

**RECOMMENDATIONS MADE BY THE ADVISORY COMMITTEE (AC) IN ITS MEETING**  
**HELD ON 23.02.2023.**

**Agenda No. 1**

**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 (AC) in the meeting held on 23.02.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). The CWLW, 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 AC 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 AC after through deliberation and discussion observed that:

- i. The proposal was earlier considered by the Advisory Committee in its meeting held on 27.07.2021, 27.01.2022, 15.07.2022 and 27.01.2023 wherein AC discussed the details of the proposal. This proposal involves diversion of 238.373 ha of forest land, comprising of 8.960 ha of Protected Forest land and 229.413 ha of Revenue Forest land. Earlier, the AC desired additional information from the State government, viz. impact of CBA analysis of increasing the embankment up to 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, details of NPV paid by the user agency, etc.
- ii. Nodal Officer (Chhattisgarh) on 27.01.2022 in the last AC meeting informed the Committee that information as per the observation of AC 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 up to 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. AC, 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, AC 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 advertizing 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 measures of the movement of Wildlife is shown at Page No. 86-97 of Wildlife Conservation Plan.
4. Based on this submission the proposal was discussed in the AC meeting held on 27.01.2023. 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.
  5. On 23.02.2023 the Advisory Committee asked CWLW, Govt. of Chhattisgarh for his specific comments/ presentation on the on the reported movement of wildlife in the area and mitigating measures and its recommendation with regard to the proposal. In this regard CWLW, Govt. of Chhattisgarh appraised the AC following points about the elephant movement and wildlife presence in and around the proposed area for diversion: -

- i. At least 300-meter buffer should be maintained from the boundary of the mining area for the elephant movement.
- ii. Lemru Elephant Reserve is contiguous to the proposed area and it is important elephant landscape with respect the Chhattisgarh State.
- iii. Wall fencing should be done around the proposed area for diversion for the safety of Elephants and protecting them falling in the mining pits.
- iv. River side buffer should also be of 300 mts to be maintained for the safety of elephants and protection of the perennial stream.
- v. It was also informed that the area proposed is critical area for Elephant movement for the State.

6. It was noted by AC that the mitigation plan forwarded by CWLW, Govt. of Chhattisgarh on 28.12.2022 endorsed by State Govt. vide letter dt 13.01.2023, the above-mentioned suggestions and comments by the CWLW were not reflected. Further, the concerns of the CWLW, Govt. of Chhattisgarh as presented in person in Advisory committee are not addressed in the plan submitted by the State Govt.

7. Further AC asked for the specific recommendation of the CWLW with respect to the instant proposal as desired by the AC as per its meeting held on 15.07.2022 and 27.01.2023 for which CWLW, Govt. of Chhattisgarh did not provided his clear recommendation—and suggested that the State Govt. has already recommended the proposal along with the mitigation plan and his comments with respect to the movement of elephant and presence of wildlife in the area and required mitigation measures as stated above in para 5 above may be taken on record.

8. Further, AC desired that the complete compliance specifically regarding status of the CA plantations along with the KML files of the areas diverted earlier and CA areas identified is required with respect to the diversion proposal involved earlier and linked with the instant proposal i.e., for an area of 19.001 ha which was approved by IRO letter no. 8C/21/2003-FCW/577 dt 02.02.2004 and the area of 123.899 ha diverted by this Ministry vide letter no. 8-102/2005-Fc dt 13.12.2006.

**9. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with CWLW, Nodal officer (FCA) of Chhattisgarh and IRO Raipur. After going through the facts of the proposal and submissions made by the CWLW, Govt. of Chhattisgarh, Nodal Officer and IRO Raipur, the Advisory Committee directed to seek clarification/justification on the contradictions with reference to the report submitted earlier by the State government in view of the submissions and suggestions made by the CWLW, Govt. of Chhattisgarh during the meeting along with the below mentioned documents/information from State Govt.:

- i. The State shall provide complete compliance report with respect to the earlier diverted areas which includes 19.001 ha approved vide letter no. 8C/21/2003-FCW/577 dt 02.02.2004 and the area of 123.899 ha approved vide letter no. 8-102/2005-FC dt

13.12.2006.

- ii. State Govt. shall provide the details of the CA for the earlier diversions along with the status of the plantations and their success percentages.
- iii. KML files of the earlier diverted areas and the identified CA lands.
- iv. Clear recommendation of the CWLW, Govt. of Chhattisgarh regarding reported movement of wildlife specially elephants in the area with mitigation measures as suggested by CWLW during the AC meeting and with regard to the instant proposal.

## **Agenda No. 2**

**File No-8-47/2011-FC (pt)**

**Subject: Proposal for diversion of additional 3.7904 ha of forest land in favour of JSW Energy Limited, Kuther HEP (240 MW) village Machhettar, P.O. Channouta, Tehsil Bharmour, Distt. Chamba, for the construction of LILO from 400 KV double Circuit Transmission Line Lahal to Rejera at Tower No. 8 to Pot Head Yard for evacuation of Power of JSW Energy (Kuther) Ltd. Kuther HEP 3\*80 MW village Machhettar, P.O. Channouta within the jurisdiction of Bharmour Forest Division, District Chamba, Himachal Pradesh.**

1. The agenda item was considered by the Advisory Committee (AC) in the meeting held on 23.02.2023. The corresponding details may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
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 AC after through deliberation and discussion observed that:
  - i. The instant proposal for the construction of LILO from 400 KV double Circuit Transmission Line had been submitted to IRO, Shimla and the same is now being processed in Forest conservation Division of the Ministry.
  - ii. This Ministry had earlier granted Stage-I approval on 22.06.2011 and Stage-II approval on 11.01.2013 read with letter dated 19.02.2013 for diversion of 61.4083 ha. of forest land in favour of M/s. JSW Energy Ltd. for the construction 240 MW Kuther Hydro Electric Project within the jurisdiction of Bharmour Forest Division Chamba, Himachal Pradesh subject to certain conditions prescribed therein. Further, the Ministry vide its letter dated 10.11.2015 has accorded the approval to transfer 3.1715 ha diverted forest land out of 61.4083 ha from M/s. JSW Energy Limited to M/s. Himachal Pradesh Power Transmission Company Limited (HPPTCL).
  - iii. The Ministry vide its letter dated 27.01.2023 has accepted the request of State Govt. for change in the name of user agency from JSW Energy Limited to M/s. JSW Energy

(Kuther) Limited.

