
- viii. The DFO, Athamallik reported that distance of the proposed site for diversion is 1.4 Km from East Baruni RF. Similarly, the DFO, Boudh has reported that site for diversion is 5 Km from forest boundary.
- ix. The DFOs have reported that the applied area does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. and the applied area is not part of any Eco-Sensitive Zone of any Protected Area.
- x. No protected archaeological/heritage/defence establishment or any other important monument is located in the applied area.
- xi. The DFO, Boudh has reported that no violation has been committed by the User Agency of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- xii. However, the DFO, Athamallik has reported that violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 has been noticed at various angle points and suspension points have been constructed over 7 nos. of forest patches (GPS co-ordinate provided) without obtaining prior approval of the Central Govt.. The DFO, Athamallik has submitted the action taken report of Tahasildar, Athamallik against the OPTCL authorities for their unauthorized encroachment on Revenue forest land over 0.553 ha. In this connection the Tahasildar, Athamallik vide letter No.110 dated 24.01.2024 has reported that 9 nos. of encroachment cases were initiated against the OPTCL authorities as per OPLE Act, 1972 and Form Ka and Kha has been issued to the encroacher. The Tahasildar, Athamallik has also further reported that the electric tower constructed earlier have been demolished by the OPTCL, EHT (Construction) Division, Angul and the land is now free from encroachment. In this regard, copy of Memo No.19130 dated 25.09.2023, Memo No.384 dated 01.02.2024 of RCCF, Angul along with the letter of the Tahasildar, Athamallik letter dated 24.01.2024 is given.
- xiii. In lieu of 5.127 ha of forest land proposed for diversion, State Govt. has identified 11.50 ha of degraded Reserved Forest land at Northern RF (Compartment No.24) under Handapa Range of Athamallik Forest Division for raising compensatory afforestation. The DFO, Athamallik has furnished the land suitability certificate. The DFO, Athamallik has prepared the CA Scheme over 11.50 ha degraded reserve forest @ 1000 seedlings per ha in AR with Gap

Plantation mode over 5.127 ha = 5127 nos. of seedlings to be planted over the identified degraded reserve forest. The canopy density of the degraded RF land selected for raising CA is below 40% with required SMC measures to be taken up including the provision of fencing around the plantation and watering provision with 10 years of maintenance.

- xiv. The committee observed that though an area of 11.50 ha DFL has been proposed for Compensatory afforestation, however the plantation has been proposed over 5.127 ha area only. The State has to ascertain that DFL identified is suitable for CA and carry plantation over the entire area. The CA scheme shall be accordingly submitted before stage-II approval.
- xv. The proposal was being delt at the RO level. After the examination of the proposal the RO vide letter dated 08.04.2024 has sought certain information from the State Govt. and the state vide letter dated 18.05.2024 has submitted their reply. The details are as below:

Sl. No.	Information asked by the RO	Reply given by the State Govt.
1.	<i>The DFO, Boudh has reported that no violation has been committed by the user agency under FC Act, 1980. However, as per DSS report, one tower has been erected over forest land in violation of FC Act, 1980. Detail extent of forest land used and action taken report by Revenue authority against the erring Revenue officials and the user agency responsible for causing diversion of forest land may be furnished.</i>	The RCCF, Berhampur has reported that a joint site inspection have been made to the site in question involving forest officials DFO, Boudh & other revenue officials of Harbhanga Tahasil & OPTCL officials on 17.04.2024 to ascertain the position of towers on forest land proposed to be diverted as per the observation of Govt. of India. During joint site inspection it was revealed that none of the towers have been erected on forest land proposed for diversion, rather three nos. of towers have been found to be erected on non-forest land involved in the project at village Landibandh and Pipalkata under Harbhanga Tahasil of Boudh district. In that regard the report of the DFO, Boudh vide Memo No.2480 dated 30.04.2024 is self-explanatory. The joint inspection reported dated 17.04.2024 of the forest, revenue and OPTCL officials reveals erection of towers on non-forest land adjacent to forest area proposed for diversion has been provided.

- xvi. The proposed area has been inspected by DIGF (Central), RO Bhubaneswar and the DDGF (C) has sent the instant proposal to the Ministry along with the

recommendation to charge with 5-time penal NPV, penal CA and action against erring officials.

- xvii. Further, the committee observed that the length of the proposed Tr. Line is 19.324 KM and RoW for 132KV Tr. Line is 27 meter. However, the total area including forest and non-forest land involved in the proposal has been mentioned as 49.555 ha. whereas keeping in view a length of 19.324 kms and width of 27 meters the total area involved comes out to be 52.17 ha. The state has to reexamine the same and recheck the exact length of the transmission line and intimate the total area involved keeping in view the minimum 27 meters width of the RoW of the Transmission line.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Bhubaneswar and CCF, Govt. of Odisha, recommended the proposal for grant of *'in-principle'* approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhna) Adhiniyam, 1980 for diversion of 5.127 ha of forest land (4.837 ha in Athamallik Division + 0.29 ha in Boudh Division) for construction of 132/33 KV transmission line from Grid Sub-station at Boudh to proposed 220/132/33 KV Grid Sub-station at Kiakata, Angul by Dy. General Manager (Elect), EHT Construction Division, OPTCL, Angul district of Odisha State, subject to the general, standard and following specific conditions:
- i. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
  - ii. Action under section 3A / 3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be initiated for violation of the provisions of Adhiniyam.
  - iii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.
  - iv. The length of the proposed Tr. Line is mentioned as 19.324 KM and RoW for 132KV Tr. Line is 27 meters. However, the total area including forest and non-forest land involved in the proposal has been mentioned as 49.555 ha. Whereas, keeping in view a length of 19.324 kms and width of 27 meters the total area involved comes out to be 52.17 ha. The state shall re-examine the same and recheck the exact length of the transmission line and area involved keeping in view the minimum 27 meters width of the RoW of the Transmission line. The further action as appropriate shall be taken by the state and a detailed report shall be submitted.
  - v. An area of 11.50 ha DFL has been proposed for Compensatory afforestation, however the plantation has been proposed over 5.127 ha area only. The State has to ascertain that DFL identified is suitable for CA

and carry plantation over the entire area. The CA scheme shall be accordingly submitted before final approval.

### Agenda No. 8

File No. 5-ORC603/2023-BHU

**Sub: Proposal for ex-post facto approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 for diversion of 6.56 ha of forest land for construction of Bolangir Bypass Road (West) by the Executive Engineer, NH Division, Bolangir under Bolangir Forest Division-**

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 26.12.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), RO, Bhubaneswar and CCF, Government of Odisha were present in the meeting during the discussion of the above proposal. The AC after thorough deliberation and discussion observed the following:
  - i. The above-mentioned proposal has been forwarded by the Regional Office, Bhubaneswar since the proposal involves violation of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.
  - ii. The extant proposal relates to diversion of 6.56 ha of forest land for construction of Bolangir Bypass Road (West) by the Executive Engineer, NH Division, Bolangir under Bolangir Forest Division, Odisha.
  - iii. The legal status of the proposed forest land is Revenue Forest. Total 4378 nos. of trees have been enumerated, out of which 1507 nos. of trees including 37 nos. of Bamboo clumps are in the forest land and 2871 no. of trees are in the Private Non-forest land. The density of the vegetation is 0.4 and eco class value is III.
  - iv. The DFO, Bolangir reported that the approximate distance of the proposed site for diversion is 1.6 Km from Kadalimunda RF and 0.5 Km from Khersel RF.
  - v. The DFO, Bolanagir has reported that the applied area does not form part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. and is not located within the Eco-Sensitive Zone of any Protected Area.
  - vi. No protected archaeological/ heritage/ defence establishment or any other important monuments is located in the applied area.
  - vii. Details of violation: In this case, the user agency, i.e. NH Division, Bolangir has carried out road works by spreading fly ash. The user agency has removed 10 (ten) nos. of trees. The user Agency has constructed one

culvert. There is one existing footpath road and the violated area is being used for daytime parking of heavy vehicles. The State Government has reported that all the Revenue Inspector have been directed to keep strict vigil on the maintenance of Jungle Kissam land to stop any sort of construction activity or encroachment over the land.

