

**RECOMMENDATIONS MADE BY THE FOREST ADVISORY COMMITTEE
IN ITS MEETING HELD ON 27th JANUARY, 2023.**

Agenda No: - 1

F. No. 8-17/2020-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 of Forest (Conservation) Act, 1980 for non-forestry use of 64.2016 ha (Originally proposed 75.3931 ha.) of forest land for Construction of North Campus Central University, Dharamshala, District Kangra State Himachal Pradesh (Online Proposal No. FP/HP/Others/39044/2019).

1. The agenda item was considered by the Forest Advisory Committee in the meeting held on 27.01.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer (FCA), Government of Himachal Pradesh was present in the meeting.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. The proposal is for construction of North Campus Central University in Dharamshala, District Kangra in the State of Himachal Pradesh.
 - ii. The Proposal was earlier placed before the FAC in its meeting held on 27.12.2022 but could not be discussed.
 - iii. The Ministry has already accorded approval vide letter dated 11.12.2018 for diversion of 81.7916 ha (out of total 238.452 ha proposed originally) of forest land for establishment of satellite campus of Central University of Himachal Pradesh at Dehra in Kangra District in Himachal Pradesh.
 - iv. The construction activity has been delayed on the proposed site for Satellite Campus at Dehra for which approval accorded under FCA,1980 in 2018 and the State Govt. has submitted another proposal for construction of the North Campus, Central University Dharamshala, District Kangra.
 - v. It has been observed that the alternative sites explored by the State Govt. are on forest land. However, the site selection committee constituted by the Govt of India(MHRD) has mentioned that 200 acres of land meant for HP housing board that was indicated as a possible site for the University at Dharamshala turned out to be private land requiring Govt to invest a few hundred crores of Rupees towards the cost of acquisition. The possibility of getting 500- 600 acres of land out of the 1300 acres in possession of HP Agricultural University at Palampur was also ruled out. This indicates that the possibility of the non-forest land was available for the construction of university.

- vi. Dharamshala is located in a fragile Himalayan zone and the area receives high amount of rainfall. The selection of such site for the University needs justification and the stability of the strata and the construction of huge infrastructure in this area has to be planned keeping all aspects in view.
4. **Decision of the FAC:** - The Committee had detailed discussion and deliberation with Nodal officer (FCA), Himachal Pradesh and Regional Officer, IRO, Shimla. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee decided that the proposal cannot be considered in its present proposition because of the following reasons:
- i. The construction of the Central University is a non-site specific activity and the state govt. has not submitted any valid justification as to how use of forest land in instant case is unavoidable.
 - ii. As per the report of the site selection committee constituted by Govt. of India(MHRD), the reason for rejection of one of the sites on non-forest land was the cost of acquisition of non-forest land, which indicates that the proposed use of forest land is not unavoidable.
 - iii. Use of the fragile Himalayan strata receiving sufficiently high rainfall for the construction of the University is required to be avoided under normal circumstances.

Agenda No. – 2

F. No. 8-32/2022-FC

Subject: Proposal for seeking prior approval of the Central Government under Section 2 of Forest (Conservation) Act, 1980 for non-forestry use of 48.6711 ha of forest land for relocation of Army Ammunition Depot from Powari to Lippla, District Kinnaur State Himachal Pradesh (Online Proposal No. FP/HP/DEF/40603/2019).

1. The agenda item was considered by the Forest Advisory Committee in the meeting held on 27.01.2023. Being a defence proposal and due to security reasons, the proposal is not showing on the PARIVESH portal. The Nodal Officer (FCA), Government of Himachal Pradesh was present in the meeting.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. The proposal is for relocation of Army Ammunition Depot from Powari to

- Lippa, District Kinnaur State Himachal Pradesh.
- ii. The ammunition Depot of 136 (1) Inf Bde Gp OMC is located in High Altitude Area is small piece of land measuring 6.5 Acres.
 - iii. It is reported by the project proponent that a project of HPPCL falls within the restricted zone of Ammunition Point and hence a stay has been obtained vide Army authorities file civil writ petition (No-1667/2013 title Union of India vs State of Himachal Pradesh & others) on 25.03.2013 to stop any constructional activities in the said project 136 (I) Inf Bde Gp OMC has approached the district administration for allotment of alternate land to shift the Ammunition Depot in order to permit the construction activity in the HPPCL project. Execution petition of 106/2016 titled as UOI and other vs State of Himachal Pradesh and others hearing on 28 May 2015, the High Court Shimla directed to the respondent State (Himachal Pradesh) to facilitate the petitioners (Army) in taking possession of adequate area. All the individual authority to ensure that the possession of the land is handed over the petitioners (Army) without any obstruction or hindrance and non-compliance of the judgment/ direction to be treated as contempt of the court.
 - iv. A joint meeting between Govt. of Himachal Pradesh, Sh Tarun Shridher, Addl Chief Secretary (Power) and Army Authorities, Lieutenant General IS Ghuman, AVSM, Chief of Staff, HQ Western Comd was held on 07 Jun 2017 as per the High Court direction it was decided that District Administration will provide land to the Army for construction of Ammunition Depot and also assist in providing infrastructure i.e. roads, building infrastructure and electricity to assist in smooth transfer of land to Army authority. The Army authority has identified land at Lippa which can store the ammunition.
 - v. The area proposed for diversion is 48.671 ha whereas earlier the depot was located over an area of 6.5 acres.
 - vi. The proposed area is within 6.90 kms of the Lippa Asrang Wildlife Sanctuary and the ESZ around the sanctuary has not been notified. Thus the area is within the default 10 km ESZ of the Wildlife Sanctuary.
4. **Decision of the FAC:** - The Committee had detailed discussion and deliberation with Nodal officer (FCA), Himachal Pradesh and Regional Officer, IRO, Shimla. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee decided that the proposal cannot be considered in the present proposition due to the following reasons: -
- i. The proposal is for the diversion of 48.6711 ha forest land for an ammunition depot which was originally located on 6.5-acre area. Thus the area proposed for diversion is not bare minimum.
 - ii. The proposal is not site specific and the State Govt. should explore using non-forest land for the construction of the ammunition depot.

Agenda No: - 3**F. No. 8-21/2021-FC**

Subject: Proposal for seeking prior approval of the Central Government under Section 2 of Forest (Conservation) Act, 1980 for non-forestry use of 406.79 ha. of forest land in favour of HPPCL for the construction of Thana Plaun Hydro-Electric Project (191 MW), within the jurisdiction of Mandi & Jogindernagar forest Divisions, District Mandi, Himachal Pradesh (Online proposal No. FP/HP/HYD/8255/2014)- regarding.

1. The agenda item was considered by the Forest Advisory Committee in the meeting held on 27.01.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer (FCA), Government of Himachal Pradesh was present in the meeting.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. The project is for construction of Thana Plaun Hydro-Electric Project (191 MW) in Mandi Distt., Himachal Pradesh.
 - ii. The legal status of the forest land is protected forest (123.59 ha), Unclassed State Forest (112.65 ha) and DPF/UPF (170.55 ha).
 - iii. The density of vegetation in the area proposed for diversion is 0.26.
 - iv. Total number of trees to be affected from the project is 57877.
 - v. This project is located at Kotli, downstream of the confluence of Beas River and Rana Khad. Beas is the only tributary of the Indus system confined to India. The total catchment area of Beas river is 29500 Km². Out of total catchment area, 7378 Km² is under the Thana Plaun dam site. The immediate upstream project Pandoh is an existing project on Beas River located approx. 43 km upstream of Thana Plaun HEP. The downstream proposed project is Triveni Mahadev HEP whose FRL 592 m is sufficiently below the TWL of Thana Plaun HEP (El. 634 m). A major tributary Uhl river joins downstream of Pandoh dam. There are three Hydro-Electric projects existing /proposed on this river by intercepting its flows (370 Km²) together with the flows of Rana Khad (CA- 98.9 Km²) and Neri Khad (CA-16 Km²).
 - vi. It is recommended by the IRO Shimla in SIR that the CAT Plan size should be based on the actual extent of work to be done in the catchment but shall not be less than 2.5% of the project cost. The CAT Plan cost of Thana Plaun HEP is ₹56,00, 31,925/- or say (₹56,003 crores).
 - vii. The compensatory afforestation (CA) has been proposed over degraded forest land of 867.61 ha.in 45 patches located in 04 Forest Divisions

(Mandi, Joginder Nagar, Suket and Karsog Forest Division).