- iv. While according the approval for the change in the name of the User agency, the Ministry vide its letter dated 27.01.2023 had sought the report from Government of Himachal Pradesh on the failure of the compensatory afforestation plantations raised in lieu of earlier diversion and non-compliance of the condition for carrying out cumulative study by the State Govt. on behest of all the project proponents on Ravi River. The report is awaited.
- v. The proposal for construction of transmission line was considered by Regional Empower Committee (REC) in its meeting held on 16.09.2022 and REC noted certain observation and linked this proposal with the proposal of Kuther HEP, 240MW having diversion area 61.4083 ha. (Ministry File No. 8-47/2011-FC dated 11.01.2013). Since the instant proposal for transmission line is linked to the earlier proposal of 61.4083 ha. dealt in the Ministry, therefore the instant proposal has been forwarded by IRO Shimla to this Ministry.
- vi. Taking in to consideration the facts that the transmission line projects are often formulated as separate projects and accordingly, considered as standalone projects and in majority of cases, State owned power distribution companies have been entrusted with the task of power evacuation, transmission and distribution and such agencies formulate standalone projects linked to such hydel projects. However, in cases where such projects are embedded in the hydel projects are considered integrated with the hydel projects, therefore, the Ministry has decided to consider the proposal at Head Office.
- vii. The Chief Wildlife warden has intimated that the project area is outside the Tundah Wildlife Sanctuary and its ESZ.
- viii. As per the observations of REC in the latest updated digital map showing the boundaries of all the PAs has not been updated on DSS portal.
- ix. Being an old diversion proposal, the KML file of already approved 61.4083 ha forest area is not available with the Ministry.
- x. The 3.1715 ha forest land was transferred to HPPTCL for the construction of Transmission Line, however the justification for not using the said land for transmission/evacuation of power needs deliberation. However, Nodal Officer Himachal Pradesh was not present in the meeting for discussion and no reason for absence was intimated to the AC.

**4. Decision of the Advisory Committee:** - The Committee had detailed discussion and deliberation with Regional Officer, IRO, Shimla (since Nodal Officer Himachal Pradesh was not present) and after going through the facts deferred the proposal and desired that State government shall submit the following information in the next FAC and State representative if not the Nodal Officer needs to be present for detailed deliberation in the matter;

- i. State shall give reasons and justifications for not using the land transferred to HPPTCL for transmission/evacuation of power in the instant case.
- ii. Action taken against the failure of the compensatory afforestation plantations raised in lieu of earlier diversion and non-compliance of the condition for carrying out cumulative study by the State Govt. on behest of all the project proponents on Ravi River.

### **Agenda No. 3**

**File No. 8-17/2001-FC (Vol)**

**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.**

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 23.02.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Government of Odisha, DDGF (C), IRO Bhubaneswar were also present in 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 before the FAC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.

3. The Advisory Committee after thorough deliberation and discussion observed that:

i. The proposal for diversion of an area of 371.192 ha was granted final approval under the Forest (Conservation) Act, 1980 on 22.04.2004 in favour of M/s KJS Ahluwalia.

ii. Moreover, Stage-I approval was granted for 63.03 ha of Sabik Kisam Forest land falling in the same lease area on 14.03.2022

iii. In terms of provisions of the MMDR Amendment Act, 2015, the mining lease has expired on 31.03.2020 and e-actioned to M/s JSW Ltd, the new lessee.

iv. Govt. of Odisha vide their letter dated 26.06.2020 granted Mining Lease in favour of M/s JSW Steel Ltd over an area of 776.969 ha (as per DGPS) in village Nuagaon of Keonjhar District for a period of 50 years which was executed on 27.06.2020.

v. Subsequently, User Agency revised the Mining Plan, with the approval dated 31.05.2021 of IBM, to enhance the production from their mining lease from the existing 5.2 MTPA to 7.99 MTPA and revised EC was also obtained on 5.08.2021 by the User Agency along with 2.0 MTPA beneficiation plant and a crusher and screen plant in the lease area. Proposal for enhancement of production capacity from 7.99 to 20 MTPA is under consideration in the Ministry. The user agency has accordingly submitted the proposal for change in the land use.

vi. The proposal was earlier considered in the meeting of FAC held on 21.09.2022 and 17.10.2022. FAC in its meeting dated 17.10.2022 decided that:

- a. Issue related to adjustment to NPV is purely an administrative matter and Ministry, in

its guidelines dated 31.03.2020 and subsequent clarification dated 12.10.2021 has already been clarified that such adjustment can be undertaken at the State Government level only. Therefore, the State Government may take appropriate action in such matters related to adjustment of NPV in accordance with the relevant guidelines and clarification issued by the Ministry.

b. With regards to proposal involving change in the land use, the following details, based on a site-visit, needs to be informed by the IRO:

1. Site-specificity of the component proposed in the change of land use proposal.
2. Conformation of the components proposed in the proposal vis-à-vis approved in the Mining Plan.

vii. IRO, Bhubaneswar vide letter no. 8(21)01/2001-FCE dated 10.01.2023 has submitted the inspection report. As per the brief description, it has been mentioned that the mining lease for iron ore over an area of 767.284 ha

in village Nuagaon, Guali, etc. was transferred in favour of M/s KJS Ahluwalia as per the approval of the state government dated 01.12.1984. The total mining lease area of 767.284 ha comprises of 525.762 ha of forest land and 241.522 ha of non-forest government land and tenanted land. The above mine is known as Nuagaon iron ore mine. 371.192 ha of forest land as diverted under Section 2 (ii) of Forest (Conservation) Act, 1980. Out of 525.762 ha forest land, prior approval for diversion of 371.192 ha has been accorded by the Central Govt. under section 2(ii) of FCA, 1980 vide letter dated 22.04.2004.

viii. The Letter of Intent (LoI) has been issued in favour of the preferred bidder M/s JSW Steel Ltd for grant of mining lease vide letter No.2291/SM dated 02.03.2020 of Steel and Mines Department, Government of Odisha.

ix. As reported by the Divisional Forest Officer, Keonjhar Forest Division, M/s JSW Steel Ltd has obtained approval of the modification of Mining Plan with Progressive Mine Closure Plan (PMCP) of Nuagaon Iron Ore Mine vide letter No.251 dated 31.05.2021 from IBM, Bhubaneswar and also the Environment Clearance for Nuagaon iron ore mine for expansion in iron ore production from 5.2 MTPA to 7.99 MTPA (ROM) along with existing 2 MTPA Beneficiation plant and crusher and screen plants in the said mine on 05.08.2021. M/s JSW Steel Ltd has obtained Consent to Operate (CTO) from State Pollution Control Board, Odisha vide Order No.19513 dated 06.12.2021 and is valid up to 31.03.2023.

x. IRO has further submitted that the comparison table indicating the proposed land use, is within the purview of the approved mining plan. The Mining Plan is approved by the Indian Bureau of Mines on 31.05.2021 and the land use proposed by the present lessee is as per the approved Mining Plan.

xi. The site was visited by IRO and justification in the change in land use was stated to be a requirement for construction of crusher, screen plant and beneficiation plant along with other activities, the current proposed location being in a strategic position for long term advantage in

transportation of material from the mining pit. This is an ongoing mine and since it proposes to expand its activities, the change in the land use has been proposed to take care of its future needs for expansion.

xii. Besides, the following activities need to be undertaken by the user agency i.e. maintenance of garland drains, plantations on safety zone, setting up of tank and catchment drain, maintenance of OB dumps with correct angle of repose (28 degree) and back filling of mined out area.

xiii. An area of 4.77 ha is proposed for the Township/colony in the land use schedule given in the proposal, which was pointed out by the AC to be a non-site-specific activity and details in this regard were sought from Nodal Officer Odisha and IRO Bhubaneswar. During the discussion with the Integrated Regional Officer and the Nodal Officer it was informed and pleaded by them that this land use is for temporary shelters for providing housing labourers and related structures during the setting up of the beneficiation plants, CPU and other ancillary infrastructure. These structures will be removed after the completion of the work and the area will be taken under mining thereafter. The FAC observed that the nomenclature of the activity needs to be revised from Township/colony to temporary structures to avoid misinterpretation and to ensure clarity.