- viii. In lieu of 6.56 ha of forest land proposed for diversion, State Govt. has identified 13.876 ha or say (2 X 6.56=13.12 ha) of degraded revenue forest land in village Sindurabahal under Bolangir Tahasil of Bolangir District. The Collector, Bolangir has allotted the degraded revenue forest land for raising C.A. The DFO, Bolangir has furnished land suitability certificate for raising C.A. The DFO, Bolangir has prepared the C.A. Scheme over 13.876 ha of degraded revenue forest land in AR Block Plantation mode @ 1000 seedlings per ha with required SMC measures to be taken up including the provision of Bamboo twig and thorn fencing around the plantation and watering provision with 10 years maintenance.
- ix. The State Govt. has reported that the Environmental Clearance is not required for this project being linear project as per MoEF&CC, GoI Notification 2006.
- x. The State Govt. has reported that the project does not warrant displacement of any human habitation and therefore resettlement and rehabilitation plan is not required for this project.
- xi. The user agency has furnished the FRA certificate issued by the Collector, Bolangir vide Memo No.346 dated 27.01.2022 over an area of 16.204 Ac/6.56 ha.
- xii. The State Govt. has reported that NH-201 & NH-224 passes through Bolangir town with built up area on either side and meets at a level crossing at Km 229 of NH-224. Vehicles carrying forest products, agriculture products, and heavy minerals etc. ply through Bolangir Township as there are no alternate arrangement for diversion of traffic. Thus, it is felt necessary to provide ROB's with bypass road for both NH-201 and nh-224 for Bolangir township for smooth movement of heavy traffic. The probable length of the proposed bypass as assessed is approximately 11.663 Km in length which starts at 239 Km of NH-201 and meets NH-201 of 246.800 Km and crosses NH-224 at 297 Km by providing this bypass a length of 7.00 Km of NH-201 and 3.00 Km of NH-224 can be eliminated.
- xiii. Total land involved in this project is 69.15 ha comprising of 6.56 ha of forest land (Revenue Forest) and 62.59 ha of non-forest land (Private non-forest 55.59 ha + Govt non-forest 7.00 ha). The land schedule of the forest & non-forest has been furnished. The purpose wise break up of total land involved in this project is furnished below:

S. No.	Purpose	Revenue Forest (in ha)	Private Non-forest (in ha)	Govt. Non-forest (in ha)	Total (in ha)
1	Construction of bypass road	6.56	55.59	7.00	69.15

<b>Total</b>	<b>6.56</b>	<b>55.59</b>	<b>7.00</b>	<b>69.15</b>
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xiv. The Regional Office vide letter dated 29.09.2023 has sought certain information from the State Govt. In compliance, the Nodal Officer, Odisha vide letter dated 26.12.2023 has furnished the point wise reply of the observations which are follows:

i.	<p>The DFO, Bolangir reported that no violation has been committed by the user agency under F.C. Act, 1980. However, as per DSS analysis, violation is observed in some portion of forest land proposed for diversion. Detail action taken report &amp; extent of forest area used under violation of FC Act, 1980 along with name and designation of erring officials responsible for violation causing diversion of forest land for non-forestry purpose may be furnished.</p>	<p>In compliance, State Govt. has submitted the reply of Executive Engineer, NH Division, Bolangir's letter dated 10.11.2023 &amp; Joint verification report dt.28.10.2023. The following has been furnished:</p> <ul style="list-style-type: none"> <li>a. In DSS analysis/ Google imagery, violations on revenue forest land are observed at 8 nos. plots. This is due to the absence of any clear demarcation between forest and non-forest land. So while preparing for the execution of work and during vehicular movement in the private land, the fly ash was mistakenly spread over adjoining revenue forest land which was later removed completely without harming any vegetation.</li> <li>b. In Bijkhaman village, the revenue forest in plot No.1733 &amp; 1712, the land is temporarily being used as Truck parking during the no-entry period to Balangir Town from 6.00 AM to 10 PM. The track path shown in Plot NO.1486 &amp; 1525 is actually a footpath, used by the local villagers since long back.</li> <li>c. In Bishnumunda village, the revenue forest in Plot No.1120 &amp; 843, it has occurred due the reason as mentioned in (a) above.</li> <li>d. In Puintala village, the revenue forest in Plot No.1172 &amp; 1187, it has occurred due to the same reason as mentioned in (a) above.</li> </ul>
ii.	<p>The concerned Tahasildar has not furnished non-encroachment &amp; non-encumbrance certificate of CA land identified with the proposal. Agricultural activities</p>	<p>In compliance, State Govt. has furnished Joint verification report of CA land duly signed by Tahasildar-cum-Executive Magistrate, Bolangir and DFO, Bolangir. It is certified in the Joint Verification report that</p>



	and un-metalled road are observed in CA patches. This may be clarified by the State Govt. in view of the suitability of CA land and encroachment free land.	the a) above degraded forest/non-forest govt. land is in compact patches of 5 ha or more having adequate soil depth suitable for plantation from management point of view, b) the above Govt. land is free from encroachment and encumbrance.
iii.	The user agency has not furnished KML file of entire proposed road alignment with the proposal.	In compliance, the user agency has furnished KML file of entire proposed road alignment in CD Form.

- xv. The Regional Office vide letter dated 23.01.2024 has sought additional information from the State Govt. In compliance, the PCCF (Nodal), Odisha has furnished the point wise compliance of observations, which are follows:

i	Detail action taken report by Revenue authority & extent of forest area used under violation of FC Act, 1980 along with name and designation of erring officials responsible for violation causing diversion of forest land for non-forestry purpose has not been furnished by the State Govt.	<p>The RCCF, Bhawanipatna reported that the Executive Engineer, NH Division, Balangir was asked to submit the action taken report against the erring officials for the above violation vide Memo No.5225 dated 25.06.2024 of DFO, Balangir.</p> <p>In reply, the Executive Engineer, NH Division, Balangir vide his letter No.1662 dated 06.07.2024 stated that the fly ash was dumped inadvertently over Plot No.1172 &amp; 1187 under Puintala village of Puintala Tahasil due to space constraints and embankment construction work over the non-forest private land.</p> <p>Regarding removal of 10 nos. of trees, the Executive Engineer, NH Division, Balangir has informed that due to lack of round-the clock vigil, the trees have been uprooted.</p> <p>In case of Plot No.1120 &amp; 843 under Bishnumunda village &amp; Plot No.1712 &amp; 1713 under Bijakhaman village both under Balangir Tahasil, the fly ash was dumped inadvertently due to space constraint &amp; presence of buildup area and the act of construction of culvert on Plot No.1712 of Bijakhaman village was done on deliberately.</p> <p>As stated, the Plot No.1712 &amp; 1733 is being used as Seasonal market and Parking place of vehicle during no entry period in Balangir Town &amp; no violation have</p>
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	<p>been noticed.</p> <p>In this regard, the contractor (Sri Durga Condev (P) Ltd., Tarola, Jagatpur) has been warned not to carry out any works over the said plot until receiving working permission from the competent authority vide letter No.1619 dated 05.07.2024 of the Executive Engineer, NH Division, Balangir. Furthermore, he has stated that the fly ash has been completely removed from the specified plots and no land breakage has been occurred. The detailed compliance report submitted by the Executive Engineer, NH Division, Balangir vide his letter No.1662 dated 06.07.2024 is enclosed.</p> <p>The Tahasildar, Puintala was asked to submit the action taken report against the erring officials for the above violation vide Memo No.5234 dated 25.06.2024 of DFO, Balangir.</p> <p>In reply, the Tahasildar, Puintala vide his letter No.1496 dated 06.07.2024 has submitted the action report regarding the above mentioned violation over the forest land wherein all the Revenue Inspectors have been directed to keep strict vigil on the maintenance of Gramya Jungle Kissam land to stop any sort of construction activity or encroachment over the land as mentioned above.</p> <p>Similarly, the Tahasildar, Balangir was asked to submit the action taken report against the erring officials for the above violation vide Memo No.5228 dated 25.06.2024 of the DFO, Bolangir.</p> <p>In reply, the Tahasildar, Balangir vide his letter No.2379 dated 09.07.2024 has submitted the action taken report regarding above mentioned violation over the forest land wherein all the Revenue Inspector of his office have been directed to keep strict vigil on the maintenance of Patra Jungle Kissam land to stop any sort of construction activity or encroachment over the land. Regarding violation made over plot No.843, 1120 of village Bishnumunda and Plot No.1712 &amp; 1733 under village Bijakhaman under Balangir Tahasil all having kissam as Patra Jungle, letter No.1631 dated</p>
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		05.07.2024 of Executive Engineer, NH Division addressed to Tahasildar, Balangir.
ii	As per examination of KML file of entire alignment in DSS and it appears from the google time series that vegetation has been removed and there has been an attempt to construct the road on the aforesaid plots and violation over 0.533 ha forest land has been observed in Plot No.1733, 1712, 1120, 843, 1172 & 1187. The reply of the the query raised appears to be an eyewash. The violation over the forest land may be properly be detected jointly by the DFO concern and Revenue officials.	The RCCF, Bhawanipatna reported that one Joint field verification was conducted on 22.04.2024 in presence of revenue officials of both Balangir & Puintala Tahasil, officials from NH Division, Bolangir and forest officials of Balangir Forest Division. All the revenue plots identified for the diversion of 6.56 ha of forest land for the construction of the Balangir By-Pass road by NH Division, Balangir were verified jointly and such joint verification report is placed. During verification, it was observed that the user agency, i.e. NH Division, Balangir has carried out road works by spreading fly ash on Plot No.1172 & 1187 under Khanta No.218 of Puintala village under Puintala Tahasil, Plot No.843 and 1120 under Khata No.319 of Bishnumunda village under Bishnumunda village Balagir Tahasil. Further, it was also found that 10 nos. of trees have been removed from Plot No.1172 under Khata No.218 having kissam Gramya Jungle of Puintala village under Puintala Tahasil. For plot No.1712 & 1733 under Khata No.615 having Kissam as Patra Jungle of Bijakhaman village, there is one existing earthen road and the violated area as observed is being used for daytime parking of heavy vehicles during no entry period to Balangir Town from 6.00 AM to 10.00 PM. Further, it was observed that one culvert has been constructed over Plot No.1172 under Khata No.615 of village Bijakhaman under Balangir Tahasil with a violation area over 0.17 acre. Total area of violation comes to 1.326 acres. The detailed Joint verification report along with phogographs over the area of violation plot wise is enclosed.

- xvi. Since, the instant proposal involves violation of Adhinyam, as per Rule 10 (2) (iv) of Van (Sanrakshan Evam Samvardhan) Rules, 2023 site inspection of the proposal was carried out by the DIGF (C) on 18.09.2024.
- xvii. The Deputy Director General of Forests (Central) has recommended the proposal for diversion of 6.56 ha of forest land for construction of Bolangir Bypass Road (West) in favour of Executive Engineer, NH Division, Bolangir. The DDGF (Central) has mentioned that in lieu of 6.56 ha of forest land proposed for diversion, State Govt. has identified 13.876 ha Degraded Revenue Forest land for raising compensatory afforestation.

The proposed area does not form a part of any National Park, Wildlife Sanctuary or Eco-Sensitive Zone of any Protected Area. It is reported that the user agency has encroached/violated over an area of 1.326 Ac. of Revenue Forest land without prior approval under Van (Sanrakshan Evam Samvardhan) Adhiniyam. 10 nos. of trees were removed from the proposed area. The DFO, Bolangir has booked case for cutting of trees. Since, the instant proposal is a public utility project, the proposal is recommended with the condition that 5 times Penal NPV, Penal CA may be imposed against 1.326 Ac of Revenue forest land and action against erring officials may be initiated besides the general standard conditions.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Bhubaneswar and CCF, Govt. of Odisha, recommended the proposal for grant of *'in-principle'* approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 6.56 ha of forest land for construction of Bolangir Bypass Road (West) by the Executive Engineer, NH Division, Bolangir under Bolangir Forest Division, subject to the general, standard and following specific conditions:
- i. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
  - ii. Action under section 3A / 3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be initiated for violation of the provisions of Adhiniyam.
  - iii. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.

#### **Agenda No. 9**

**Proposal No. FP/OR/MIN/50293/2020**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 134.69 ha of forest land for Expansion of Kulda Open Cast Coal Mining Project of Basundhara Area of Mahanandi Coalfields Limited in Sundargarh District under Sundargarh Forest Division (Proposal No. FP/OR/MIN/50293/2020).**

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 26.12.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), RO, Bhubaneswar and CCF, Government of Odisha were present in the meeting during the discussion of the above proposal. The AC after thorough deliberation and discussion observed the following:
  - i. The Government of Odisha vide their letter No. FE-DIV-FLD-0033-2024-7679/FE&CC dated 25.04.2024 submitted above subject proposal seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
  - ii. The proposal is for expansion of the existing coal blocks. The area proposed for expansion is 134.69 ha comprising 83.24 ha of RF, 51.45 ha of Revenue Forest land. The proposed Expansion of Kulda Open Cast Coal Mining Project involves total land of 295.62 ha, out of which 134.69 ha is of forest land (RF land 83.24 ha + Revenue Forest land 51.45 ha) and 160.93 ha non-forest land (Govt. non-forest land 64.69 ha + tenancy land 96.24 ha).
  - iii. The applied area does not form part of any National Park/ Wildlife Sanctuary/ Biosphere reserve, Tiger Reserve, Elephant Corridor, etc. No rare and endangered species available in the applied are for diversion.
  - iv. No violation has been committed by the user agency. However, in revenue forest, there are agricultural activities. Further, some hutments are also observed in revenue forest.
  - v. 305.59 ha degraded forest land has been identified in Pandripani RF, Sidarmunda RF, Punjipahar, RF, Punjipahad RF, Panikholia RF under Gopalpur Range of Sundargarh Forest Division for raising compensatory afforestation.
  - vi. The State has reported that the Rehabilitation and Resettlement benefits of the complete villages under Kulda Project i.e. Bankibahal, Kulda, Balinga, Tumulia, Siarmal as well as 09 other villages have already been undertaken by the Claims Commission, which has been set up by the Hon'ble Supreme Court of India in SLPC 6933 of 2007. The R&R benefits to the affected families of Bankibahal & Balinga have already been provided under Orissa K&R Policy 1998 and they have been resettled and for rest of the villages i.e. Kulda, Timulia, Starmal & some left out cases of village Bankibahal & Balinga, the same have been undertaken under Orissa R&R Policy 2006.
  - vii. The number of families affected due to current expansion of Kulda project is 975 families particularly in the villages of Tumulia and Kulda. The approval of R&R plan by the competent authority has been sought for and is still to be obtained. The User Agency has submitted an undertaking to this affect.
  - viii. Total area of Kulda Mine is 981.705 ha which involves 354.06 ha forest land and 627.645 non-forest land. The user agency has at present applied

for diversion of 134.69 ha of forest land under Forest (Conservation) Act, 1980.