- viii. No violation of FC Act 1980 has been reported and the requirement of land is barest minimum and unavoidable.
- ix. 08 families are likely to be displaced due to establishment of this project. There are 38 *Gharats* (traditional *Atta Chakkis*/Flour Mill), out of which 19 numbers are in running/working condition and 12 numbers of *Pashushalas* (Cattle-Sheds) are also going to be affected due to its location in the submergence area of this project.
- x. IRO Shimla was asked by the Ministry to study the impact of the proposed Thauna Plaun Hydro project on other HEPs namely Pandoh, Dehar Power Plant, Kol Dam, Suket Dam and any other nearby HEP downstream of the proposed project. The IRO expressed its inability in carrying out the study on account of lack of resources and man power and informed that this exercise requires experts from diverse fields like Geology, Hydrology, Environment, Fishery, Forestry and Wildlife etc.
- xi. However, State Govt. in this regard informed that there is only one nearest project i.e. Pandoh Dam about 40 Kms Upstream of the project. Dehar Power Plant is associated project of Pandoh Dam wherein the water from Beas River has been diverted to Dehar power house on Sutlej River. Both Pandoh Dam and Dehar Power House are being run by Bhakhra Beas Management Board (BBMB). NOC from the BBMB in this regard has been obtained. Kol Dam is on Sutlej River Basin and no NOC is required. As far as the effects of these projects are concerned it is submitted here that Directorate of Energy, Government of Himachal Pradesh undertook the task of conducting Cumulative Environmental Impact Assessment (CEIA) Study for Beas river basin in Himachal Pradesh with an objective to assess the cumulative impacts of hydropower development in the basin. In the meantime, MoEF&CC took over all the river basin/carrying capacity studies being conducted by Central/Study agencies and therefore, all reports were submitted directly to MoEF&CC. RS Envirolink Technologies Pvt, Ltd, (RSET), Gurgaon was awarded the study based on techno-commercial bidding. Expert Appraisal Committee (EAC) for River Valley and Hydroelectric Projects of Ministry of Environment & Forests (MoEF&CC) approved the Terms of Reference (TOR) for the study.
- xii. The Study was initiated during February 2016, an inception report was submitted in June 2016 to capture the progress made during first four months of the study period and a Rapid CIA report was submitted in November 2016, which captured progress in first 8 months. The draft report was discussed and appraised in 4th meeting of the Expert Appraisal Committee for River Valley and Hydroelectric projects held on 12th April 2017, wherein a visit to the study area by a sub-committee of EAC was suggested, which was made during April 2018 and post visit the outcome was discussed in EAC meeting during the same month. Recommendations were discussed in detail and it was decided to share the recommendations with the State Government and thereafter the final report to be discussed in EAC. Matter was discussed in subsequent EAC meetings of October and November 2018. EAC finally concluded all the

discussions on Beas River Basin study and directed the Consultant to update/finalised by EAC in consultation with State Government of Himachal Pradesh in 2019. The final report on Cumulative Impact and Carrying Capacity Study (CIA&CCS) of Beas Sub Basin can be viewed. Furthermore, the water availability of each project is diligently ascertained by and Central Water Commission and Central Electricity Authority (its directorates) before granting concurrence to the projects DPR in any basin under Section-8 of Electricity Act, 2003. The same was accorded to Thana Plaun Project on dated 07.09.2021 already submitted to MoEF&CC. It is submitted here that as such there is no Hydro Power Scheme namely Suket Dam on Beas Basin.

- xiii. The Chief Wildlife Warden (CWLW), Govt of HP vide letter dated 27.12.2021 informed that the aerial distance of proposed site from the boundary of Nargu WLS is 14.500 Kms and from its proposed Eco-Sensitive Zone is 13.500 Kms.
 - xiv. The road and a bridge at Kunkatar on Kotli to Joginder Nagar road are coming under submergence zone.
 - xv. There are five Quarry Sites (Son Khad, Thodu Nallah, Malot Khad, Sakrain Khad and Prain in Beas River) wherein the mining in an area of 45.94 ha. forest land (4.096 ha. in village Riyur, 9.503 ha in in Village Sidhpur, 7.726 ha. in village Malot Khad, 20.496 ha. near village Bahri and 4.127 ha. near village Prain) is proposed to be carried out. However, the mining plan in case of the quarry sites has not been approved so far.
 - xvi. Temporary Crusher Units are proposed to be established, however their location is not specified.
 - xvii. The FAC members observed that Himalayan region is a fragile landscape and therefore, before execution the risk and impact of the Hydroelectric projects in any area must be thoroughly examined keeping in view the geological status of the underlying strata.
4. **Decision of the FAC:** - The Committee had detailed discussion and deliberation with Nodal officer (FCA), Himachal Pradesh and Regional Officer, IRO, Shimla. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee deferred the proposal with the recommendation to obtain the following information from State Govt.: -
- i. A study of the project area, impact of the proposed project and feasibility shall be conducted by the Wadia Institute of Himalayan Geology (WIHG), Dehradun at the cost of the user agency.
 - ii. The approved mining plans in case of the proposed quarry sites shall be submitted.
 - iii. The State Govt. shall explore and make effort to locate the dumping sites on non-forest land.
 - iv. Crusher Units are proposed to be established, however as per SIR received from the IRO, their location has not been given in the proposal. The location plan for the crusher units shall be submitted.
 - v. The road/bridge from Kotli to Jogindernagar is coming under submergence zone. In this regard, the NOC from the concerned agency shall be submitted.

- vi. Out of 45 patches for CA, 22 CA patches have some discrepancies as reported by the IRO in Site inspection report. The proposed Compensatory Afforestation areas shall be revisited keeping in view the observations of the IRO and areas suitable for plantation and free from all encumbrances shall be provided for the purpose of Compensatory Afforestation.

Agenda No: - 4

F. No. 8-01/2000-FC(Vol.)

Sub:- Application for 2nd renewal of Indaram Mining Lease over 929.29 ha. of forest land involving 15.16 ha for surface use in compartment Nos. from 699 to 703, 706 to 709 and 711 to 713 in Indaram RF, Mancherial Range of Mancherial Forest division in Mancherial District in favour of M/s. Singareni Collieries Company Limited. –regarding

1. The agenda item was considered by the Advisory Committee in the meeting held on 27.01.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer (FCA), Government of Telangana and IRO Hyderabad were present in the meeting.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. The above proposal was considered in the FAC meetings held on 31.03.2022 and 01.08.2022.
 - ii. Indaram Mining lease of M/s SCCL was originally granted by State Government on 28.05.1979 for a period of 20 years w.e.f. 23.07.1980 over an area of 2900 ha, comprising of 1070 ha of forest and 1830 ha of non-forest land.
 - iii. Approval under the Forest (Conservation) Act, 1980 over an area of 1070 ha, including 15.16 ha earmarked for surface rights, was granted by the Central Government on 28.11.2001 read with letter dated 20.03.2002. Renewal of second term was granted by the State for a period of 20 years w.e.f. 23.07.2000.
 - iv. Recent DGPS survey of the mining lease area conducted by the agency revealed the total forest area involved in the mining lease as 929.9 ha, including surface rights area, against the earlier diverted area of 1054.84 ha.
 - v. Mining lease of the user agency has been expired on 23.07.2020 and *ipso facto* approval under the Forest (Conservation) Act, 1980 has also been expired. Accordingly, the State Government has submitted the proposal for renewal of approval granted under the Forest (Conservation) Act, 1980.

- vi. The Committee was further apprised that out of total area of 929.90 ha, only 480.83 ha of area has only been used for UG operations while the remaining area of 342.36 ha has been kept for future expansion. Committee further noted that recently Ministry has granted Stage-I approval on 12.03.2021 over an area of 162.45 ha (Srirampur OC-II Expansion) and out of these 162.45 ha area, 106.10 ha is included in the extant renewal proposal of 929.90 ha. Therefore, the area applied for renewal needs to be rationalized by the State in light of approval under the FC Act, 1980 already granted by the Ministry.
- vii. The FAC on its meeting held on 31.03.2022 deferred the proposal for obtaining the following information from the State:
 - a. Complete detail of mining leases covered within the approved forest area of 929.90 ha may be provided by the State along with the nature of mining operations i.e. opencast or underground.
 - b. Forest area overlapping in the underground and opencast mines needs to be worked out and forest area proposed for renewal in the extant proposal may accordingly be rationalized and submitted by the State along with supporting details.
 - c. Detail of NPV and CA, if any, realized from the user agency in the past by the State.
 - d. Detail of mining operations, if any carried out by the agency, in contravention to the provisions of Forest (Conservation) Act, 1980, Rules and Guidelines made thereunder needs to be intimated by the State.
 - e. Implications of the amendments affected in the MMDR Act, 1957 from time to time on the extant renewal proposal and relevant guidelines issued by the MoEF & CC needs to be examined and intimated.
- viii. The Government of Telangana vide letter dated 26.05.2021 forwarded the requisite information as desired by FAC in its meeting held on 31.03.2022. It was informed that:
 - a. The proposed area for 2nd renewal of 929.29 ha forest land is falling in the Mining lease. Indaram Mining Lease, which has been extended by the Government of Telangana under Mineral Concession Rules – 1960 (amended as on 01.10.2021) to an extent of 2044.34 ha (involving 929.29 ha of Forest land) duly extending validity till 28.07.2030. Later, renewal to be obtained for further 20 years. Hence, the permission under F(C) Act, 1980 will be co-terminus with this period. Further the user agency has stated that the proposal for renewal of Mining Lease as well as renewal under F(C)Act, 1980 was submitted well before two years from the date of expiry of lease. Hence, as per Rule 24A of Mineral Concession Rules-1960, mining continued under deemed clause extension till State Government issue orders or two years whichever is earlier.
 - b. The SCCL submitted proposal to Forest department for 2nd renewal of 929.29 ha (including 15.18 ha surface rights) on 19.07.2018. As on that date, the bifurcation of 929.29 ha of Forest Land is as follows:

S. No	Description	Extent in Ha.
1	Underground Mining (RK-6 Incline, RK-7 Incline RK New Tech & RK-8 Incline)	465.65
2	Surface for RKNT incline	8.98
3	Surface for RK 8 Incline	6.20
4	Area for future exploration with UG rights	448.46
	Total	929.29

c. It was further informed that out of the required 162.45 ha of forest land for SRP OC -II Exp. an extent of 106.10 ha is covered in forest land which is falling in instant proposal of Indaram mining Lease of 929.29 Ha.

d. The MOEF & CC, GOI, vide F.No.8-06/2019FC, dt.12.03.2021 has granted Stage-I approval for diversion of 162.45 ha (SRP OC-11) including 106.10 ha falling in Indaram Mining Lease. (out of 929.29 ha). Hence, the present bifurcation of 929.29 ha of forest land in Indaram ML becomes as follows:

S. No	Description	Extent in Ha
1	Underground Mining	465.65
2	Surface for RKNT incline	8.98
3	Surface for RK 8 Incline	6.20
4	Opencast mining for SRP GC -II Exp (out of 162.45 ha) - overlapping	106.10
5	Area for future exploration with UG rights	342.36
	Total	929.29

ix. FAC on 01.08.2022 deferred the proposal for obtaining the following information from the State:

a. Forest area overlapping in the underground and opencast mines needs to be worked out and forest area proposed for renewal in the extant proposal may accordingly be rationalized. The Nodal Officer (FCA), Government of Telangana may present a detailed presentation about the changes from 1st renewal till today before chairperson FAC for further clarity of the proposal.

b. Conditions laid down and their compliance needs to be relooked since the proposal has overlapping areas involved. State must give a detail report in this regard.

x. The Nodal Officer (FCA), Government of Telangana attended the meeting and gave a detailed presentation on 27.01.2023.