**4. Decision of the Advisory Committee:** After thorough discussion with Nodal Officer Government of Odisha, Regional Officer, IRO Bhubaneswar the Committee recommended the proposal for change of land use in the already approved forest area i.e. 371.192 ha subject to the conditions as stipulated in the approval accorded under 2(ii) of FCA,1980 for diversion of above forest land and the following specific conditions:

- i. The nomenclature of the proposed land use in case of 4.77 ha forest land to be finally used for mining shall be changed from Township/Colony to Temporary structure. The temporary structures shall be immediately removed after the completion of the construction work of beneficiation plants, CPU and other ancillary infrastructure.
- ii. The user agency shall undertake the maintenance of garland drains, plantations on safety zone, setting up of tank and catchment drain, maintenance of OB dumps with correct angle of repose (28 degree) and back filling of mined out area.

#### **Agenda No. 4**

**File 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.**



1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 23.02.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Government of Odisha, DDGF (C), IRO Bhubaneswar were also present in 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 before the AC 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. Advisory Committee after through deliberation and discussion observed that:

- i. The three operating mines of Lakhanpur Area, MCL are Lakhanpur Opencast Project, Belpahar Opencast Mine and Lilari Opencast Project are within the IB Block-II, IB Block-IV (Part-I) & IB Block-IV (Part-II) acquired under CBA(A&D) Act, 1957. In the present proposal, all the three mines have been proposed to be integrated into one mine and planned up to the lower most workable coal seam for better conservation, safety and enhancing the capacity of the mine.
- ii. The Integrated Lakhanpur- Belpahar- Lilari Opencast Coal Project of Lakhanpur Area of Mahanadi Coalfields Ltd, involves 3857.624 ha of land in total, out of which 417.073 ha is forest land and 3440.551 ha is non-forest land. Further out of 417.073 ha of forest land, 77.897 ha land is Reserve Forest land and remaining 339.176 ha is of Revenue Forest. Out of 3440.551 ha, non-forest Government land is 1723.649 ha and non-forest Private land is 1716.902 ha.
- iii. In this Integrated Lakhanpur-Belpahar- Lilari 40 Mty project, mining lease area comes to 4308.246 ha (4133.333 ha. – 343.631 ha. + 609.544 ha.) and the total project area is 4742.877 Ha. (4133.333 + 609.544). Out 4133.333 ha. approved Mining Lease area, forest land was 878.715 ha, out of which 37.693 ha Forest land lies far away and now falls outside the Mining Lease area which need not be diverted.
- iv. 841.052 ha (878.745 ha. -37.693 ha.) forest land involved from earlier approved area and 117.643 ha additional forest land required in this Integrated Lakhanpur-Belpahar-Lilari Opencast Project. Therefore, a total 958.695 ha (841.052 ha. + 117.643 ha.) of forest land involved in the Mining Lease area of Integrated Lakhanpur- Belpahar- Lilari Opencast Project, Diversion of Forest land have already been made for 541.622 ha within the Mining Lease area of Integrated Lakhanpur-Belpahar Lilari OCP, Therefore, forest diversion is required for 417.073 ha. forest land (958.695 ha. - 541.622 ha.) in this project.
- v. The proposal was earlier considered in the meeting of FAC held on 13.06.2022, wherein the FAC desired that a joint team comprising of officers from the IRO, Ranchi, O/o Nodal Officer (FCA), Odisha and MoEF&CC, NewDelhi may visit the area and submit an unambiguous report on detail of forest area involved in the project/lease area vis-à-vis

area approved in the Mining Plan, approval granted under the FC Act, 1980 and updated status of compliance of conditions stipulated therein, suitability of CA (NFL) area in terms of its manageability by the State Forest Department, reclamation measures, etc.

- vi. The team visited the area during 14.07.2022 to 15.07.2022 to ascertain the various facts as per the observations of the FAC made in its meeting held on 13.06.2022 and submitted a detailed report.
- vii. Proposal was thereafter considered in the meetings of FAC held on 17.10.2022 and 23.01.2023 wherein the FAC observed that a comprehensive detailed report on the status of compliance of conditions stipulated in the approvals granted also needs to be in place to take further decision on the proposal. Accordingly, FAC decided that IRO of the Ministry at Bhubaneswar will submit a detailed report on the status of the compliance of various conditions stipulated in the approvals granted for an area of 541.622 ha of forest land and after receipt of the said compliance report, the proposal will be again submitted before the Committee for further consideration.
- viii. IRO, Bhubaneswar vide letter dated 23.12.2022, submitted a report on the status of compliance of conditions stipulated in the approvals granted by the Ministry in the past. The IRO submitted the monitoring report in respect of 7 approvals granted by the Ministry in the past for diversion of forest land, change in land use and re-diversion.
- ix. As per condition stipulated in the approval granted for 12.70 ha of forest land, disciplinary action and legal proceedings against the erring officials for committing violation of Forest (Conservation) Act, 1980 has been stipulated. From the monitoring report, it appears that action have been initiated by the State authorities in 2004 but updated status has not been provided.
- x. Similarly, with regards to site specific Wildlife Management Plan (WLMP), it is mentioned that Plan has been prepared and corresponding financial budget has been deposited by the user agency in to the account of CAMPA during 2011-2012. However, status of implementation of the provisions approved in the WLMP and expenditure incurred thereon has not been commented upon by the IRO.
- xi. As per the submitted KML files, the DSS analysis was seen by the FAC and it was observed that the analysis of the KML file of the already diverted forest area i.e., 541.622 ha is essential for better understanding of the proposal.

**4. Decision of the Advisory Committee:** After thorough discussion with Nodal Officer (FCA), Government of Odisha, Regional Officer, IRO Bhubaneshwar the Committee decided to defer the proposal with the following observations:

- i. The proposal wise KML file of the 541.622 ha forest area which has been already diverted shall be submitted by the State government.
- ii. With respect to the monitoring of the conditions stipulated in the approval granted for

12.70 ha of forest land, the monitoring report submitted by IRO mentions that, action has been initiated by the State authorities in 2004 but updated status has not been provided. The updated status in this regard shall be provided by the State government.

- iii. With regards to monitoring of the conditions regarding the site-specific Wildlife Management Plan (WLMP), it is mentioned that Plan has been prepared and corresponding financial budget has been deposited by the user agency in to the account of CAMPA during 2011-2012. However, status of implementation of the WLMP and expenditure incurred thereon has not been given. The State government shall provide the detail in this regard.