- ix. The ministry has granted in-principle approval vide letter no. 8-176/1997-FC dated 25.07.2001 for diversion of 50.72 ha of forest land (45.71 ha of revenue forest land & 5.01 ha of Lalma R/F land) and vide letter no. 8-176/1997-FC dated 22.01.2002 granted in-principle approval for remaining additional forest land of 177.17 ha in addition to already granted 50.72 ha (total 227.89 ha) for Kulda OCP of M/s MCL for a period of 20 years in two stages respectively.
- x. Further, Ministry vide its letter no. 8-176/1997-FC dated 08.08.2007 granted final approval for diversion of 227.89 ha of forest land (as against initially proposed 280.86 ha) for Kulda OCP of MCL in Sundargarh District of Odisha.
- xi. The user agency has now applied for diversion of 134.69 ha of forest land for expansion of Kulda Open Cast Coal Mining Project. Kulda Expansion OCP mining operation was carried out in two phases. In Phase-1, surface boundary was restricted within notified lease area for which forest clearance has been obtained i.e. excluding Lalma Reserve Forest. In Phase-II, remaining part of the block was to be worked after obtaining forest clearance for this area. With the increase in demand, MCL now wants to expand the mine in Lalma Reserve forest area.
- xii. The details of breakup of forest and non-forest land as per Mining Plan are as follows:

S. No.	Component	Forest Land (ha)	Non-forest land (ha)	Total
1	Quarry excavation area	110.92	107.15	218.17
2	Infrastructure including Safety zone (7.5 m around mine boundary) and Embankment	9.84	49.28	59.12
3	External OB Dump	13.93	4.5	18.43
	<b>Total</b>	<b>134.69</b>	<b>160.93</b>	<b>295.62</b>

- xiii. The total area required for safety zone is 58.69 Ha in which 9.78 Ha is falling in the Forest Land.
- xiv. The RCCF, Rourkela Circle has reported that 30,441 no. of trees have been enumerated both in forest and non-forest land over 295.62 ha.
- xv. The State has intimated that the total forest land involved in Kulda OCP is 354.06 Ha. including 134.69 ha of area involved in the present proposal. However, an area of 8.52 ha has been re-diverted from infrastructure area of Kulda OCP for Basundhara

- Coal Washery, vide Letter No. 8-176/1997-FC (Vol.), dated 11.03.2019 of Gol MoEF & CC, (FC Division) New Delhi from an area of 227.89 ha which has been diverted earlier for Kulda OCP vide letter No. F. No. 8-176/1997-FC dated 08.08.2007. Therefore, the total forest area for Kulda OCP as per the current mining plan will be  $(227.89-8.52)+134.69 = 354.06$  Ha.
- xvi. RCCF, Rourkela Circle has reported that the Mining Plan of Kulda Expansion OCP has been revised from 18.75 MTPA to 21.00 MTPA, as the User Agency has already obtained an Environmental Clearance for a capacity of 21.00 MTPA for the existing Kulda OCP vide Letter bearing F.No. J-11015/10/1995-IA-II(M) dated 24.05.2022 of Gol MoEF & CC.
- xvii. Further, it has been reported that entire Cost Benefit Analysis has been revised by the DFO, Sundargarh Forest Division by taking into account the correct canopy density as mentioned in the online Part-II. In the revised calculation, the total cost of the project is ₹13,877.87 lakhs and the total benefit to the society is ₹7,31,675.23 lakhs. Hence, the cost benefit ratio is 1:52.72 which is enclosed.
- xviii. State has also informed that as per the EC conditions of all the running projects coming in Basundhara Coalfields like Siarmal OCP Kulda OCP & Garjanbahal OCP, a river conservation plan for Basundhara river along with all its rivulets like Chhattajor nallah for a span of 25 kms considering the impacts of all the coal mines in the area, has already been prepared and approved by State Water Works Department, Govt. of Odisha in Sep 2012. Accordingly, the complete work of conservation of Basundhara Rivet and its rivulets has been agreed us be carried out by the State Water Works Department in a phase wise manner on deposit basis, against which a DPR is expected to be submitted by State Water Works Department. The conservation plan covers the following activities at an approximate cost of ₹261 Crores:
- a. Construction of embankment along the river.
  - b. Providing Geo-mattress on riverside slopes for slope protection along with launching apron.
  - c. Providing dub grass turfing on countryside slopes for slope protection.
  - d. Providing Bathing ghats on the banks of Basundhara River.
- xix. The RCCF, Rourkela Circle has reported that the User Agency has submitted the compliance of FC conditions stipulated in the approval dated 08.08.2007 granted over 227.89 ha of forest land for Kulda OCP. Further, as per the stipulated conditions, the DFO, Sundargarh Forest Division has inspected the site on 25.07.2024. and details of monitoring report is enclosed. The Committee observed that the RO has also provided the monitoring report of the

conditions stipulated in the previous approvals. However, monitoring report of the conditions stipulated in the approval dated 11.03.2019 (for 29.41 ha) and status of violations if any needs to be ascertained.

- xx. The State Government has informed that as per approved Mining Plan and EC, Kulda OCP was being operated within a mining lease area of 634.205 Ha. The current expansion is for an additional lease area of 295.62 Ha making it 929.825 Ha. and as an area of 8.52 Ha of forest land was re-diverted for Basundhara Washery, the total lease area was revised to 921.305 Ha.
- xxi. Further, the DFO, Sundargarh Division vide his Memo No. 6722 Dtd 30.11.2024 has stated that, as per DSS analysis report, an area 10 Ha of water bodies was not included earlier and it is clarified that an area of 929.825 ha is comprised of 4 Ha as MDF, 678 Ha as Non-Forest, 132 Ha as open forest, 105 Ha as scrub and 10 Ha Water Bodies. The Committee observed that the detail of 10 ha water bodies needs to be examined and state shall provide the justification along with proposed mitigation measures if any for the inclusion of 10 ha water bodies in the project.
- xxii. The State Government has informed that the proposed Basundhara washery is a standalone project, which will be constructed near mine entry of Kulda OCP in the northern side. It is also proposed to install 3 nos. rapid loading systems by constructing Silos for fast evacuation of coal at Barpali Bulb. The washed coal shall be carried by the series of conveyors from the proposed washery to feed into the Silo located approximately 2.0 km from the washery site. The location of silo is proposed on the MGR loop connecting the railway line from Jharsuguda to Sardega near Barapali yard. The Washery project with clean coal corridor and Reject Storage site is planned to be set up in an area of 43.9 Ha, the details of which are as shown in the table below:

S. No.	Description of structure	Total land (Ha)	Type of land (Ha)		
			Forest	Govt.	Tenancy
1	Washery	19.32	18.07	0.54	0.71
2	Reject Storage Site	2.71	-	1.53	1.18
3	Reject conveying corridor	0.85	0.53	0.32	-
4	Clean coal Conv. corridor	21.02	10.81	1.94	8.27
	<b>Total</b>	<b>43.90</b>	<b>29.41</b>	<b>4.33</b>	<b>10.16</b>