4. Decision of FAC : The Committee had detailed discussion and deliberation with Nodal officer (FCA) of Telangana. It was noted that the proposal submitted by the State Government is lacking clarity. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee deferred the proposal and sought information from the State Govt on the following points:

(i) There is an overlapping of the area within the various underground and open cast mines, which is required to be worked out. The State Govt. shall examine the matter and submit the detail with the respective mining plans involved/overlapping with instant proposal along with lease details.

(ii) The State Govt. shall revise the area proposed for diversion keeping in view the already approved Mines involved in the instant proposal.

(iii) Consolidated mining plan shall be submitted after rationalizing the overlapping area involved in instant proposal.

Agenda No:- 5

F. No. 6-15/2022-ROHQ

Proposal no. FP/KA/Others/151390/202

Sub: -Proposal for diversion of 0.81 ha. Of forest land in Sy. No.322/1P1 of Aletti village, Sullia Taluk, Dakshina Kannada District at Poomale Reserve Forest of Sullia Range, Mangaluru Division for development of Solid Waste Management Processing Unit (SWM) in favour of Chief Officer, Town Panchayat, Sullia Taluk, Dakshina Kannada District. (Proposal no. FP/KA/Others/151390/202) -regarding

1. The agenda item was considered by the Advisory Committee in the meeting held on 27.01.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer (FCA), Government of Karnataka and IRO Bangalore was present in the meeting.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. The Government of Karnataka, vide their letter dated 17th June, 2022 subitted the proposal.
 - ii. The user agency has submitted an undertaking agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.

- iii. As per the new comprehensive guidelines issued in 2019 as per para 2.6(i) (b) no CA is applicable for diversion of forest land up to 1 ha. But the cost of plantation (including ten years maintenance) of ten times the number of trees to be felled or specified number of trees as may be specified in the order for diversion of forest land (subjected to a minimum no. of 100 plants), shall be levied from User Agency towards CA.
- iv. C:B ratio is not applicable for the proposals involving forest land up to 20 ha in plains and upto 5 ha in hills as per Annexure-III of the comprehensive guidelines issued in 2019.
- v. The instant proposal was considered in the 64th Regional Empowered Committee of the Ministry of Environment, Forests & Climate Change, Govt. of India, Integrated Regional Office, Bengaluru held on 28.09.2022.
- vi. The REC after detailed deliberation decided to consider this proposal as a special case and not as a precedence for any such cases in future and decided to approve the project subject to the following additional conditions: -

(a) Construction of compound wall/physical barricade of 9-10 feet all around the proposed forest land shall be carried out at the cost of User Agency to avoid spilling of municipal waste into the Reserve forest and prevent wild animals into the project area, before starting the work.

(b) The validity of the Forest clearance will be reviewed after 3 years from the date of final approval and if things are not in order the approval may be revoked.

In-principle approval will be issued by the IRO, after receipt of the requisite certificate from the State Government.

- vii. It was observed in the Ministry that the proposal is non-site specific. In this regard the IRO Bangalore was requested to submit a report further it was also decided in the Ministry to deliberate the proposal in FAC meeting.
- viii. IRO, Bangalore on 21.11.2022 informed the following: -
 - a. The proposal for diversion of 0.81 ha of forest land in Dakshina Kannada District of Karnataka for Development of Solid Waste Management (SWM) processing Unit in favour of Chief Officer, Town Panchyath Sullia Taluk, Dakshin Kannada District, was forwarded by State of Karnataka vide letter dated 17.06.2022 which was received on 22.08.2022 through Parivesh Portal.
 - b. The proposal was technically examined in the Regional Office as per FC Rule 2003 and it was referred to REC held on 28.09.2022 for expert advice since one of the member has expertise in Solid Waste Management.

- c. During the REC meeting, the Dy. Commissioner, Dakshina Kannada District, attended the meeting through VC and explained the suitability of the proposed area and inescapability of the requirement of the proposed land for SWM in Sullia Taluk, as the alternatives were not feasible. The proposed site is adjacent to the existing SWM plot and logistically is most suitable.
- d. The REC deliberated the proposal and based on the categorical assurances from the DC about need for scientific management of advised for the approval of the proposal subject to the condition that the DC shall again verify and certify the non-availability of suitable non-forest land and non-suitability of identified alternatives in non-forest land, in writing.
- e. The REC also recommended to put a condition that the approval shall be reviewed after 3 years, and in case things are not in order, the approval may be revoked.
- f. In view of the district administration's justification of the proposal regarding the inescapability of the location of the project in the proposed land, and in view of the recommendation of the REC, the proposal for locating a non-site-specific activity was accepted by IRO Bengaluru.
- g. The IRO Bengaluru has sought certificates from the DC as recommended by REC, through the State Government vide letter 07.10.2022. The reply to the letter is still awaited and hence Stage-I approval is yet to be issued for the project.
- ix. FAC observed that the justification letter uploaded in PARIVESH portal it was submitted that the said land Sy.No 322/1P1 of Aletty village total Ext 0.81 Ha in a Poomale Reserved Forest Area as per the request from UA to the Revenue Department for reserving the Land for using for Solid Waste Management Processing Unit. The Assistant Commissioner Puttur as per his office Proceedings No ADS/LND(3)CR:114/07-08 Dated: 08-08-2008 reserved the land for the said purpose. The User Agency also stated that over the land as been entered in the RTC Ext 1.21 Ha (3 Acres) of said Survey Number.
- x. Further it was also noted by FAC that the state has identified two alternatives land. The details for the rejection of these lands are as per the below mentioned table:-

S. No.	Proposed Alternatives	Area in acres	Reason for not accepting the location	Approx. aerial distance from the proposed location at Sy. No 322/1P1
1	Ajjavara Village at Sy No 182/4A/A/14	1.00	Objections raised by the general public.	8.44 km
2	Duggaladka in Sullia Kasaba at Sy No 47/6A/P2	3.75	The land is uneven, so it requires extra expenditure for levelling. Another reason for not considering the area is	6.86 km

		that it is surrounded by residential houses.	
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- xi. FAC noted that as per the DSS analysis it was observed that: -
- proposed area for diversion is located at the boundary of reserve forest. The adjoining area i.e. the area towards its southern part is non-forest area (as per the RF/PF boundary available on DSS).
 - Observation based on high resolution Google Earth satellite images: clearing of ground or felling of trees has been observed on comparing the time-series satellite image from October 2018 onward.
- xii. FAC also deliberated that as per the Para1.15 of the Comprehensive Guidelines issued by this Ministry on 28.03.2019 as stated that:
- “Diversion of forest land for non-site-specific projects: A number of proposals for diversion of forest land for non-site-specific projects like industries, construction of residential colonies, institutes, disposal of fly ash, rehabilitation of displaced persons, etc. are received by the Central Government. Attention is drawn to items 1(iv) and 8 of the Form ‘A’ in which the proposal is to be submitted by the State Government. In these columns, justification for locating the project in the forest area giving details of the alternatives examined and reasons for their rejection has to be furnished. Normally, there should not be any justification for locating non-site-specific projects on forest land. Therefore, the State Government should scrutinize the alternatives in more details and must give complete justification establishing its inescapability for locating the project in forest area.*
4. **Decision of FAC:** The Committee had detailed discussion and deliberation with Nodal officer (FCA) of Karnataka. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended that the proposal may not be accepted by the Ministry since the proposed activity is non-site specific and accordingly the IRO Bangalore will communicate to the Government of Karnataka to submit the following: -
- State Govt. shall provide the justification on what basis, Act or Law the Assistant Commissioner Puttur has reserved the forest land for non-site specific activity.
 - State Govt. shall submit the clarification regarding the clearing of ground or felling of trees which has been observed on comparing the time-series satellite image from October 2018 onwards in high resolution satellite images.

File No. 8-537/1988-FC (Pt.)

Subject: Proposal for non-forestry use of 247.50 ha of forest land out of total lease area of 1936.06 ha in favour of M/s Steel Authority of India Limited (SAIL) for iron ore mining in Kiriburu- Meghahatuburu group of Iron Ore mines located in District West Singhbhum (Jharkhand) – regarding.