### **Agenda No. 5**

#### **File No. 8-61/1999-FC (Part-IV)**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of Uttarakhand Forest Development Corporation, Mining Division Haldwani for Renewal of Collection of Minor Minerals from 1473 ha (originally proposed area is 1497 ha) of forest land of Gaula River under Forest Division Tarai East, Haldwani and District Nainital, Uttarakhand (Online proposal no. FP/UK/MIN/149754/2021).**

1. The above agenda item was considered by the Advisory Committee in its meeting held on 23.02.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Government of Uttarakhand also present in 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 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 Ministry had accorded approval for diversion of 1497.0 ha of forest land for collection of boulders, bajri, sand etc. vide letter No. 8-61/1999-FC dated 23<sup>rd</sup> January, 2013 for a period of 10 years.
  - ii. The Government of Uttarakhand vide online PARIVESH ID No. FP/UK/MIN/147954/2021 dated 12<sup>th</sup> April, 2022 has submitted a proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 in favour of Uttarakhand Forest Development Corporation, Nainital for renewal of Collection of Minor Minerals from 1497.0 ha forest land of Gaula River for next 10 years.
  - iii. The complete proposal was received from the State on 26.01.2023. As the previous approval was about to expire on 22.01.2023, therefore, on the request of Chief Secretary, Government of Uttarakhand, the Ministry vide letter dated 23.01.2023

extended the validity of the said approval up to 28.02.2023 subject to the conditions mentioned therein.

- iv. As per DSS analysis it has been observed that 24.0 ha area of the proposed forest land is falling in the tiger corridor. Therefore, 24.0 ha area of tiger corridor shall be excluded from the proposed forest land. The approval will be considered only for 1473 (1497-24 = 1473) hectares.
- v. The proposed area also falls within the Shivalik Elephant Reserve. Keeping in view the importance of the area and the issues of connectivity and corridors, adequate conditions have been stipulated in the Stage-II approval dated 23.01.2013, which needs to be strictly adhered with without any laxity and maintenance of corridors and its functionality be ensured.
- vi. As per the para 3.5 of the Handbook of guidelines dated 28.03.2019 , the NPV is exempted in case of collection of boulder/silts from the river belts in forest areas subject to the following conditions: (a) area is outside National Park/Sanctuary; (b) no mining lease is approved/signed in respect of this area; (c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee; (d) the activity is necessary for conservation and protection of forests; and (e) the sale proceeds of the proposed collection of minor mineral activities are indispensably used only for protection/conservation of forests. Therefore, it is emphatically clarified by the AC that as per above guidelines, the sale proceeds have to be used for protection/conservation of forests.
- vii. The Regional Officer, IRO Dehradun apprised the committee that the Government of Uttarakhand has issued an order no. 50/VII-A-I/23-24ख/2007 TC dated 18.01.2023 wherein the amount of funds proposed to be utilized for afforestation have been reduced, which seems to be contrary to the above condition. The AC took an adverse view on the orders issued by the Industry Department of the State government, and directed that the said orders must be withdrawn and entire proceeds of the collection of minerals have to be used for protection and conservation of forests only.
- viii. The State Govt has submitted a compliance report of the conditions stipulated in the earlier approval and with respect to the condition to not allow any new facility/structure within the Gaula corridor, the Nodal Officer informed in the meeting that the boundary of the ITBP battalion headquarters has been shifted and a comparative satellite imagery was also shown.
- ix. With respect to the relocation of settlements from Sundarkhal village by using State CAMPA funds, the State Govt. has submitted the present status and the detail of action taken, however, the village has not been relocated so far.
- x. The AC deliberated on the preparation of District Survey Repot (DSR) in length and it was observed that State government is not serious on revising the DSR which was last

prepared in 2018. It was decided that a fresh DSR needs to be prepared and submitted by the State government to the Government of India within a period of 3 months.

- xi. IRO Dehradun has submitted a monitoring report with respect to the Compensatory Afforestation areas and many shortcomings including poor survival of plantations, lack of funds for watch and ward of plantations etc. have been observed in the CA areas. Moreover, the Compensatory Afforestation is still not complete. AC decided that action taken against the failure of the plantations shall be submitted by the State government with in a period of 3 months.
- xii. The committee observed that the compliance of the conditions of the previous approval is poor and therefore a detailed monitoring of the compliance of stipulated conditions by the IRO Dehradun every year is essential and the extant renewal therefore shall be only given for next 5 years from the date of renewal granted.
- xiii. As per the conditions stipulated in the earlier approval, the 50% percent of the net profit earned by the user agency from the collection of minor minerals shall be deposited in a Special Purpose Vehicle (SPV) to be constituted by the State Government under the Chairmanship of the Chief Wildlife Warden, Government of Uttarakhand. The amount to be deposited in the SPV shall be used exclusively for river training activities and management & protection of forest & wildlife in vicinity of forest land diverted for collection of minor minerals. This was an important condition of the approval, the compliance of which has to verified and reconciled with the record. The AC decided that State government will get the reconciliation of the monies deposited and works undertaken will be done with IRO Dehradun with in a period of 3 months.
- xiv. The committee also observed that being in the vicinity of the river the safety zone area is prone to erosion and adequate safeguards are required to prevent soil erosion in this area.

**4. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Nodal Officer Uttarakhand and IRO, Dehradun. After going through the facts of the proposal, the Committee recommended the 1473 (1497-24) hectare forest area for renewal of approval for 5 years subject to the strict compliance of the conditions stipulated in the S-II approval dated 23.01.2013 and following specific conditions:

- i. The 24.0 ha area within the Tiger corridor shall not be disturbed as the same has been excluded from the area allowed to be used for the collection of minerals. No mining or other ancillary activity shall be allowed within the Tiger Corridor.
- ii. The proposed area also falls within the Shivalik Elephant Reserve. Keeping in view the importance of the area and the issues of connectivity and corridors, adequate conditions have been stipulated in the Stage-II approval dated 23.03.2013, which needs to be strictly adhered with without any laxity and maintenance of corridors and its functionality be ensured.
- iii. As per the para 3.5 of the Handbook of guidelines issued in consonance with the

Hon'ble Supreme Court order dated 24.03.2008, the sale proceeds have to be used for protection/conservation of forests. The Government of Uttarakhand shall therefore examine the order no. 50/VII-A-I/23-24ख/2007 TC dated 18.01.2023 which shall be withdrawn immediately and entire proceeds of the collection of minerals shall be used for protection and conservation of forests only.

- iv. The Integrated Regional Office, Dehradun shall verify and reconcile with record that 50 % of the net profit earned from the collection of minor minerals and deposited in a Special Purpose Vehicle (SPV) has been used exclusively for river training activities and management & protection of forest & wildlife in vicinity of forest land diverted for collection of minor minerals, with in a period of 3 months.
- v. A fresh DSR shall be prepared by the State government within a period of 3 months from the date of renewal granted and an approved copy of the same shall be submitted to the Ministry and IRO Dehradun.
- vi. The State Government shall take immediate action on the recommendations/observations made by the Regional Office Dehradun with respect to the Compensatory Afforestation areas. The State government shall also submit a detailed report regarding action taken against failure of compensatory afforestation within 3 months of time.
- vii. The Regional office Dehradun of MoEFCC shall carry out a periodic review of the status of compliance of the stipulated conditions every year.