- xxiii. Further, the DFO, Sundargarh Forest Divison has reported that, out of the 29.41 ha of forest land involved in the washery project, 8.52 Ha has already been diverted for infrastructure of Kulda OCP vide FC no. 8-176/1997-FC dated 8th August, 2007 which has been re-diverted for Basundhara Washery. Rest of the land i.e. 20.89 Ha Forest land and 14.49 Ha Non Forest land does not fall in Kulda Project and it is a separate project.
- xxiv. The State Government has informed that the habitation & cultivated land are visible within the proposed revenue forest patches. Further, it is to highlight that several land claims have been settled under the Forest Rights Act, 2006 (FRA) in the villages of Siarmal and Tumlia coming under this expansion project as per FRA Certificate issued by the Collector, Sundargarh with the list of Title holders vide letter No.5418 dt 21.06.2021 which is enclosed.
- xxv. Further, the DFO, Sundargarh has reported that no mining has been done in the expansion area of Kulda OCP. The roads visible within the proposed forest patches have been constructed for internal use related to forest conservation and management activities of Lalma Reserve Forest. These Kachha roads are not intended for public access, commercial use, or any form of development but were created to facilitate the maintenance, protection, and monitoring of the forest. The primary purpose of these roads is to ensure the effective management of the forest ecosystem, such as for activities related to fire control, anti-poaching patrols, and wildlife monitoring.
- xxvi. The State Government has informed that 305.59 Ha has been identified for CA for this project. The road, water body, cultivation land and plantation etc. have been taken into consideration and an effective area of 286.96 Ha have been considered for plantation. The road visible in patch 3 & 4 was the road existing since long, which was not taken up for plantation. The cultivated lands & water body are a part of FRA patta applied at FRC level but not finalised. However, these are also excluded from total CA area. As per DSS current analysis report, an area of 135.88Ha of land is suitable for plantation, out of 286.96Ha of identified CA land.
- xxvii. The Committee observed that since the CA is proposed over DFL, the state has to ensure that the forest area which is degraded and suitable for raising CA planation over an area twice in extent to the area proposed for diversion needs to be provided. The state shall also ensure that the entire area proposed for CA is free from all encumbrances.
- xxviii. The Regional Office, Bhubaneswar vide their letter dated 5-ORA656/2024-BHU dated 06.08.2024 submitted Site Inspection Report in response to Ministry's letter dated 11.06.2024. Following have been observed from the SIR:

- a. Kulda Open Cast Coal Mining Project in Sundargarh District is a project of Mahanadi Coalfields Ltd., a Government of India Public Sector Undertaking company dedicated to extract coal from different coal mines located in Odisha. Kulda geological block is located western part of Ib Valley Coalfields in Sundargarh District of Odisha. The block boundary is defined by the following:
- 1) North : Basundhara river,
  - 2) West : Chattjhor nalla, tributary of Basundhara River,
  - 3) East : Metamorphic exposure and
  - 4) South & South East : Line joining boreholes CMHG-103, 129, 123, 138 & adjacent to Garjanbahal block. The location of the site for coal mining operation fully depends upon nature's deposit of minerals and geological structure of the coal seam.
- b. As reported by the PCCF& HoFF, Odisha, Kulda OCP is coming under CIL block and has been dispensed by the Govt. of India. The complete land coming under the project in the villages of Kulda, Bankibahal, Balinga, Siarmal (P), Tumulia & Lalma RF in the district of Sundargarh, Odisha stands acquired by the Central Govt. and the ownership is vested with MCL. The details of notification against which the land was acquired under CBA (A&D) is mentioned below:

S. No.	Particulars	Block details	Date
1	Date of notification under Section 4 (i) of CBA (A&D) Act, 1957	Ib Block-XI	24.07.1987
2	Date of notification under Section 7 (i) of CBA (A&D) Act	Ib Block-XI	25.09.1989
3	Date of notification under Section 9 (i) of CBA (A&D) Act	Ib Block-XI	29.10.1990
4	Date of notification under Section 11(i) of CBA (A&D) Act	Ib Block-XI	30.03.1993

The village wise land acquired by Central Govt. and vested with MLC are as follows:

Ib Block-XI : Tiklipara (1743.85 Ac), Siarmal (852.34 Ac), Gopalpur (part) (140.67 Ac), Tumulia (2381.32 Ac), Karlikachhar (511.94 Ac), Kulda (542.85 Ac), Bankibahal (836.33 Ac), Balinga (1234.64 Ac), Garjanbahal (798.35 Ac), Kiripsira (1680.11 Ac), & Japti Jungle (Lalma RF) (420.00 Ac). Villages falling in Kulda OCP : Kulda, Bankibahal, Balinga, Tumulia, Siarmal (P) & Lalma RF.

Gopalpur sector of Ib-valley coalfield forms the north western part of Ib River coalfield which is a Greenfield area with huge mining potential. Detailed exploration was undertaken by CMPDI to assess the quarriable potentiality of coal seams with primary view of opening up of new mining project to the extent possible. This sector has high potential for open cast mining operations including the proposed project namely Kulda Expansion Opencast Project.

Kulda is a potential block having mineable reserve of about 266.49 million tonnes. Kulda Expansion OCP is a running project and has obtained all statutory clearances. Kulda OCP started its mining operations since 2007-08. Coal extracted is 86.70 MT and OB removed is 54.90 Mcum till 31.03.2020.

In earlier approved Mining Plan of Kulda Expansion OCP (Revision-1) (10 Mty to 15 Mty), mining operation was carried out in two phases. In Phase-1, surface boundary was restricted within notified area for which forest clearance has been obtained i.e. excluding Lalma Reserve Forest. In Phase-II, remaining part of block was to be worked after obtaining forest clearance for this area. With the increase in demand, MLC now wants to expand the mine in Lalma Reserve Forest area so as to enhance the production capacity to 18.75 Mty. The production capacity has been revised from 18.75 Mty to 21 Mty.

Earlier Govt. of India, MoEF&CC, New Delhi agreed for in-principle for diversion of 50.72 ha of forest land (45.71 ha of revenue forest land & 5.01 ha of Lalma RF land) for Kulda Open Cast Mines vide letter No.8-176/97-FC dated 25.07.2001 and remaining additional forest land 177.17 ha in addition to already granted 50.72 ha (total 227.89 ha) for Kulda OCP of M/s MCL vide letter No.8-176/97-FC dated 22.01.2002 for a period of 20 years in two stages respectively.

Further, the Govt. of India, MoEF&CC, New Delhi vide letter No.8-176/1997-FC dated 08.08.2007 has granted final approval for diversion of 227.89 ha of forest land (as against initially proposed 280.86 ha) for Kulda OCP of MCL.

The coal bearing area of the project with Reserve of about 266.49 MT (Mineable reserve) partially falls under the above forest land. The Opencast method of Mining has been chosen due to geo mining conditions for extraction of coal to meet the heavy demand of coal.

c. Item-wise break up details of the total land involved in the project:

Pattern of Utilization	of Forest land (in Ha)			Non-forest land (in Ha)			Grand Total Area (in Ha)
	RF.	Revenue Forest	Total Forest land	Govt. Non-forest land	Tenancy land	Total Non-forest land	
Mining	73.83	37.09	110.92	42.64	64.51	107.15	218.07
7.5m Safety Zone	9.41	0.37	9.78	17.55	31.56	49.11	58.89
Embankment	0	0.06	0.06	4.50	0.17	4.67	4.73
OB Dump	0	13.93	13.93	0	0	0	13.93
<b>Total</b>	<b>83.24</b>	<b>51.45</b>	<b>134.69</b>	<b>64.69</b>	<b>96.24</b>	<b>160.93</b>	<b>295.62</b>

d. As reported by the user agency 13.93 ha of forest land has been earmarked for OB Dump is actually a space demarcated for

temporary top soil storage, which will subsequently be used for coal mining.