1. The above subject agenda item was considered by FAC in its meeting held on 27.01.2023. The corresponding agenda note may be seen at 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 before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. FAC after through deliberation and discussion observed that:
 - i. Proposal was granted Stage-I approval vide this Ministry's letter of even no. dated 18.10.2010 read with letter dated 7.05.2014 subject to fulfilment of certain conditions. Compliance of Stage-I approval was submitted by the State in 2014 however, due to incompleteness of CA and other information, proposal was not considered for Stage-II approval and deficit information was sought from the State. Subsequently, Ministry after receipt of carrying capacity study of Saranda forests prepared a Management Plan for Sustainable Mining (MPSM), which was finally approved in 2018, and pending preparation of MPSM no approval in the area was considered by the Ministry. After the finalization of the MPSM, there has been correspondence with the State on the compliance of Stage-I approval dated 18.10.2010. However, for want of submission of complete information specifically suitable CA land, Stage-II approval was not considered by the Ministry.
 - ii. Subsequently with regards to non-compliance of certain conditions and changes affected in the lease area, the proposal was placed before the FAC in its meeting held on 16.08.2021 and 15.07.2022 wherein deferred the proposal and desired that Integrated Regional Office of the Ministry shall revisit the area and prepare a detailed report on the following for the consideration of the Committee:
 - a. Detail of permanent structures observed in the mining leases of the user agency in relation with the violation of provisions of FC Act, 1980, if any, committed in the construction of said structures.
 - b. Status of change in the scope of the project, if any, affected by the user agency during the lapse of a considerable period of almost 12 years from

- the date of grant of Stage-I approval on 18.10.2010. A factual situation of the ground reality may be documented and submitted to the Ministry.
- c. As the considerable time has been elapsed, the project affected trees may be re- enumerated and abstract details of the project affected trees, along with change in their number needs to be intimated in consultation with State Forest Department. Moreover, detail of CA land which has been proposed over degraded forest land may also be verified with by the IRO in terms of suitability by visiting the areas proposed.
 - d. Unambiguous information with supporting details relating to status of reclamation and land handed over back to the State Forest Department. IRO may furnish its clear recommendation on the claim of the user agency to hand over 172.2 ha of forest area after receiving the Stage-II approval after detailed analysis of the reclamation measures adopted by the user agency and technical or administrative constraints, if any involved.
 - e. Any other information that IRO may deem worth considering by the FAC.
- iii. The same was conveyed to IRO, Ranchi vide Ministry's letter of even no. dated 01.08.2022.
 - iv. The IRO, Ranchi vide their letter dated 21.12.2022 submitted the inspection report as per the observations of the FAC. The same is summarized as under:
 - a. With regards to the permanent structures in the lease, the IRO has reported that out of out of three leases, Lease-I is only for mining while Lease-II and III are for township and infrastructure and an area of 726.09 ha has been broken prior to 1980. An area of 80.93 ha has been de-reserved by the then Govt of Bihar on 17.07.1967. After 1980 only 37.90 ha of forest land has been broken out of which 29.2 ha is for mining and 8.7 ha for storage facility.
 - b. No change in the scope of the project has been reported by the IRO.
 - c. Number of trees have been reported to be increased to 56383 from 51173 trees enumerated in 2014 i.e. there is an increase of 5,210 trees in the forest area of 247.50 ha during the intervening period of 12 years.
 - d. As regards status of reclamation, the IRO mentioned that an area of 78.3 ha is ready to be handed over back to the Forest Department.
 - e. The IRO further reported that after the Stage-II approval, the process of backfilling may be taken up and the reclaimed and rehabilitated 172.2 ha (pit area) would be surrendered to the Forest Department in progressive manner after utilizing the over burden to be produced from the newly broken area. The handing over plan of 172.20 ha as prepared by the User Agency, proposed after the Stage-II approval has also been submitted.
 - f. The IRO also reported that patch of CA proposed at Gumla Forest Division has been taken up for advanced plantation work in the year 2020-21.

- v. The FAC observed that as per the inspection report of IRO, Ranchi dated 21.12.2022 the project proponents have reported that there is no construction of any permanent structure in the mining lease after 1980 in violation of Forest Conservation Act-1980 as after 1980, only 37.90 ha area is broken out of which 29.2 Ha is for mining excavation and 8.7 Ha area is for storage of tailings. However as per details provided it has been reported that tailing pond covers an area of 7.00 ha forest land in Lease-I and Township/Housing Colony covers an area of 1.70 ha forest land.
 - vi. As per the inspection report of IRO, Ranchi dated 21.12.2022 it has been mentioned that the compensatory afforestation area at Sarjamdih in Khunti forest division consisting of 87 ha was visited by IRO. However the status of remaining CA lands in Khunti forest division has not been reported. Moreover, it has been reported that in Gumla Forest Division the CA area was taken up for advance work in the year 2020-2021 CAMPA APO and was planted next monsoon. Therefore, CA area of the project situated in Gumla Forest Division is already planted.
4. **Decision of the FAC:** The Committee after detailed discussion and deliberation with Regional Officer, IRO, Ranchi and Dy. Director in the Office of Nodal Officer, Jharkhand deferred the proposal and sought the following information:
- i. It has been observed that an area of 1.70 ha has been used for Township/Housing Colony, whereas the project proponent has reported that there is no construction of any permanent structure in the mining in violation of FCA. 1980. The IRO shall examine the matter and submit a report/justification in this regard.
 - ii. The IRO, Ranchi shall ensure that the entire CA area proposed in Khunti Forest Division consisting of 8 different patches is suitable for Compensatory Afforestation.
 - iii. It has been informed that the CA area proposed in Gumla Forest Division is already planted. Since the area has been already planted therefore there is no justification for considering the same as suitable for Compensatory Afforestation. The IRO in consultation with State Govt shall ensure that suitable DFL which is free from encumbrances is provided for Compensatory Afforestation.
 - iv. The IRO in consultation with State Government shall explore the possibility of handing over of equivalent reclaimed area by the user agency from their other mines in the State and submit the details for further consideration by the Committee.
 - v. The IRO shall submit a report on above points within a period of four weeks.

Agenda No:- 7**File No. 8-62/2018-FC**

Subject: Proposal for diversion of 126.72 ha (84.35 ha PF and 42.37 ha Jungle Jhari) of forest land for KDH Open Cast Mine in favour of M/s Central Coalfields Limited (CCL) in Ranchi District, Jharkhand – regarding.

1. The above subject agenda item was considered by FAC in its meeting held on 27.01.2023. The corresponding agenda note may be seen at 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 before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. FAC after through deliberation and discussion observed that:
 - i. The Government of Jharkhand vide their letter no. Van Bhumi-06/2017/3422/V.P. dated 13.08.2018 submitted the above mentioned proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.
 - ii. The proposal was considered by the FAC in its meeting held on 31.07.2019 and FAC desired additional details on the proposal, including detail of forest area approved under the FC Act, 1980 during 1996 to 2009.
 - iii. The recommendations of FAC were conveyed to the State Government on dated 22.08.2019. Pending receipt of information, the State Government was reminded on dated 09.06.2020 and 05.08.2020.
 - iv. Subsequently, after a review of cases involving violation of Forest (Conservation) Act, 1980 and guidelines issued thereunder, the State Government was again requested on 12.04.2021 and 13.05.2021 to submit the requisite information failing which the Ministry will initiate proceedings to close the proposal.
 - v. The matter was again reviewed in the Ministry and taking cognizance of the fact that despite repeated reminders, no reply has been received from the State, Ministry desired from its IRO on 14.12.2021 to submit a report on delay in submission of additional information to the Ministry.
 - vi. IRO vide their communication dated 14.01.2022 has submitted a report as desired by the Ministry. Perusal of facts reported by the IRO in their report revealed the following:
 - a. Some portion of forest land has been dug out by the user agency without obtaining prior approval of the Central Government under the Forest (Conservation) Act, 1980. IRO further informed that permission for working in the portion of forest land was granted by the DFO, Ranchi.

- DFO has granted permission over an area of 8.45 ha of forest land.
- b. IRO further informed that an area of 10.51 ha, put of 126.72 being considered for diversion under the extant proposal, has already been broken up by the user agency without prior approval under the FC Act, 1980.
 - c. Currently, the user agency has again applied for permission with DFO, Ranchi over an area of 4 ha of forest land which is pending with the Nodal Officer (FCA), Jharkhand.
 - d. Justification to protect the coal from fire has been cited as reason for undertaking mining in the forest land.
- vii. The State Government vide their letter no. Van Bhumi-06/2017-1201/V.P. dated 22.04.2022 submitted reply in response to Ministry's letter dated 22.08.2019.
 - viii. Additional information received from the State was considered by the Forest Advisory Committee in its meeting held on 13.06.2022 and the Committee decided to defer the proposal to obtain the additional information from the State. Same was communicated to the State Government vide Ministry's letter dated 22.06.2022.
 - ix. The State Government vide their letter No. Vanbhumi-06/2017-2426-V.P. dated 22.08.2022 received in this office on 06.09.2022, submitted reply in response to Ministry's letter dated 22.06.2022.
 - x. The IRO, Ranchi vide their letter no. FP/JH/MIN/8374/2014/498 dated 26.08.2022 submitted their detailed report in depth examination of the issues related to unauthorized use of forest land allowed by the DFO concerned citing the justification of controlling the raging fires in the mining lease of user agency as desired by FAC in its meeting held on 13.06.2022.
 - xi. The IRO has informed that considering the fact that the forest land under examination is already within the lease of more than 700 ha of user agency (CCL) acquired under CBA Act 1957 for which the user agency has already paid the NPV, the DFO's act of giving them permission to dig-out around 8Ha out of total applied 126.72 Ha for preventing an imminent threat is although reprehensible but certainly not criminal. IRO, Ranchi has already issued notices under the relevant act to all the related officials of Jharkhand State Forest as well as project proponents who were related with case.
 - xii. The proposal was considered by the Forest Advisory Committee in its meeting held on 07.11.2022 and FAC decided that the Committee will undertake a site visit to the area. After assessment of the situation, appropriate decision in the matter may be taken by the Committee in its next meetings.
 - xiii. In this regard, the FAC could not visit the site and accordingly the Ministry vide its letter dated 23.01.2023 requested the IRO, Ranchi to conduct a site visit of the area and submit a detailed report keeping in view the issues raised by the FAC.
 - xiv. The IRO, Ranchi vide their email dated 25.01.2023 submitted their

detailed report wherein it has been mentioned that:

- a. The site inspection on 25/1/2023 by IRO Ranchi was done to the area where digging permission was given by DFO to extinguish burning of coal seam on repeated requests of user agency. The area was seen and it was found that coal seam beds are exposed on scrapped faced excavated extremity of the mine. Without digging up to carve out the burning portion of the area, it was not feasible to douse the rising fire which was increasingly getting detrimental to the near habitations and forest both.
 - b. This was brought to the notice of visiting IRO that adjacent areas too were under self-combustion of seem beds where similar permission was sought. But, DFO corrected himself and did not give permission of digging out the areas to douse fire even on repeated request of user agency and nearby residing public representatives. In such areas, because of burning of coal seam bed and anaerobic combustion which creped in little deep, horizontally has turn the coal into ashes, there by losing the strata leading to subsidence of these peripheral areas.
 - c. This subsidence was spontaneous and uncontrolled and hence was more hazardous. Therefore, it was estimated that permission given by DFO to dugout burning areas was although, not inconsonance with ministries instructions but certainly was a better way to controlled diastrophic trauma turning into catastrophic disaster. Yet since DFO took the decision by himself and did not bother to appraise nodal office or regional office.
 - d. Therefore, it is appropriate that a warning should be given to DFO by the State Government asking him to refrain himself on such misinterpretation of laws and function in solidarity without informing the higher and appropriate authorities.
 - e. In view of above circumstances, the proposal may be considered under section 2 of FC Act 1980 along with the provisions as mentioned under 1.21(ii) of the FC Handbook.
- xv. The FAC observed that the total lease area under the possession of the User Agency is 717.17 ha, comprising of 514.64 ha of forest land and 202.53 ha of non-forest land. Out of total forest land involved in the lease, 130.36 ha is diverted under the Forest (Conservation) Act, 1980 in the past, 151.22 ha is reported to be broken prior to 1980 and remaining 106.34 ha is yet to be applied for diversion of forest land.
 - xvi. The FAC observed that 101.41 ha was diverted under the Forest (Conservation) Act, 1980 for a period of 10 years vide letter dated 1.07.1996 and 28.95 ha was diverted vide letter dated 26.10.2009 for a period of 20 years. Thus out of total 514.64 ha of forest land, so far, the User Agency has diverted only 130.36 ha of forest land. Further, approval in respect of 101.41 ha was accorded for a period of 10 years which stands expired on 30.06.2006. No proposal for renewal of the same has been submitted by the User agency.

- xvii. As per the extant guidelines of the Ministry and various Rulings of the Courts, proposal for entire forest land involved in the mining lease should have been submitted by the User Agency for seeking prior approval of the Central Government i.e. out of total 514.64 ha of forest land involved in the lease, currently, the User Agency has valid approval of 28.95 ha of forest land only and 126.72 ha is being considered under the extant proposal while the rest of the forest land under the possession of the User Agency (101.41+106.34+151.22=358.97 ha) also needs to be applied/renewed under the Forest (Conservation) Act, 1980.
4. **Decision of the FAC:** The Committee had detailed discussion and deliberation with the Regional Officer, IRO Ranchi and Dy. Director in the Office of Nodal Officer, Jharkhand. After going through the facts of the proposal, the Committee recommended the proposal for Stage-I approval with following specific conditions:
- i. As per the approved Mining plan, an additional forest area of 135.91 ha is required for the expansion of the project. However, the instant proposal has been submitted for 126.72 ha only, excluding the area of 9.19 ha forest land which as per approved mining plan is earmarked as safety zone. The State government shall either revise the Mining plan or seek the diversion of the 9.19 ha. for the purpose of safety zone.
 - ii. The State Govt. shall submit a detailed status report of the approvals under FCA,1980 of the forest land involved in the entire lease area. The forest areas for which a valid approval under FCA,1980 is not available shall not be used before a valid approval under FCA,1980 for the same is obtained.
 - iii. Wildlife Management plan shall be prepared and implemented at the cost of the user agency. The approved Wildlife management plan shall be submitted and the applicable cost shall be deposited as per the guidelines issued by the Ministry in this regard.

Agenda No:- 8

File No. 8-08/2022-FC

Subject: Proposal for non-forestry use of 1,006.17 ha, comprising of 633.19 ha and 372.98 ha of forest land for Kotre, Basantpur Open Cast Mining Project in favour of M/s Central Coalfields Limited in Ramgarh and Bokaro district of Jharkhand – regarding.

1. The above subject agenda item was considered by FAC in its meeting held on 27.01.2023. The corresponding agenda note may be seen at 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 before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. FAC after through deliberation and discussion observed that:
 - i. The State Government of Jharkhand vide their letter no. Van Bhumi-07/2022-1457/V.P. dated 24.05.2022 and letter no. Van Bhumi-06/2022-1521/V.P. dated 31.05.2022 uploaded following two proposal on Parivesh portal on 25.05.2022 and 03.06.2022 respectively:
 - a. Proposal for non-forestry use of 633.19 ha of forest land for Kotre, Basantpur Open Cast Mining Project in favour of M/s Central Coalfields Limited in Ramgarh district of Jharkhand. Proposal for non-forestry use of 372.98 ha of forest land for Kotre, Basantpur Open Cast Mining Project in favour of M/s Central Coalfields Limited in Bokaro district of Jharkhand.
 - b. Above two proposals pertain to the same project of the user Agency and with a view to process these two separate proposals together, both the proposals are processed as a consolidated proposal for non-forestry use of 1,006.17 ha (633.19 ha Forest Land + 372.98 ha Forest Land) forest land under Forest (Conservation) Act, 1980 for Kotre, Basantpur Open Cast Mining Project in favour of M/s Central Coalfields Limited in Ramgarh and Bokaro district of Jharkhand.
 - ii. After examination of the proposal, Ministry vide its letter dated 22.06.2022 requested the State Government to furnish additional information/documents on certain points. IRO, Ranchi was also requested to carry out Site Inspection of the Area.
 - iii. The State Government vide their letter no. Van Bhumi-07/2022-2945/V.P. dated 30.09.2022 advverting PCCF, Government of Jharkhand's letter no. 887 dated 01.09.2022 in response to Ministry's letter dated 22.06.2022.
 - iv. The IRO, Ranchi vide their letter no. 3-19/ROR-2021/570 dated 26.09.2022 submitted Site Inspection Report in response to Ministry's letter dated 22.06.2022.
 - v. The proposal was considered by the Forest Advisory Committee in its meeting held on 07.11.2022 and FAC decided that the Committee will undertake a site visit to the area. After assessment of the situation, appropriate decision in the matter may be taken by the Committee in its next meetings.
 - vi. In this regard, the FAC could not visit the site and accordingly the Ministry vide its letter dated 23.01.2023 requested the IRO, Ranchi to conduct a site visit of the area and submit a detailed report keeping in view the issues raised by the FAC.
 - vii. The IRO, Ranchi vide their email dated 25.01.2023 submitted their

detailed report wherein it has been mentioned that:

- f. The IRO visited the area on 25/1/2023 proposed for over burden dumping. The area has fairly good vegetation and northern side of it has rich wildlife presence too (especially the area of about 44 Ha marked in red circle below). The DFOs present there apprised of frequent elephant sighting in this area.
 - g. The representative of CCL apprised the inspecting IRO that because of high depth of seam bed coupled with their steep inclination, downward internal dumping may not be feasible for opening of the mine. Similarly, they informed the IRO that adjacent non-forest land could not be made available for OB dumping as either such area do fall under other leases or belong to hostile inhabitant. The north eastern extremities of the proposed over burden area has very high density of vegetation, which has high/rich biodiversity also (marked in red circle).
 - h. IRO, team instructed the user agency to examine the possibility of excluding the biologically rich area from the proposal. IRO also asked the representative of UA to provide data regarding their reclamation efforts after the mine closure. User agency acceded to the request of IRO and submitted that they would stretch the limits to exclude the high density area (44 Ha of the circle above).
 - i. IRO also suggested that after excluding the highlighted wildlife rich area, a proper safety zone should be established in place which should be marked on the periphery so that wildlife straying into the mining zone should be adequately checked to avoid any undesired confrontation during the project implementation phase.
 - j. Therefore, in absence of other dumping sites as well as the disproportionate amount of overburden likely to be generated, the proposal may be considered in light of Section 2 of FCA- 1980 by reducing the 44 Ha area of high vegetation in the dumping part as stated above
- viii. The FAC observed that the IRO, Ranchi in their inspection report mentioned that in absence of other dumping sites as well as the disproportionate amount of overburden likely to be generated, the proposal may be considered in light of Section 2 of FCA- 1980 by reducing the 44 ha area of high vegetation in the dumping part.
 - ix. The Committee observed that the proposal includes certain non-site specific activities like overburden dumping and creation of infrastructure. The area was seen by the Committee on DSS and it was observed that out of the total area proposed for overburden dump, approximately 151 ha area on the right side of the District boundary comprises VDF and MDF both. Keeping in view the nature of the activity proposed it may not be prudent to use this area for overburden dump.
4. **Decision of the FAC:** The Committee had detailed discussion and deliberation with the Regional Officer, IRO Ranchi and Dy. Director in the