### **Agenda No. 6**

**File No. 8-61/1999-FC (Part-V)**

**Sub: Proposal for seeking prior approval of the Central Government under Forest Section 2 (ii) of (Conservation) Act, 1980 in favour of Uttarakhand Forest Development Corporation, Mining Division Ramnagar for Renewal of Collection of Minor Minerals from 112.0 ha (Originally approved area is 223.0 ha) of forest land of Dabka River under Forest Division Ramnagar and District Nainital, Uttarakhand (Online proposal no. FP/UK/MIN/147953/2021)**

1.The above agenda item was considered by the Advisory Committee in its meeting held on 23.02.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Government of Uttarakhand also present in 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 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. AC after through deliberation and discussion observed that:

- i. The Ministry had accorded approval for diversion of 223.0 ha of forest land for collection of boulders, bajri, sand etc. vide letter dated 15<sup>th</sup> February, 2013 for a period of 10 years.
- ii. The Government of Uttarakhand vide online PARIVESH id No. FP/UK/MIN/147953/2021 dated 12<sup>th</sup> April, 2022 has submitted a proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 in favour of Uttarakhand Forest Development Corporation, Nainital for renewal of Collection of Minor Minerals from 112.0 ha forest land of Dabka River for next 10 years.
- iii. The complete proposal was received from the State on 13.02.2023. As the previous approval was valid till 14.02.2023, therefore, on the request of Chief Secretary, Government of Uttarakhand, the Ministry vide letter dated 31.01.2023 extended the validity of the approval up to 28.02.2023 subject to the certain conditions mentioned therein.
- iv. As per the para 3.5 of the Handbook of guidelines dated 28.03.2019, the NPV is exempted in case of collection of boulder/silts from the river belts in forest areas subject to the following conditions: (a) area is outside National Park/Sanctuary; (b) No mining lease is approved/signed in respect of this area; (c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee; (d) the activity is necessary for conservation and protection of forests; and (e) the sale proceeds are used for protection/conservation of forests. Therefore, it is emphatically clarified by the AC that as per above guidelines, the sale proceeds have to be used for protection/conservation of forests.
- v. As per above guidelines, the sale proceeds have to be used for protection/conservation of forests.
- vi. The Regional Officer, IRO Dehradun apprised the committee that the Government of Uttarakhand has issued an order no. 50/VII-A-I/23-24ख/2007 TC dated 18.01.2023 wherein the amount of funds proposed to be utilized for afforestation have been reduced, which seems to be contrary to the above condition. The AC took an adverse view on the orders issued by the Industry Department of the State government, and directed that the said orders must be withdrawn and entire proceeds of the collection of minerals have to be used for protection and conservation of forests only.
- vii. With respect to the relocation of settlements from Sundarkhal village by using State CAMPA funds, the State Govt. has submitted the present status and the detail of action taken, however, the village has not been relocated so far.
- viii. The AC deliberated on the preparation of District Survey Report (DSR) in length and it was observed that State government is not serious on revising the DSR which was last

prepared in 2018. It was decided that a fresh DSR needs to be prepared and submitted by the State government to the Government of India within a period of 3 months.

- ix. IRO Dehradun has submitted a monitoring report with respect to the Compensatory Afforestation areas and many shortcomings including poor survival of plantations, lack of funds for watch and ward of plantations etc. have been observed in the CA areas. Moreover, the Compensatory Afforestation is still not complete. AC decided that action taken against the failure of the plantations shall be submitted by the State government with in a period of 3 months.
- x. The committee observed that the compliance of the conditions of the previous approval is poor and therefore a detailed monitoring of the compliance of stipulated conditions by the IRO Dehradun every year is essential and the extant renewal therefore shall be only given for next 5 years from the date of renewal granted.
- xi. The committee observed that the compliance of the conditions of the previous approval is poor and therefore the monitoring the compliance of stipulated conditions at regular intervals and a mid-term review of the same or renewal of the approval after 5 years is essential.
- xii. As per the conditions stipulated in the earlier approval, the Fifty percent of the net profit earned by the user agency from the collection of minor minerals shall be deposited in a Special Purpose Vehicle (SPV) to be constituted by the State Government under the Chairmanship of the Chief Wildlife Warden, Government of Uttarakhand. The amount to be deposited in the SPV shall be used exclusively for river training activities and management & protection of forest & wildlife in vicinity of forest land diverted for collection of minor minerals. This was an important condition of the approval, the compliance of which has to verified and reconciled with the record. The AC decided that State government will get the reconciliation of the monies deposited and works undertaken will be done with IRO Dehradun with in a period of 3 months.
- xiii. The committee also observed that being in the vicinity of the river the safety zone area is prone to erosion and adequate safeguards are required to prevent soil erosion in this area.

**4. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Nodal Officer Uttarakhand and IRO, Dehradun. After going through the facts of the proposal, the Committee recommended the 112-ha forest area for renewal of approval for 5 years' subject to the conditions stipulated in the S-II approval letter dated 15.02.2013 and following specific conditions:

- i. Keeping in view the importance of the area and the issues of connectivity and corridors, adequate conditions have been stipulated in the Stage-II approval dated 15.02.2013, which needs to be strictly adhered with, without any laxity and maintenance of corridors



- and its functionality be ensured.
- ii. As per the para 3.5 of the Handbook of guidelines issued in consonance with the Hon'ble Supreme Court order dated 24.03.2008, the sale proceeds have to be used for protection/conservation of forests. The Government of Uttarakhand shall therefore examine the order no. 50/VII-A-I/23-24ख/2007 TC dated 18.01.2023 which shall be withdrawn immediately and entire proceeds of the collection of minerals shall be used for protection and conservation of forests only.
  - iii. The Integrated Regional Office, Dehradun shall verify and reconcile with record that 50 % of the net profit earned from the collection of minor minerals and deposited in a Special Purpose Vehicle (SPV) has been used exclusively for river training activities and management & protection of forest & wildlife in vicinity of forest land diverted for collection of minor minerals.
  - iv. A fresh DSR shall be prepared by the State government within a period of 3 months from the date of renewal granted and an approved copy of the same shall be submitted to the Ministry and IRO Dehradun.
  - v. The State Government shall take immediate action on the recommendations/observations made by the Regional Office Dehradun with respect to the Compensatory Afforestation areas. The State government shall also submit a detailed report regarding action taken against failure of compensatory afforestation within 3 months of time.
  - vi. The Regional office Dehradun of MoEFCC shall carry out a periodic review of the status of compliance of the stipulated conditions every year.