- e. No violation has been reported/observed.
- f. As reported by the DFO, Sundargarh, wild animals such as Fox (*Vulpes vulpes*), Wild Boar (*Sus scrofa*), Indian Hare (*Oryctolagus cuniculus*), Jungle Cat (*Felis chaus*), Jungle fowl (*Gallus gallus*) etc. are seen in the applied area. No rare/ endangered/ unique species of flora and fauna found in the area. The DFO, Sundargarh Forest Division has reported that the applied area does not form a part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor. It was also reported that the proposed site for the project does not come under ecosensitive zone of any protected area. The State Govt. has recommended for implementation of Site Specific Wildlife Conservation Plan duly approved by CWLW, Odisha and the user agency shall contribute towards the cost of Regional Wildlife Management Plan.
- g. As reported by the DFO, Sundargarh Forest Division, the canopy density of existing vegetation is 0.5 under Eco-value Class-III. As reported by the DFO, Sundargarh total 30,441 nos. of tree has been enumerated over total project area of 295.62 ha (Forest: 134.69 ha + Non-forest : 160.93 ha). Out of which 23,635 nos. of trees are over Forest land and 6,443 nos. of trees on Non-forest land.
- h. **Compensatory afforestation:** As reported by the State Govt., double degraded forest land of 305.59 ha (Effective area of 286.96 ha) ha has been identified in Pandripani RF (64.10 ha), Sidarmunda RF (53.56 ha), PUnjipahar RF (131.54 ha) and Panikholia RF (56.39 ha) under Sundargarh Forest Division for raising compensatory afforestation. The DFO, Sundargarh has prepared the Site Specific CA Scheme as per approved onetime cost norm basis an average 500 seedlings per ha with 18 month old seedlings to be planted thereof with a provision of required soil moisture conservation activities, watering and fencing etc. with maintenance of upto 10 years. The indigenous species chosen for plantation are Neem (*Azadirachta indica*), Karanja (*Derris indica*), Amla (*Emblica officinalis*), Asan (*Terminalia tomentosa*), Jamun (*Syzygium cunini*), Khair (*Acacia catechu*), Harida (*Terminalia chebula*), Sissoo (*Dalbergia sissoo*) etc. The instant forest diversion proposal involves 295.62 ha comprising of 134.69 ha of forest land and 160.93 ha of non-forest land. As per Rule 13 (1) of Van (Sanrakshan Evam Samvardhan) Rules, 2023, equivalent non-forest land needs to be provided by the State Govt. for raising compensatory afforestation.
- i. As per Online Part-I of the proposal, total 975 families will be displaced due to implementation of the project, out of which 292 nos. of SC families, 585 nos. of ST families and 98 nos. of other families. State Govt. has reported that out of 96.24 ha of tenancy land involved in this project, 44.88 ha belongs to village Kulda, 21.29 ha

belongs to village Bankibahal, 1.15 ha belongs to village Balinga, 28.92 ha belongs to village Tumulia. The lands of all above villages have been acquired under CBA (a&d) Act, 1957 vide Notification u/s 9(1) of the said Act vide SO No.3055 dated 09.10.1990. The above land has been vested in MCL u/s 11 (1) of said Act vide SO No.43105 dated 30.03.1993. The payment of Compensation and R&R benefit for the village Kulda, Bankibahal, Balinga and Tumulia including other 10 villages have been undertaken by the Claims Commission, set up by the Hon'ble Supreme Court of India in SLP (C) No.6933 of 2007. The compensation for land and structures for villages Kulda, Bankibahal, Balinga has been disbursed to the beneficiaries. For village Tumulia, approval of Hon'ble Supreme Court is awaited to provide the land compensation as well as R&R benefits. The Rehabilitation and Resettlement Plan prepared by the user agency has been submitted with the proposal.

- j. As reported, the Mining Plan including Mining Closure plan has been approved. The MCL Board has approved the Mining Plan & Mine Closure Plan for Kulda Expansion OCP vide letter No.MCL/SBP/CS/CR-19/2020-21/10992 dated 10.06.2020. As per Mining Plan, at the end of mine life, major part of excavation area will be backfilled and biologically reclaimed. The progressive mine closure plan includes various land reclamation activities to be done continuously and sequentially during the entire life of the mine. This is a life time of mine process which starts from commencement of mining operations and leads to the final closure of the mine. The activities of progressive mine closure plan includes handling & dozing of OB dumps & backfilling, Technical and bio-reclamation including plantation, landscaping of the open space in leasehold are for improving its esthetics and eco value, grass carpeting/plantation around the quarry area and in safety zone, grass carpeting/plantation over the external OB dump.
  - k. **Details on catchment and command area under the project:** Basundhara River is flowing in North-Eastern boundary of the mining lease. The mining project will affect the catchment of this Basundhara river. So there is a need for soil and moisture conservation measures in the rest catchment of this river and the forest lands in and around the proposed site. Safety zone with plantation of at least 50 meter width may be maintained along the lease boundary close to river. Efforts should be made to ensure that no discharge leads to the Basundhara river from the mining lease area.
  - l. The State Govt. has reported that the total benefit of the project comes to ₹730992.27 Lakhs. The total loss on forests including environmental loss comes to ₹13281.44 Lakhs. The Cost -Benefit ratio comes to 1:55.
- xxix. The Dy. Director General of Forests (Central) has recommended the proposal for diversion of 134.69 Ha of forest land and informing

that Basundhara River is flowing in North-Eastern boundary of the mining lease. The mining project will affect the catchment of this Basundhara river. Therefore, there is a need for soil and moisture conservation measures in the rest catchment of this river and the forest lands in and around the proposed site. Safety zone with plantation of at least 100 meter width may be maintained along the lease boundary close to river. Efforts should be made to ensure that no discharge leads to the Basundhara river from the mining lease area by constructing embankment towards the lease boundary of the river.

Mining of coal is a site-specific activity. In view of the above, the proposal is recommended with standard general conditions and observation made during site inspection.

- xxx. Further, it has been noted that during the submission of the proposal the State\UA has provide the double degraded forest land for CA. However, as per the extant rules the UA has to provide the equivalent non-forest land. Therefore, during the site inspection the RO has not inspected the proposed DFL. In the meantime the Ministry, has amended the Rules, 2023 on 20.09.2024 and all the Central Govt. agencies has been allowed to given CA land on DFL. Accordingly, already provided DFL land which was provided earlier with the original proposal was examined on the DSS and 116 ha area was found MDF.
- xxxi. The clarification was sought by the Ministry regarding 116 ha MDF, and the State Govt. has informed that when they have been selected the area in 2022, then it was open forest as per DSS analysis, However, now it is come under MDF category.
- xxxii. During the deliberation, it was observed that the proposed project is in the proximity of the Basandhura river and its tributaries such as Chatiajor nallah. Impact of the proposed expansion of mining on Chattajor nallah and mitigation measures, if any, needed to be undertaken needs to be informed by the State. In this regard the State Govt. has informed that as per the EC conditions of all the running projects coming in Basundhara Coalfields like Siarmal OCP Kulda OCP & Garjanbahal OCP, a river conservation plan for Basundhara river along with all its rivulets like Chhattajor nallah for a span of 25 kms considering the impacts of all the coal mines in the area, has already been prepared and approved by State Water Works Department, Govt. of Odisha in Sep 2012. Accordingly, the complete work of conservation of Basundhara Rivet and its rivulets has been agreed us be carried out by the State Water Works Department in a phase wise manner on deposit basis, against which a DPR is expected to be submitted by State Water Works Department. The conservation plan covers the following activities at an approximate cost of ₹261 Crores:
- a. Construction of embankment along the river.