Office of Nodal Officer, Jharkhand. After going through the facts of the proposal, the Committee recommended the proposal for Stage-I approval for (1006.17 -151) ha forest area with general, standard and following specific conditions:

- i. Out of the total area proposed for overburden dump, approximately 151 ha area on the right side of the District boundary comprises VDF and MDF both. Keeping in view the non-site specific nature of the activity, this 151 ha area cannot be given for overburden dump. The State Govt. shall accordingly submit the revised layout plan and the mining plan by excluding the above mentioned forest area.
- ii. After excluding the 151 ha as above, the safety zone shall also be revised and adequate provision for the same will be kept in the Mining plan.
- iii. A proper Soil moisture conservation plan shall be prepared in consultation with the State Govt. and executed to mitigate the adverse effect of mining activities in the area. The due care shall be taken towards the rehabilitation of the local streams passing through the area.
- iv. Wildlife Management plan shall be prepared and implemented at the cost of the user agency. The approved Wildlife management plan shall be submitted and the applicable cost shall be deposited as per the guidelines issued by the Ministry in this regard.
- v. As Reported by IRO the encroachments both temporary and permanent have been observed in the proposed CA areas and there is a water body within one patch making it unsuitable for plantation. The State Govt. shall ensure to make all the proposed CA areas free from all encumbrances and submit a detailed report in this regard before Stage-II approval.

Agenda No:- 9

File No. 8-11/2022-FC

Subject: Diversion of 227.90 ha Forest Land under Forest (Conservation) Act, 1980 of Village Bahule, Tal. Patan, Dist. Satara and Village Kharade, Helgaon, Hanbarwadi and Gosavewadi, Tal. Karad, Dist. Satara for rehabilitation of Village Male, Tal. Patan, Dist. Satara from Chandoli National Park of Sahyadri Tiger Reserve (Online No. FP/MH/REHAB/143272/2021) – regarding.

1. The above stated agenda was considered by FAC in its meeting held on 27.01.2023. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC.
3. The FAC after thorough deliberation and discussion observed that:

- i. The State Government vide their letter No. FLD-2022/CR-111/F-10 dated 26.05.2022 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 227.90 ha Forest Land of Village Bahule, Tal. Patan, Dist. Satara and Village Kharade, Helgaon, Hanbarwadi and Gosavewadi, Tal. Karad, Dist. Satara for rehabilitation of Village Male, Tal. Patan, Dist. Satara from Chandoli National Park of Sahyadri Tiger Reserve, Maharashtra State.
 - ii. The Dy. DGF (Central), IRO, Nagpur and CCF (T), Kolhapur along with CF-cum-Field Director, Sahyadri Tiger Reserve attended the meeting.
 - iii. The State Government has mentioned that the village Male proposed for rehabilitation is within the core of Sahyadri Tiger Reserve & Chandoli National Park and after rehabilitation of village Male non forest area of 519.49 ha will be made available to the forest department.
 - iv. The area proposed for diversion is 227.90 ha and is Reserve Forest land. The total numbers of trees proposed to be felled are 38,738.
 - v. The State Government has mentioned that the village "Male" proposed for relocation has 140 PAP's as per list prepared by Revenue Department. Hence, out of total 140 PAP's 20 PAP's accorded their consent to relocate as per option I and remaining 120 PAP's willing to relocate as per option II. This proposal for relocation of 120 PAP's has been submitted. Hence, relocation of all PAP's will make this area devoid of any people and inviolate.
 - vi. The Dy. DGF (Central), IRO, Nagpur has informed that out of total 38738 trees which are proposed for felling includes 20071 (65%) of *Gliricidia* which were planted with the objective of greening barren lands, now this species is more of invasive nature accordingly is proposed to be replaced with local native species. Accordingly, removal of *Gliricidia* is recommended.
 - vii. The Dy. DGF (Central), IRO, Nagpur has recommended that the State Forest Department shall plant native multipurpose species in common areas, village paths and community areas. Further, all fruit bearing and multipurpose tree species like like *Azadirachta indica*, *Bombax ceiba*, *Butea monosperma*, *Cassia fistula*, *Mangifera indica*, *Syzigium cumini*, *Tamarindus indica*, *Terminalia bellarica*, etc. shall be kept intact.
4. **Decision of the FAC:** After detailed discussion with the Regional Officer, IRO Nagpur, the FAC recommended for according Stage-I approval to the proposal for rehabilitation of Village Male, Tal. Patan, Dist. Satara from Chandoli National Park of Sahyadri Tiger Reserve, Maharashtra State with General and Standard and following specific conditions:
- i. The State Forest Department shall plant native multipurpose species in common areas, village paths and community areas. Further, efforts shall be made to keep intact fruit bearing and multipurpose tree species like like *Azadirachta indica*, *Bombax ceiba*, *Butea monosperma*, *Cassia fistula*, *Mangifera indica*, *Syzigium cumini*, *Tamarindus indica*,

Terminalia bellarica, etc. wherever possible.

Agenda No: - 10

File No. 8-07/2022-FC

Subject: Diversion of 112.25 ha Forest land under Forest (Conservation) Act, 1980 at Village Mane Colony, Bholi & Dhangarwadi, Tal. Khandala, Dist. Satara for rehabilitation of Village Vele, Tal. Jaoli, Dist. Satara from Koyana Wildlife Sanctuary of Sahyadri Tiger Reserve, Maharashtra State (Online No. FP/MH/REHAB/144503/2021) – regarding.

1. The above stated agenda was considered by FAC in its meeting held on 27.01.2023. The details of the proposal may be seen at www.parivesh.nic.in.
2. During the meeting, all the factual details along with examination of the proposal in the DSS were presented before the FAC.
3. The FAC after thorough deliberation and discussion observed that:
 - viii. The State Government vide their letter No. FLD-2022/CR-81/F-10 dated 11.05.2022 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 112.25 ha. Forest land at Village Mane Colony, Bholi & Dhangarwadi, Tal. Khandala, Dist. Satara for rehabilitation of Village Vele, Tal. Jaoli, Dist. Satara from Koyana Wildlife Sanctuary of Sahyadri Tiger Reserve, Maharashtra State.
 - ix. The Dy. DGF (Central), IRO, Nagpur and CCF (T), Kolhapur along with CF-cum-Field Director, Sahyadri Tiger Reserve attended the meeting.
 - x. The State Govt. has submitted that the Vele village which is being relocated is situated in the core of the core of Sahyadri Tiger Reserve & Koyana Wildlife Sanctuary and after rehabilitation of Village Vele 642.27 ha non-forest will be made available to the forest department.
 - xi. The area proposed for diversion is 112.25 ha out which 45.70 is Unclassed Forest and 66.55 ha is Reserve Forest land. The total numbers of trees proposed to be felled are 2918.
 - xii. The State Government has mentioned that the village "Vele" proposed for relocation has 135 PAP's as per the list prepared by Revenue Department. Out of 135 PAP's, 62 PAP's are already residing out of Vele village. 12 PAP's has given their consent for relocation in Raigad District. Hence this proposal is for the remaining 61 villagers which will make the area devoid of any people and inviolate.
 - xiii. The Dy. DGF (Central), IRO, Nagpur has recommended that the area includes many large fruit bearing and multipurpose tree species, accordingly, the State Forest Department shall keep as many as possible trees like *Ficus bengalensis*, *Syzigium cumini*, *Ficus religiosa*, etc. intact.

4. **Decision of the FAC:** After detailed discussion with the Regional Officer, IRO Nagpur, the FAC recommended for according Stage-I approval to the proposal for rehabilitation of Village Vele, Tal. Jaoli, Dist. Satara from Koyana Wildlife Sanctuary of Sahyadri Tiger Reserve, Maharashtra State with General Standard and following specific conditions:
- i. The area includes many large fruit bearing and multipurpose tree species, accordingly, the State Forest Department shall keep as many as possible trees like *Ficus bengalensis*, *Syzigium cumini*, *Ficus religiosa*, etc. intact.

Agenda No. 11

F. No. 8-280/1989-FC (Vol.)

Sub: Proposal for non-forestry use of 417.073 ha & Re-diversion (Change of Land use) of 171.774 ha forest land in respect of Integrated Lakhanpur-Belpahar-Lilari Opencast Project of Lakhanpur area in district Jharsuguda in Odisha, Mahanadi Coalfields Limited. (Online Proposal No. FP/OR/MIN/39355/2019)-:

The proposal was deferred for discussion in the next Forest Advisory Committee meeting. The FAC desired that the Nodal Officer (FCA), Govt. of Odisha should be present in person in the next FAC meeting for discussion.

Agenda No: - 12

F. No. 8-35/2019-FC

Sub: Proposal seeking prior approval of the Central Government under Section -2 (ii) of the Forest (Conservation) Act, 1980 for non-forestry use of 238.373 ha of forest land in favour of M/s South Eastern Coalfields Limited for Baroud Expansion Open Cast Coal Mining project (3 MT) in Raigarh District of Chhattisgarh. -regarding (online Proposal No.FP/CG/MIN/30359/2012).