### Agenda No. 7

**File No. 8-61/1999-FC (Part-VI)**

**Sub: Proposal for seeking prior approval of the Central Government under section of the Forest (Conservation) Act, 1980 in favor of Managing Director Uttarakhand Forest Develop Corporation, for renewal of FC Approval for collection of Minor Minerals 181.0 (originally approved 254.0 ha) of forest land of Kosi River under Ramnagar Terai Western Forest Division Ramnagar District Nainital (Uttarakhand) (online proposal no. FP/UK /MIN/147885/2021) -reg.**

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 23.02.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Government of Uttarakhand also present in 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 before the AC 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. AC after through deliberation and discussion observed that:

i. The Ministry had accorded approval for diversion of 254.0 ha of forest land for collection of boulders, bajri, sand etc. vide letter dated 15<sup>th</sup> February, 2013 for a period of 10 years.

ii. The Government of Uttarakhand vide online PARIVESH id No. FP/UK/MIN/147885/2021 dated 12<sup>th</sup> April, 2022 has submitted a proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 in favour of Uttarakhand Forest Development Corporation, Nainital for renewal of Collection of Minor Minerals from 181.0 ha forest land of Kosi River for next 10 years.

iii. The complete proposal was received from the State on 13.02.2023. As the previous FC approval was valid till 14.02.2023, therefore, on the request of Chief Secretary, Government of Uttarakhand, the Ministry vide letter dated 31.01.2023 extended the validity of said approval up to 28.02.2023 subject to the certain conditions mentioned therein.

iv. As per the para 3.5 of the Handbook of guidelines dated 28.03.2019, the NPV is exempted in case of collection of boulder/silts from the river belts in forest areas subject to the following conditions: (a) area is outside National Park/Sanctuary; (b) No mining lease is approved/signed in respect of this area; (c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee; (d) the activity is necessary for conservation and protection of forests; and (e) the sale proceeds are used for protection/conservation of forests. Therefore, it is emphatically clarified by the AC that as per above guidelines, the sale proceeds have to be used for protection/conservation of forests.

v. As per above guidelines, the sale proceeds have to be used for protection/conservation of forests.

vi. The Regional Officer, IRO Dehradun apprised the committee that the Government of Uttarakhand has issued an order no. 50/VII-A-I/23-24ख/2007 TC dated 18.01.2023 wherein the amount of funds proposed to be utilized for afforestation have been reduced, which seems to be contrary to the above condition. The AC took an adverse view on the orders issued by the Industry Department of the State government, and directed that the said orders must be withdrawn and entire proceeds of the collection of minerals have to be used for protection and conservation of forests only.

vii. With respect to the relocation of settlements from Sundarkhal village by using State CAMPA funds, the State Govt. has submitted the present status and the detail of action taken, however, the village has not been relocated so far.

viii. The AC deliberated on the preparation of District Survey Report (DSR) in length and it was observed that State government is not serious on revising the DSR which was last prepared in 2018. It was decided that a fresh DSR needs to be prepared and submitted by the State government to the Government of India within a period of 3 months.

ix. IRO Dehradun has submitted a monitoring report with respect to the Compensatory

Afforestation areas and many shortcomings including poor survival of plantations, lack of funds for watch and ward of plantations etc. have been observed in the CA areas. Moreover, the Compensatory Afforestation is still not complete. AC decided that action taken against the failure of the plantations shall be submitted by the State government with in a period of 3 months.

x.The committee observed that the compliance of the conditions of the previous approval is poor and therefore a detailed monitoring of the compliance of stipulated conditions by the IRO Dehradun every year is essential and the extant renewal therefore shall be only given for next 5 years from the date of renewal granted.

xi.As per the conditions stipulated in the earlier approval, the Fifty percent of the net profit earned by the user agency from the collection of minor minerals shall be deposited in a Special Purpose Vehicle (SPV) to be constituted by the State Government under the Chairmanship of the Chief Wildlife Warden, Government of Uttarakhand. The amount to be deposited in the SPV shall be used exclusively for river training activities and management & protection of forest & wildlife in vicinity of forest land diverted for collection of minor minerals. This was an important condition of the approval, the compliance of which has to verified and reconciled with the record. The AC decided that State government will get the reconciliation of the monies deposited and works undertaken will be done with IRO Dehradun with in a period of 3 months.

xii.The IRO in SIR has mentioned that: since there are signs of extraction of RBM beyond the mining lease area which has affected the riverine vegetation, it is suggested that the state government may be asked to strengthen the protection mechanism so that there is no damage to the vegetation standing on the banks of the river because of RBM mining. The mining in Kosi River is recommended with the condition that the state government will put in place a proper protection and monitoring mechanism so that the proper protection of river stretch could be ensured.

xiii.The committee also observed that being in the vicinity of the river the safety zone area is prone to erosion and adequate safeguards are required to prevent soil erosion in this area.

**4 . Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Nodal Officer Uttarakhand and IRO, Dehradun. After going through the facts of the proposal, the Committee recommended the 181.00 ha forest area for renewal of approval for 5 years subject to the conditions stipulated in the S-II approval dated 15.02.2013 and following specific conditions:

- i. Keeping in view the importance of the area and the issues of connectivity and corridors, adequate conditions have been stipulated in the Stage-II approval dated 15.02.2013, which needs to be strictly adhered with, without any laxity and maintenance of corridors and its functionality be ensured.

- ii. As per the para 3.5 of the Handbook of guidelines issued in consonance with the Hon'ble Supreme Court order dated 24.03.2008, the sale proceeds have to be used for protection/conservation of forests. The Government of Uttarakhand shall therefore examine the order no. 50/VII-A-I/23-24ख/2007 TC dated 18.01.2023 which shall be withdrawn immediately and entire proceeds of the collection of minerals shall be used for protection and conservation of forests only.
- iii. The Integrated Regional Office, Dehradun shall verify and reconcile with record that 50 % of the net profit earned from the collection of minor minerals and deposited in a Special Purpose Vehicle (SPV) has been used exclusively for river training activities and management & protection of forest & wildlife in vicinity of forest land diverted for collection of minor minerals.
- iv. A fresh DSR shall be prepared by the State government within a period of 3 months from the date of renewal granted and an approved copy of the same shall be submitted to the Ministry and IRO Dehradun.
- v. The State Government shall take immediate action on the recommendations/observations made by the Regional Office Dehradun with respect to the Compensatory Afforestation areas. The State government shall also submit a detailed report regarding action taken against failure of compensatory afforestation within 3 months of time.
- vi. The Regional office Dehradun of MoEFCC shall carry out a periodic review of the status of compliance of the stipulated conditions every year.
- vii. The IRO in SIR has mentioned that there are signs of extraction of RBM beyond the mining lease area which has affected the riverine vegetation. In this regard, the State govt. will put in place a proper protection and monitoring mechanism so that the proper protection of river stretch could be ensured. In this regard, the State Govt. shall submit a report on the action taken against violation/illegal mining within 3 months' time.