- b. Providing Geo-mattress on riverside slopes for slope protection along with launching apron.
  - c. Providing dub grass turfing on countryside slopes for slope protection.
  - d. Providing Bathing ghats on the banks of Basundhara River.
4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and CCF, Govt. of Odisha, the Committee deferred the proposal for want of the following information:
- i. The area proposed for CA on DFL is having MDF over 116 ha as per DSS analysis. Further, as informed by the state the area involves road, cultivated land and claims under FRA,2006, which indicate that the area proposed for CA is neither completely suitable for plantation, nor it is free from encumbrances. The State Govt. shall therefore exclude the area which is not suitable for CA and provide alternate DFL twice in extent to the area proposed for diversion which is suitable for raising plantation and is free from all encumbrances. All requisite details with respect to the revised CA area shall be provided.
  - ii. The State shall provide the status of the compliance of the conditions stipulated in the approval dated 11.03.2019 (for 29.41 ha) for Basundhra washery. The status of violations (if any) in the said project shall also be submitted.
  - iii. The Regional Office shall provide the detailed site inspection report of the CA area with clear recommendations. The Regional office shall also give its comments on the status of the compliance of the conditions stipulated in the approval dated 11.03.2019 (for 29.41 ha) for Basundhra washery and violations (if any) in the said project.
  - iv. The State has informed that the DFO, Sundargarh Division vide his Memo No. 6722 Dtd 30.11.2024 has stated that as per DSS analysis, an area of 10 Ha of water bodies was not included earlier and it is clarified that an area of 929.825 ha is comprised of 4 Ha as MDF, 678 Ha as Non-Forest, 132 Ha as open forest, 105 Ha as scrub and 10 Ha Water Bodies. The possible impact of mining over 10 ha water bodies needs to be examined and state shall provide the justification along with proposed mitigation measures if any for the inclusion of 10 ha water bodies in the project.

### **Agenda No. 10**

**File No. 8-15/2024-FC**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 87 ha (30 ha for impact area and 57 ha for safety area) of forest for Field Firing Range of Indian Army for heavy calibre equipment at Yongdi under Lachen Range in Mangan district of Sikkim - reg.**

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 26.12.2024. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), sub office Kolkata under RO, Bhubaneswar and Resident Commissioner, Government of Sikkim were present in the meeting during the discussion of the above proposal. The AC after thorough deliberation and discussion observed the following:
  - i. The State Government of Sikkim vide their letter No. 3001/FCA/F&ED/180 dated 19.07.2024 submitted above subject proposal seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
  - ii. Proposal envisage construction of Field Firing Range for heavy calibre equipment on Priority in the interest of National Security and for strategic requirement at Yongdi under Lachen Range in Mangan District of Sikkim. Actual impact area of the proposal is 30 ha and 57 ha for safety zone. Total 87 ha area involved in the proposal. Legal status of the forest land is Reserved Forest. Density of the proposed area is reported 0.01 with 5430 project affected trees.
  - iii. The applied area does not form part of any National Park/ Wildlife Sanctuary/ Biosphere reserve, Tiger Reserve, Elephant Corridor, etc. No rare and endangered species reported in the applied area. No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
  - iv. No violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 have been reported by the State Govt.
  - v. As per the guidelines 30 ha degraded forest land has been identified in Lachen forest (T) forest division in Mangan District for Compensatory Afforestation in lieu of the 87 ha forest land.
  - vi. The State Government processed the proposal offline due to security reasons as per para 1.4 (ii) of the consolidated Guidelines and clarification issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 which states as “Proposals will be submitted and processed through PARIVESH portal only. No physical copy of proposal shall be insisted by any *authority in the State or in the Central Government. Only exceptional cases, related to defence, public interest or emergent nature, may be allowed by the Central Government to be submitted offline*”.
  - vii. As per Rule 13 (4) (g) which states as “*actual impact zone of the field firing range considered for diversion under the Adhiniyam or 10% of the total forest area diverted in case entire area of the field firing range is*



*proposed for diversion*” Therefore, Compensatory afforestation has been raised over 30 ha equivalent degraded forest land identified in Lachen forest (T) forest division in Mangan District in lieu of the 30 actual impact zone of the field firing range.

- viii. The State Government has submitted Compensatory Afforestation Scheme with financial outlay of ₹7,23,45,592/-. Divisional Forest Officer (T) Mangan Division has given the certificate on suitability of degraded forest land for Compensatory Afforestation. The UA has given the necessary undertakings to bear the cost of CA and NPV.
- ix. FRA certificate has been provided in the prescribed format. The Chief Secretary, Gov. of Sikkim has provided the certificate for non-availability of NFL for CA. The validity of the certificate is two years and it has been issued on 07.03.2024.
- x. A joint inspection along-with the UA has been carried out by the State Forest Department on 15.09.2023 wherein it has been informed that the proposed area is part of Lachen RF on right bank of Lachen river. The area is at 15,000 feet and above tree line; covered with juniper patches interspersed with grasses mostly alpine flora with eastern aspect. The area belongs to "alpine scrub" type. The area has strategic importance and suitable for field firing range. The area has been formed due to lateral glacier which has now receded. Firing will be conducted only twice in a year. This is the only natural funnelled area, which has cover from prying eyes of enemy. Therefore, this is a site-specific proposal. If approved, this area will be highest field firing range in the country and only heavy calibre field firing range in North East.
- xi. Regarding the discrepancy in map providing with the physical proposal documents and another map is given with the joint inspection report, the State Govt. has reported that a detailed topographic map along with the Joint inspection Report from the State Government has been enclosed. This report accurately identifies the location of the impact area (30 Ha) and the safety zone (57 Ha). The specified areas have been verified and all findings align with the observations made.
- xii. As reported by User Agency, the diversion of 87 ha into Safety & impact area is based on danger area of various ammunition that would be fired at YFFR. Safety area is defined zone around the firing range designed to protect personnel, equipment & Civilians from hazards associated with live firing. This area ensures that no unintended persons or obj are within the range of potential danger from bullets, shells or other projectiles. Impact area is the designated part of the firing range where all projectiles whether live ammunition or training rounds are expected to land. It is the area designed to contain and safety absorb the effects of ammunitions. For instance, if tank round is fired from tank, it will hit the target at 1200 meter with impact area of 300 meter. However, distance from firing platform till 900 meter will be safety area, in which projectile may fall down due to some technical failure.

- xiii. The State Government has reported that for raising Compensatory Afforestation has been identified within the Lachen Reserved Forest. The updated CA map has been uploaded on PARIVESH, along with a comprehensive management plan scheme that outlines the steps for afforestation and its long- term sustainability.
- xiv. The State Government has reported that after conducting a through physical inspection of the proposed diversion site, it was found that the filed firing range is situated on moderately sloped terrain. There is no immediate risk of soil erosion or landslides in the area designated for diversion. Additionally, it is important to note that firing exercises will only be conducted twice a year. In this regard, the provision of a 57-hectare safety zone is considered adequate to ensure the safety of the surroundings and mitigate any potential hazards. As reported by User Agency, the proposed area for field firing is a natural funnelled area formed due to lateral glacier, which has now receded. Area is bounded by Chopta Ridge & Lachen Khangse Ridge of approx. 100-meter height on left and right respectively. Also at the target end, area is bounded by Tasha Khang Ridge and which is hard folded mountain with gradual slope and free from any land slide/avalanche. In addition, in rare case of any slide, gravel has to travel a minimum distance of 2000 meter with spread of 500 meter, which will reduce its impact.
- xv. The State Government has reported that the components such as the repair/ upgradation of the Range office and the procurement of field patrolling vehicles has been incorporated into the CA management plan for regular monitoring and patrolling by filed staff will be essential both during and after the project implementation period in such a remote high altitude and harsh mountainous terrain.
- xvi. Further, the condition of the Government quarters in the remote area is uninhabitable due to non-availability of funds from other sources. The frontline staff, who are deployed in high-altitude areas, often face significant challenges due to harsh weather conditions. The inclusion of these infrastructure improvements in the management plan will greatly benefit the field staff by improving their functioning and performing their duties.
- xvii. The Regional Office vide their letter no. 8-15/2024-FC (SOK)/434 dated 12.12.2024 submitted Site Inspection Report of the proposal. The important in the SIR are as below:

- a. The item-wise break-up of the forest land proposed for diversion is as follows:

Sl No.	Component	Forest land
1	Impact Area	30 ha
2	Safety Area	57 ha
	<b>Total</b>	<b>87 a</b>

- b. Canopy density is reported 0.01 which is found correct. The proposed forest area is above tree line and some scattered juniper small bushes is observed in the impact area as well as safety area. No tree

falling is involved in the proposal. During site visit, it is informed that minimum damage will be done of the existing shrubs within the impact area and no damage of the shrubs will be placed in the safety area.