1. The agenda item was considered by the Advisory Committee in the meeting held on 27.01.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer (FCA), Government of Chhattisgarh and IRO Raipur was present in the meeting.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their

significance.

3. The FAC after through deliberation and discussion observed that:
 - i. The proposal was earlier considered by the Forest Advisory Committee (FAC) in its meeting held on 27.07.2021 and 27.01.2022 and 15.07.2022 wherein FAC desired additional information viz. impact of CBA analysis of increasing the embankment upto 100 meters, detail of important wildlife recorded in the area, available studies on the hydrological regimes of the area, comprehensive Plan on Soil and moisture conservation, detail of NPV paid by the user agency, etc.
 - ii. Nodal officer (Chhattisgarh) on 27.01.2022 informed the Committee that information as per the observation of FAC has been submitted by the State Government. Nodal Officer, with regards to availability of studies on the hydrological regimes, apprised the Committee on the following:
 - a. There will be no impact on the cost benefit analysis of the project after enhancing the width of embankment and bank area/no mining zone upto 100 meters from the bank of the river Kurket.
 - b. Report on the movement of wildlife in the area during the last five years has been prepared and submitted, however, comments of PCCF Wildlife on the same have not been obtained and the same are being obtained and will be submitted to the Ministry soon.
 - c. A detailed hydrological study containing the detail water sources, ground water levels, water drainage, capacity of underground water resources, etc. has been prepared by the CMPDIL. User agency has submitted an undertaking to comply with all provisions recommended in the said report.
 - d. A soil and Moisture Conservation Plan has also been prepared by the User agency for its implementation in the area.
 - e. An amount of Rs. 1,10,20,580/- and Rs. 9,03,96,420/- has been deposited by the user agency towards the cost of NPV in lieu of diversion of 19.001 ha and 123.899 ha of forest land respectively diverted in the past. NPV in lieu of extant proposal will be paid by the user agency subsequent to Stage-I approval as per revised rates of NPV.
 - iii. FAC, after examination of the additional information submitted by the State observed that since the movement of wildlife has been reported in the area, therefore, comments of the CWLW needs to be obtained.
 - iv. Accordingly, FAC on 15.07.2022 the Committee observed that the comments of CWLW are critical for appropriate analysis of the proposal therefore FAC deferred the proposal till the submission of comments of the CWLW Chhattisgarh on the reported movement of wildlife in the area and mitigating measures, if any, required to be taken for the mitigating the impact of the proposed project on the wildlife.
 - v. State Government vide letter dated 13.01.2023 adverting PCCF (Wildlife)'s letter no. V. Pra./Steno/Praband-498/4789 dated 28.12.2022 submitting a copy of Wildlife Conservation Plan. PCCF WL, Govt. of Chhattisgarh has informed the mitigative measures of the movement of

Wildlife is showing in the Page No. 86-97 of Wildlife Conservation Plan.

4. **Decision of FAC:** The Committee had detailed discussion and deliberation with Nodal officer (FCA) of Chhattisgarh. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee deferred the proposal for want of specific comments of Chief Wildlife Warden on the reported movement of wildlife in the area and mitigating measures and its recommendation w.r.t. the proposal. The Committee desired that the Chief Wildlife Warden, Govt. of Chhattisgarh may be present in person in the next Advisory Committee meeting for further discussion.

Agenda No:- 13

F. No. 8-03/2019-FC

Sub: Diversion of 109.459 ha of forest land for Open Cast Mining project at Gourangdih ABC coal mine in favour of WB Mineral Development of Trading Corporation under Durgapur Forest Division, West Bengal-reg.

The proposal was deferred for discussion in the next Forest Advisory Committee. The FAC desired that the Nodal Officer (FCA), Govt. of West Bengal should be present in person in the next FAC meeting for discussion.

Agenda No:- 14

F. No. 8-17/2001-FC

Sub: Proposal is for grant of change in the land use pattern over an area of 371.192 ha of forest land already diverted on 22.04.2004 in favour of M/s JSW Steel Limited-reg. (Online Proposal No. FP/OR/MIN/476/2001).

The proposal was deferred for discussion in the next Forest Advisory Committee meeting. The FAC desired that the Nodal Officer (FCA), Govt. of Odisha should be present in person in the next FAC meeting for discussion.

Agenda No:- 15

F. No. 8-17/2021-FC

Sub: -Proposal for diversion of 75.92 ha. of forest land (near M.L. No.2396 of NMDC) in Donimalai (DM) forest Block, Sandur, Taluk, Ballari District for construction of new Screening Plant-II, Two Tailing dams (I & II) and laying of Water pipeline in favour of NMDC Limited Donimalai Township, Sandur, Taluk, Ballari District. (Online Proposal No.FP/KA/Others/14576/2015).-regarding.

1. The agenda item was considered by the Advisory Committee in the meeting held on 27.01.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer (FCA), Government of Karnataka and IRO Bangalore was present in the meeting.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The FAC after through deliberation and discussion observed that:
 - i. The instant proposal was considered in the FAC meeting held on 17.10.2022.
 - ii. FAC observed that both the State Government and IRO, Bangalore has confirmed that the User Agency has carried out the Violation of FC Act 1980 and the below mentioned structures has already been established: -
 - a. The User Agency has already laid pipeline about 400 mtrs (i.e. 0.08 Ha) length in the proposed screening Plant-II Area.
 - b. The User Agency has already established washing plant about 0.1 ha in the proposed Screening plant-II area.
 - c. The User Agency has already established Conveyor belt about 363 mtr length in the proposed screening plant-II area and about 376 mtrs length in tailing Dam-I area.
 - d. The User Agency has already established cheek dam, silt settling tank and rainwater harvesting pit in the proposed tailing dam-II area. Further, these are all related to R&R activities implemented by the User Agency with respect to ML No.2396.
 - iii. A total area of 4.78 ha is under use, without regularization. Out of which 2.57 ha is being used for mining allied activities and remaining 2.21 ha is under use for non-mining activities.
 - iv. The details of violation are given in below mentioned tables.

Table 1: Showing area in use for mining allied activities

Sl. No.	Component	Area Proposed (in ha)	Area in use for mining allied activities (in ha)	Mining allied activities
1	Screening plant-II	12.96	1.72	Roads Conveyor pipe line & Thickners
2	Tailing Dam-I	40.25	0.85	Roads, Conveyor, pipeline & Thickners
3	Tailing Dam-II	22.25	-	-
4	Water pipeline	0.46	-	-
	Total	75.92	2.57	

Table 2: Showing area in use for non-mining activities

Sl. No.	Component	Area Proposed (in ha.)	SMC works (R&R activities)	Encroachment by Public (ha)	Total In ha
1	Screening Plant-II	12.96	-	-	-
2	Tailing Dam-I	40.25	-	-	-
3	Tailing Dam - II	22.25	0.38	1.83	2.21
4	Water pipe line	0.46	-	-	-
	Total	75.92	0.38	1.83	2.21

* If we exclude R&R works and encroachment, it comes to 2.57 ha.

v. Based on the violation and encroachments reported the Ministry sought the Action Taken report from the State govt. The State govt. on 13.10.2022 informed that the forest offence case was registered against Sri. Pujari Ganesh vide FOC No. 12/2020-21 dated 14-07-2020 who have encroached over an extent of 1.63 Acres (0.659 Ha) and investigation is under progress. The remaining area of 1.171 ha is encroached by the fanners, Sri. Pujar Dodda Tayappa and Sri. Pujar Sanna Tayappam since last 30-40 years. They have applied under Forest Rights Act, 2006 and these FRA applications are pending for verification.

vi. FAC further noted that there is an FRA Certificate submitted by the DC, Bellary on 13.09.2019 over an area of 75.92 ha stating that all the rights have been settled.

vii. On 17.10.2022 the Committee deferred the proposal in want of the below mentioned information: -

a. The State Government shall submit the justification for creation of two tailing dams in the forest land in view of the observations made by IRO Bangalore.

b. The State Government shall clarify regarding rights claimed under FRA 2006 as per the submission made vide letter dt. 13.10.2022 vis a vis certificate dt. 13.09.2019 submitted by the DC, Bellary earlier with the instant proposal.

viii. The State Govt. on 18.01.23 in response FAC observation on 17.10.22 submitted the following: -

Sl No	Information sought by FAC on 21.09.2022	Reply submitted by State govt.
		In this regard the State Govt. informed that the user agency has

1.	The State Government shall submit the justification for creation of two tailing dams in the forest land in view of the observations made by IRO Bangalore.	dropped the tailing dam-II and requested for diversion of forest land for only 53.67 ha (excluding tailing dam-ii i.e. total proposed previously 75.92 ha - tailing dam-ii 22.25 ha - revised extent 53.67 ha). This includes screening plant-II, tailing Dam-I and slurry/water pipeline. Further the UA has also submitted the justification for dropping tailing Dam-II.
2.	The State Government shall clarify regarding rights claimed under FRA 2006 as per the submission made vide letter dt. 13.10.2022 vis a vis certificate dt. 13.09.2019 submitted by the DC, Bellary earlier with the instant proposal.	In this regard the State govt. informed that the said issue of FRA claims has been raised with respect to proposed tailing dam-II area of 22.25 ha. However, M/s NMDC has dropped the proposed Tailing dam-II (22.25 ha) from the original proposal of 75.92 ha. Moreover, FOC has been booked vide FOC No.12/2020-21 dated 14.07.2022 w.r.t. encroached area of around 1.83 ha (which is part of dropped area of 22.25 ha) and it is reported that this encroachment will be evicted subsequently.