### **Agenda No. 8**

**File No. 8-61/1999-FC (Part-VII)**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of Uttarakhand Forest Development Corporation, Tanakpur for Renewal of Collection of Minor Minerals from 384.69 ha of forest land of Sharda River under Forest Division Haldwani and District Champawat, Uttarakhand (Online proposal no. FP/UK/MIN/154581/2022)**

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 23.02.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Government of Uttarakhand also present in 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 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. AC after through deliberation and discussion observed that:

- i. The Ministry had accorded approval for diversion of 384.69.0 ha of forest land for collection of boulders, bajri, sand etc. vide letter dated 11<sup>th</sup> February, 2013 for a period of 10 years.
- ii. The Government of Uttarakhand vide online PARIVESH id No. FP/UK/MIN/154581/2022 dated 26<sup>th</sup> April, 2022 has submitted a proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 in favour of Uttarakhand Forest Development Corporation, Nainital for renewal of Collection of Minor Minerals from 384.69 ha forest land of Sharda River for next 10 years.
- iii. The complete proposal was received from the State on 06.02.2023. As the previous FC approval was valid till 11.02.2023, therefore, on the request of Chief Secretary, Government of Uttarakhand, the Ministry vide letter dated 31.01.2023 has extended the validity of the said approval up to 28.02.2023 subject to certain conditions mentioned therein.
- iv. As per the para 3.5 of the Handbook of guidelines dated 28.03.2019, the NPV is exempted in case of collection of boulder/silts from the river belts in forest areas subject to the following conditions: (a) area is outside National Park/Sanctuary; (b) No mining lease is approved/signed in respect of this area; (c) the works including the sale of boulders/silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or Joint Forest Management Committee; (d) the activity is necessary for conservation and protection of forests; and (e) the sale proceeds are used for protection/conservation of forests. Therefore, it is emphatically clarified by the AC that as per above guidelines, the sale proceeds have to be used for protection/conservation of forests.
- v. As per above guidelines, the sale proceeds have to be used for protection/conservation of forests.
- vi. The Regional Officer, IRO Dehradun apprised the committee that the Government of Uttarakhand has issued an order no. 50/VII-A-I/23-24ख/2007 TC dated 18.01.2023 wherein the amount of funds proposed to be utilized for afforestation have been reduced, which seems to be contrary to the above condition. The AC took an adverse view on the orders issued by the Industry Department of the State government, and directed that the said orders must be withdrawn and entire proceeds of the collection of minerals have to be used for protection and conservation of forests only.
- vii. With respect to the relocation of settlements from Sundarkhal village by using State

CAMPA funds, the State Govt. has submitted the present status and the detail of action taken, however, the village has not been relocated so far.

- viii. The AC deliberated on the preparation of District Survey Report (DSR) in length and it was observed that State government is not serious on revising the DSR which was last prepared in 2018. It was decided that a fresh DSR needs to be prepared and submitted by the State government to the Government of India within a period of 3 months.
- ix. IRO Dehradun has submitted a monitoring report with respect to the Compensatory Afforestation areas and many shortcomings including poor survival of plantations, lack of funds for watch and ward of plantations etc. have been observed in the CA areas. AC decided that action taken against the failure of the plantations shall be submitted by the State government with in a period of 3 months.
- x. The committee observed that the compliance of the conditions of the previous approval is poor and therefore a detailed monitoring of the compliance of stipulated conditions by the IRO Dehradun every year is essential and the extant renewal therefore shall be only given for next 5 years from the date of renewal granted.
- xi. As per the conditions stipulated in the earlier approval, the Fifty percent of the net profit earned by the user agency from the collection of minor minerals shall be deposited in a Special Purpose Vehicle (SPV) to be constituted by the State Government under the Chairmanship of the Chief Wildlife Warden, Government of Uttarakhand. The amount to be deposited in the SPV shall be used exclusively for river training activities and management & protection of forest & wildlife in vicinity of forest land diverted for collection of minor minerals. This was an important condition of the approval, the compliance of which has to verified and reconciled with the record. The AC decided that State government will get the reconciliation of the monies deposited and works undertaken will be done with IRO Dehradun with in a period of 3 months.
- xii. The committee also observed that being in the vicinity of the river the safety zone area is prone to erosion and adequate safeguards are required to prevent soil erosion in this area.

**4. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Nodal Officer Uttarakhand and IRO, Dehradun. After going through the facts of the proposal, the Committee recommended the 384.69 ha area for renewal of approval for 5 years subject to the conditions stipulated in the S-II approval dated 11.02.2013 and following specific conditions:

- i. Keeping in view the importance of the area and the issues of connectivity and corridors, adequate conditions have been stipulated in the Stage-II approval dated 15.02.2013, which needs to be strictly adhered with, without any laxity and maintenance of corridors and its functionality be ensured.
- ii. As per the para 3.5 of the Handbook of guidelines issued in consonance with the Hon'ble Supreme Court order dated 24.03.2008, the sale proceeds have to be used for

protection/conservation of forests. The Government of Uttarakhand shall therefore examine the order no. 50/VII-A-I/23-24ख/2007 TC dated 18.01.2023 which shall be withdrawn immediately and entire proceeds of the collection of minerals shall be used for protection and conservation of forests only.

- iii. The Integrated Regional Office, Dehradun shall verify and reconcile with record that 50 % of the net profit earned from the collection of minor minerals and deposited in a Special Purpose Vehicle (SPV) has been used exclusively for river training activities and management & protection of forest & wildlife in vicinity of forest land diverted for collection of minor minerals.
- iv. A fresh DSR shall be prepared by the State government within a period of 3 months from the date of renewal granted and an approved copy of the same shall be submitted to the Ministry and IRO Dehradun.
- v. The State Government shall take immediate action on the recommendations/observations made by the Regional Office Dehradun with respect to the Compensatory Afforestation areas. The State government shall also submit a detailed report regarding action taken against failure of compensatory afforestation within 3 months of time.
- vi. The Regional office Dehradun of MoEFCC shall carry out a periodic review of the status of compliance of the stipulated conditions every year.

### **Agenda No. 9**

**File No. 8-03/2019-FC**

**Subject: Diversion of 109.459 ha of forest land for Open Cast Mining Project at Gourangdih ABC coal mine in favour of WB Mineral Development and Trading Corporation under Durgapur Forest Division, West Bengal.**

The proposal was taken up for discussion, however the committee observed that the Nodal Officer (FCA) Govt of West Bengal is not present in the meeting.

The proposal was placed before the Advisory Committee in its meeting dated 27.01.2023 wherein it was decided that the Nodal Officer (FCA) Govt of West Bengal should be present in person in the next FAC meeting.

The FAC took a serious view of the fact that the Nodal Officer, Govt. of West Bengal has not attended the meeting of FAC and decided to defer the proposal and give one more chance to the State Govt. to present their case before FAC in its next meeting and directed that the Nodal Officer Govt. of West Bengal, Regional Officer, IRO West Bengal and the Chief Managing Director of WB Mineral Development & Trading Corporation should be present in person in the

next FAC meeting to assist the FAC regarding the details of the project.

### **Policy Agenda No. 1**

**F. No. 11/124/2021-FC**

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

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 23.02.2023. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.