- c. **Background Note on the proposal:** Heavy calibre equipment has been inducted in North Sikkim Region. The exercise of induction is required coordination between Army and Civil Administration. Due to sensitivity of the Indo-China Border in Sikkim, operational readiness of Armed Forces is very much important. The firing of heavy calibre equipment is most important part of the operational readiness, training and needs to be undertaken in the region. No heavy caliber equipment firing ranges are available in North Sikkim. The option to de-induct and take the heavy calibre equipment out from the ranges of Sikkim is not possible due to security reason of the border area. To create a Field Firing Range for heavy calibre equipment, 87 ha (30 ha for impact area and 57 ha for safety area) forest land at Yongdi, North Sikkim are chosen by carrying joint survey with land revenue department and forest department.
- d. Compensatory afforestation has been proposed over 30 ha Reserved Forest under Lachen Territorial Range equivalent to actual impact zone of the field firing range. The CA has been proposed in two patches. **1<sup>st</sup> Patch of proposed CA land:** Area of this proposed CA land is about 23 ha and situated within two kms of the proposed Field Fire Range. The proposed area is at 14,000 feet above and suitable for shrubs plantation like Juniper, Rhododendron etc. **At the same height, other sustainable CA plantation of one year is observed.** As per DSS, the proposed CA area is categorized as Scrub & Non-Forest. This proposed CA area is outside of the Khangchendzonga National Park.
- e. **2<sup>nd</sup> Patch of proposed CA land:** Area of this patch is about 7 ha and is at 10,500 feet above. **The proposed land is with visible blank spaces and surrounded by the good forest.** This looks suitable for native species plantation. As per DSS, 5 ha is categorized as Scrub & 2 ha as VDF. As per the DSS, it falls at the boundary of the Khangchendzonga National Park. However, the representative from the State Forest Department has informed that as per their record, the proposed CA land not within the Khangchendzonga National Park.
- f. Total financial outlay of the CA is ₹7,23,45,592/- as per the CA scheme. The CA scheme includes SMC works & dry stone wall fencing with 10 year maintenance. **The CA scheme also includes upgradation of Range Office-cum-Quarter, Block Office-cum-Quarter and purchase of vehicle. During site visit, it is observed that condition of the Range Office & Block Office is not good.** Repairing & maintenance is required in the Office Building. It is also informed that there is lack of State Funds for this repairing works. The

concerned Range Officer informed that one new vehicle is required for patrolling of the Range Area and management, monitoring of CA in the high-altitude harsh weather condition forest area. It is informed that at present only one old vehicle (Gypsy) is in running condition with the Lachen T Range. The User Agency informed that they are agree pay the CA cost as per the scheme.

- g. The proposal does not involve violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980.
- h. The State Authorities have **recommended the proposal**.
- i. The proposed area is naturally bounded by the mountain Ridge (more than 100 m) in three sides and one side is open, ended by the road, which minimizing the hazards associated with the live firing and protect from prying eyes of enemy. The length of the range is approximately 2000 m. During visit, it is informed by the User Agency that if tank round is fired from Tank, it will be hit the target at 1200 meter (900 meter safety area + 300 meter impact area) and there is very less possibility to hit the mountain ridge at the end. The proposed area is also far away from the human habitation, so civilian hazards may be avoided associated with the live firing. It is also informed that three Army Regiments based in this area also can use this Field Fire Range for their purpose. Therefore, the proposed area is suitable for the field firing range as per the strategic point of view.
- j. During site inspection, it is informed by the User Agency that there is no heavy calibre equipment firing ranges in North Sikkim and the option of taking out the heavy calibre equipment for operational readiness from Sikkim is not possible for security reason. This is an operational necessity for Indian Army.
- k. From the Google Earth Image, it appears that north side mountain top formed a glacier and has now retreating trends. During winter the glacier accumulates huge snow and the area becomes prone to avalanches.
- l. Multiple high-altitude lakes (Tasha Cho, Gochung Tso, Tso Tarn etc) exists in the opposite side (north side) of the mountains of the proposed Field Firing Range at about 3-5 km aerial distance.
- m. The open side of the Field Firing Range is very close to Lachen River, a tributary of Teesta River. Time Series satellite image shows that a secondary streams of snow and the water from snow melt flows through the proposed forest area and enters in Lachen River, which was not visible during the Site Visit. Drainage pattern of the proposed site cannot be changed for the purpose of Field Firing Range. Firing of heavy calibre equipment may increase the silt load in the streams as well as Lachen River.
- n. The surrounding mountain slopes appeared fragile in nature. Vibration of heavy calibre equipment firing may cause landslides in the area.

- o. Noise Pollution during the firing of heavy calibre equipment is one of the major concerned. However, during field visit it is informed that firing will be conducted only twice in a year.
  - p. Firing resulted explosion of ammunition in the impact area and may causes chemical release to soil.
  - q. The proposal has strategic importance and in the interest of the National Security, the proposal may be considered with the following stipulations:
    - i. Firing of heavy calibre equipment's during winter may be restricted to avoid any avalanches.
    - ii. Continuous monitoring of the nearby Lakes should be carried out and mitigative measure should be taken to minimize the impact due to the firing just immediate after the firing practice.
    - iii. Continuous monitoring system may be developed to monitor the drainage pattern of the site as well as silt deposit of the drainage system and mitigative step may be taken as per the requirement.
    - iv. Adequate vegetative measures should be taken around the impact area to make the area more stable. The Soil Moisture Conservation Plan may be implemented in the time bound manner.
    - v. Firing should be restricted in daytime only.
    - vi. The Army has to collect the exploded shells, waste ammunition from impact zone after firing practice and disposed safely as per the SoP.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), sub-office Kolkata under the Regional Office, Bhubaneswar and Resident Commissioner, Govt. of Sikkim, recommended the proposal for grant of '*in-principle*' approval for diversion of 87 ha (30 ha for impact area and 57 ha for safety area) of forest for Field Firing Range of Indian Army for heavy calibre equipment at Yongdi under Lachen Range in Mangan district of Sikkim, subject to the general and standard and following specific conditions:
- i. Adequate safeguards shall be made by the user agency for firing of heavy calibre equipment especially during winter season to prevent the avalanches.
  - ii. Continuous monitoring of the nearby Lakes should be carried out and mitigative measure should be taken to minimize the impact due to the firing.
  - iii. Continuous monitoring system shall be developed to monitor the drainage pattern of the site as well as silt deposit of the drainage system and mitigative step shall be taken as per the requirement.
  - iv. Adequate vegetative and other measures wherever possible shall be taken around the impact area to make the area more stable.
  - v. Firing should be restricted to daytime only.

- vi. The user agency has to collect the exploded shells, waste ammunition from impact zone after firing practice and dispose it safely as per the SoP in this regard.

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**(Not present)**

Dr. Naveen Chandra Bisht  
(non-official Member)

**(Confirmed through e-mail)**

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

**(Confirmed through e-mail)**

Shri Manoj Pant  
(non-official Member)

**(not present)**

Dr. Mehraj Sheikh  
Deputy Commissioner (NRM)  
(Member)

**(Confirmed through e-mail)**

Shri Sushil Kumar Awasthi  
Additional Director General of Forests  
(WL)  
(Member)

**(Confirmed through e-mail)**

Shri Anjan Kumar Mohanty  
Additional Director General of Forests (FC)  
(Member)

**(Confirmed)**

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

**(Approved)**

Shri Jitendra Kumar  
(Director General of Forests and Special Secretary)  
(Chairperson)