5. Decision of FAC : The Committee had detailed discussion and deliberation with Nodal officer (FCA) of Karnataka. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended for grant of in-principle / Stage-I approval for an area of 53.67 ha. (originally proposed 75.92 ha of forest land) with general and standard conditions. Further w.r.t. area under violation wherein the structures (2.57 ha) has been established before 1980 and are in use even after the enactment of Forest (Conservation) Act, 1980 without getting them regularized, and considering the fact that proposal to regularise this area has been submitted by the M/s. NMDC in the year 2015. In this regard, it was decided that the State Govt. shall impose a penalty of five (5) times the NPV plus 12 percent simple interest till the deposit is made from the year 2015 as penalty for violation of FCA 1980 (i.e 2.57 ha. area under violation) as proposed by the State Government.

Additional Agenda on Policy Issue No. 1

Sub: Upgradation/widening of roads, constructed prior to 1980 in forest

areas – reg (F. No. 11/117/2019-FC)

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 27.12.2022. The Member Secretary briefed and placed the issue before the Committee regarding upgradation and widening of roads constructed prior to 1980 in the forest areas. There is apprehension prevailing among the various processing authorities in the field regarding the applicability of provisions of Forest (Conservation) Act, 1980 in the forest land used for construction of roads prior to 1980 while undertaking upgradation/widening of such roads. The issue was analysed holistically by the Committee which observed as under:
 - i. As per the provisions of existing guidelines dated 9.11.2020, repair, maintenance and blacktopping of roads, outside the Protected Areas, constructed in forest areas prior to the commencement of the Forest (Conservation) Act 1980, without widening and without felling of trees does not amount to fresh diversion of forest lands and such works can be permitted by the State Forest Department for the simple reason that such cases do not amount to fresh diversion of forest lands.
 - ii. The State Forest Department can undertake repair, maintenance and upgradation of roads constructed in the forest area prior to 1980 without attracting the provisions of the Forest (Conservation) Act, 1980.
 - iii. The Committee was also apprised that these provisions are only applicable within the RoW/carriageway used for the construction of roads and in forest areas located outside the Protected Areas while in case such widening or upgradation involves fresh breaking of forest land, provisions of the Forest (Conservation) Act, 1980 will be applicable on such additional forest land.
 - iv. The Committee also observed that there is an apprehension among the various processing authorities in the State as well as in the IRO regarding applicability of the Forest (Conservation) Act, 1980. Many processing authorities are insisting for obtaining approval of forest land located in the carriage way of road constructed prior to 1980 thereby resulting into a situation of ambiguity among the filed functionaries.
 - v. The Committee observed that Ministry since 2004 is of opinion that forest land already put to non-forestry use before the 1980 for the construction of road will not attract the provisions of Forest (Conservation) Act, 1980 unless there is additional requirement of forest for upgradation/widening of roads or there is change in the land use. As long as the forest land is used for the same purpose for which its non-forestry use i.e. road was allowed before 1980, the provisions of Forest (Conservation) Act, 1980 will not be applicable. A clarification in this regard needs to be issued by the Ministry to remove ambiguities in processing of such proposals.
 - vi. The Committee also deliberated that for the purpose of maintaining the clarity on forest land involved/approved in such proposals for the knowledge of processing authorities in future, while seeking prior approval under the Forest (Conservation) Act, 1980 for use of additional forest land required for upgradation/widening of such roads, the detail of existing forest land involved in the carriageway of road constructed prior

to 1980 should also be included in the application for diversion of forest land. As the non-forestry use of forest land involved in the carriage way constructed prior to 1980 has already been allowed before 1980, the provision of raising compensatory afforestation and payment of NPV should not be insisted for such portion of forest land involved in the upgradation/widening of forest land.

2. **Decision of the FAC:** After detailed discussion and deliberation on the proposal with the Regional Officers and Officials of the Forest Conservation Division, the Committee recommended that as long as the forest land is used for the same purpose for which its non-forestry use i.e. road was allowed before 1980, the provisions of Forest (Conservation) Act, 1980 will not be applicable subject to the following conditions:
 - i. While seeking prior approval under the Forest (Conservation) Act, 1980 for use of additional forest land required for upgradation/widening of such roads, the detail of existing forest land involved in the carriageway of road constructed prior to 1980 should also be included in the application for diversion of forest land.
 - ii. As the non-forestry use of forest land involved in the carriage way constructed prior to 1980 has already been allowed before 1980, the provision of raising compensatory afforestation and payment of NPV should not be insisted for such portion of forest land involved in the upgradation/widening of forest land.
 - iii. The guidelines dated 9.11.2020 issued by the Ministry permitting repair and maintenance of roads constructed prior to 1980 by the Forest Department will accordingly be modified by the Ministry.

Additional Agenda on Policy Issue No. 2

Sub: Request for the grant of general approval under Section - 2 of the Forest (Conservation) Act, 1980 as prevalent prior to 31.12.2020 in the interest of National Security (F. No. 11-9/1998-FC(Pt)).

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 27.12.2022. The Member Secretary briefed the Committee on the issue related to grant of General Approval (GA) under section - 2 (ii) of the Forest (Conservation) Act, 1980 to defence project located in the border areas
2. The Advisory Committee, after examination of the matter observed as under:
 - i. Ministry of Home Affairs has requested the MoEF&CC to consider grant of General Approval under Section - 2 of the Forest (Conservation) Act, 1980 to defence projects as prevalent prior to 31.12.2020 in the interest

of National Security in light of the following submissions:

- a. The Department of Border Management, Ministry of Home Affairs is executing strategically important border security related infrastructure, such as, border roads, border fencing, border out posts, border flood lights, surveillance and power infrastructure within specific proximity along Indo-China border, Indo-Bhutan, Indo-Myanmar, Indo-Nepal and all other international borders for development of border infrastructure of National Security.
- b. Prior to 31.12.2020, the MoEF&CC had granted General Approval under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for construction of border infrastructure. However, after expiry of the general approval, extension was not granted resulting in delay in construction of critical border infrastructure projects due to pendency of Forest Clearance/Forest Land Acquisition.
- c. Considering the sensitivity and security threats to the nation, various critical border infrastructure ongoing projects of public interests, along the international borders, should not be held up.
 - ii. Citing the above circumstances, the MHA has requested the MoEF&CC to consider the General Approval granted to border infrastructure projects.
 - iii. The Committee further observed that General Approval (Prior approval) under the Forest (Conservation) Act, 1980 has been granted by the Ministry with a view to improve the infrastructure by providing basic and essential developmental facilities and sense of security in sensitive area without compromising on environmental considerations and striking a balance between the economic and ecological considerations.
 - iv. General Approval does not exempt the User Agency and authorities in the State Government concerned from the process of the submitting proposal under the Forest (Conservation) Act, 1980 as specified under the Forest (Conservation) Rules. In the past Ministry has considered grant of GA to following categories of defence projects:
 - a. In Left Wing Extremism (LWE) Districts, involving forest land up to 40 ha and felling of maximum 50 trees per ha, for the development of public related infrastructure in the LWE district identified by the Ministry of Home Affairs.
 - b. GA has been granted in the States, situated along the Line of Actual Control (LAC), for construction of the road projects located within the aerial distance of 100 Km from the LAC and outside the Protected Areas (PAs) by the agencies identified by the MHA.
 - c. For creation of Border Security related infrastructure such as, border roads, fencing, border outposts, flood lights, surveillance infrastructure, and power infrastructure within 16 km aerial distance from the Indo - Bhutan and Indo- Myanmar Borders, 15 km aerial distance from Indo-Nepal border, within 5 km along all international border and within 100 km aerial distance from Line of Actual Control (LoC) along Eastern and Western borders.

- v. General Approval granted by the Ministry was for limited or specified period only i.e. it is not permanent in nature. The basic spirit of General Approval is to boost the public infrastructure in remote forest area. Once the purpose of General Approval is served by developing the basic requirement of public infrastructure of strategic infrastructure, the GA will be withdrawn by the Ministry.
 - vi. General Approval granted by the Ministry to defense projects located in the border areas expired on 31.12.2020 and has not been extended thereafter in view of the opinion received from the MoL&J.
 - vii. Committee also noted that based on the advice of the MoL&J General Approval under section 2 (iii) for the assignment of forest land on lease has also been granted by the Ministry which is still valid and practiced by the concerned authorities of the State.
 - viii. Keeping in view the national interests involved in the execution of the projects in the border areas, the MHA has requested for grant of General Approval.
3. **Decision of FAC:** The Advisory Committee, after taking a holistic view of the situation, request made by the MHA and deliberations held in the matter, recommended that the Ministry may seek advice from the Ministry of Law and Justice with respect to the extension of the validity of General Approval for creation of border security related infrastructure

(Not present)

(Sh S. D. Vora)

Non-official Member

(Confirmed through email)

(Dr. Naveen Chandra Bisht)

Non-official Member

(Confirmed through email)

(Sh Manoj Pant)

Non-official Member

(Not present)

(Sh Om Prakash Sharma)

Member

(Confirmed)

(Sh S.P. Yadav)

Additional Director General of Forests
(FC)

Member

(Not present)

(Sh Bivash Ranjan)

Additional Director General of Forests
(WL)

Member

(Confirmed)

(Sh Ramesh Kumar Pandey)

Inspector General of Forests (FC)

Member-Secretary

(Approved)

(Sh. C.P. Goyal)

Director General of Forests & Special Secretary

Chairperson