2. The Advisory Committee, after examination of the matter observed as under:

- i. The issue relates to backfilling of the abandoned mines voids in the forest area with the red mud and fly ash. Aluminum Association of India desires to undertake backfilling of abandoned mines in the forest areas with the red mud and fly ash and accordingly approached the Ministry for interventions.
- ii. The proposal of backfilling such abandoned mining leases was examined in consultation with the IA Division of the Ministry. The IA Division, based on the opinion of Expert Appraisal Committee informed that the Central Pollution Control Board (CPCB) shall carry out the detailed study on the aspect and till the information/report is available from the Central Pollution Control Board (CPCB), the current practices for disposal/utilization of fly ash in abandoned mines/quarries shall be continued as per the guidelines issued by Central Pollution Control Board (CPCB) in March, 2019 and as per Ministry's OM dated 28<sup>th</sup> August, 2019 for Fly Ash only.
- iii. The matter along with the above opinion of the IA Division was considered by the Advisory Committee in its meeting held on 21.09.2022 and the Advisory Committee desired holistic analysis of the matter and a presentation in the matter by the CPCB.
- iv. A presentation was made by the CPCB before the Advisory Committee on 7.11.2022 and the Committee, after detailed deliberations, recommended that a separate meeting may be convened in the Ministry under the chairmanship of the DGF&SS with the representatives of IIFM, Bhopal, Central Pollution Control Board, State Forest Department, Government of Uttar Pradesh, Aluminum Association of India and TERI to finalize the detailed methodology and work plan and finalization of the same, a presentation may be made before the Committee for further decision in the matter.
- v. In pursuance to the above decision of the Advisory Committee, a meeting was convened under the chairmanship of DGF&SS on 27.12.2022. After detailed deliberations on the various issues and in view of the 'in-principle' agreement of the State Forest Department, Government of Uttar Pradesh for the proposed pilot study, the following



decisions were taken:

- a. Pilot study to assess the impact of filling the abandoned mining voids in forest areas with red mud and/or fly ash will be undertaken by the IIFM, Bhopal as lead agency in the abandoned mining void of 0.55 ha identified by the AAI. A detailed methodology, along with financial estimate will be prepared by the IIFM in consultation with the Central Pollution Control Board.
  - b. AAI will provide the detail of preliminary assessments as available with them to Central Pollution Control Board and the later based on their assessment will suggest the strategy to be adopted for undertaking the proposed pilot study. Suggestions of CPCB will be incorporated into the proposed pilot study by the IIFM, Bhopal.
  - c. Cost to be incurred on the proposed pilot study will be borne by the AAI.
  - d. State Forest Department, Government of Uttar Pradesh will make necessary arrangements to provide suitable area of abandoned mine void for the proposed pilot study and will involve their staff in monitoring of the activities and plantation activities.
  - e. The data and results of the study will be in public domain and will not be an IP of any of the agency involved.
3. In pursuance to decision of the Advisory Committee meeting dated 7.11.2022, the matter along with the decision taken in the meeting dated 27.12.2022 has been placed before the Committee for further consideration.

**4. Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division, recommended that prefeasibility study may be undertaken as per decision taken in the meeting dated 27.12.2022, however, to ensure better involvement of CPCB their Regional Director at Lucknow and members technical institutions such as IIT/BHU may also be involved in the prefeasibility study. Accordingly, Advisory Committee recommended the following for undertaking the feasibility study:

- i. Pilot study to assess the impact of filling the abandoned mining voids in forest areas with red mud and/or fly ash will be undertaken by the IIFM, Bhopal as lead agency in the abandoned mining void of 0.55 ha identified by the AAI. A detailed methodology, along with financial estimate will be prepared by the IIFM in consultation with the Central Pollution Control Board.
- ii. AAI will provide the detail of preliminary assessments as available with them to Regional Director, Central Pollution Control Board, Lucknow and IIT/BHU and the later based on their assessment will suggest the strategy to be adopted for undertaking the proposed pilot study. Suggestions of Regional Director, CPCB and IIT/BHU will be incorporated into the proposed pilot study by the IIFM, Bhopal.

- iii. Cost to be incurred on the proposed pilot study will be borne by the AAI.
- iv. State Forest Department, Government of Uttar Pradesh will make necessary arrangements to provide suitable area of abandoned mine void for the proposed pilot study and will involve their staff in monitoring of the activities and plantation activities.
- v. The data and results of the study will be in public domain and will not have any intellectual property or copy rights for any of the agency involved in this study.

### **Policy Agenda No. 2**

**Sub: Request for transfer of exemption of Compensatory Afforestation Land granted for broken area prior to 1980 under forest clearance of mining leases to new lessee after expiry of old lease tenure.**

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 23.02.2023. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
2. The Advisory Committee, after examination of the matter observed as under:
  - i. Extant matter relates to applicability of raising CA in respect of forest land broken prior to 1980 which are still/continuing under the possession of the user agency.
  - ii. The matter was considered by the Advisory Committee in its meeting held on held on 27.12.2022 wherein the FAC observed that during the intervening period of 43 years, a number of changes/amendments have been in the various legislations and also Hon'ble Supreme Court passed many decisions which may have bearing in the matter. Accordingly, the Committee decided that Forest Conservation Division of the Ministry may examine the matter holistically in light of amendments/changes made in the various statutory provisions and directions/Judgements passed by Hon'ble Supreme Court relating to applicability of Forest (Conservation) Act, 1980 in the mining leases having forest areas broken prior to 1980 and a consolidated view may be placed before the Committee for further consideration latest by February 2023.
  - iii. In pursuance to the above recommendation of the FAC, the matter has been examined by the Forest Conservation Division to reveal the following:
    - a. As per the Handbook of Forest (Conservation) Act, 1980 published in 2004, provisions of CA were not applied at the time of renewal of mining leases, the *forest area already broken/used for mining, dumping or over burden, construction of road, ropeways, buildings, etc.*
    - b. *As per the details available in Hon'ble Supreme Court order dated 07.05.1985 in the matter State of Bihar Vs Banshi Ram Modi & Ors, provisions of section 2 of the Act were not applicable on the forest land which is broken up or cleared before the*

*commencement of the Act.*

- c. *As per Supreme Court order dated 11.12.1986 in the matter Ambica Quarry Works and Anr. Vs State of Gujarat and ors, the Hon'ble Court upheld that renewal of mining lease will lead to further deforestation or at least it will not help reclaiming back the areas where deforestation have taken place. All interpretations must sub-serve and help implementation of the intention of the Act.*
  - d. *Supreme Court in its order dated 30.08.1988 in the matter Rural Litigation & Entitlement Kendra Vs State of U.P and Ors upheld that the Forest (Conservation) Act, 1980 applies to renewals as well and even if there was a provision for renewal in the lease agreement on exercise of Lessee's option, the requirements of 1980 Act had to be satisfied before such renewal could be granted.*
  - e. *Above orders have been re-iterated by the Hon'ble Supreme Court in its other Judgments passed subsequently, such Lafarge Judgement passed on 6.07.2011, Common Cause Judgement passed on 2.08.2017 and Judgement on PLPA areas in Punjab passed on 21.07.2022.*
  - f. *Further, Ministry has notified the updated Handbook of Forest (Conservation) Act, 1980 on 28.03.2019 wherein under para 2.4 (iv), it is provided that provisions of CA will be applicable for renewal of a mining lease, including the area broken up prior to 25.10.1980, if the same was not applied earlier.*
- iv. The Committee also observed that Ministry re-iterated its stand charging CA in its guidelines dated 7.07.2021 which were issued pursuant to the provisions of Mines and Minerals (Development and Regulation) Amendment Act, 2021. The guidelines dated 7.07.2021 allowed the State Government to transfer the approvals granted to the erstwhile agency to successful bidder subject to certain condition which inter-alia includes the following condition:
- (iv) The State Government shall ensure that the amount of Net Present Value, Safety Zone Plantation and Compensatory Afforestation (CA), if not deposited earlier, has been deposited prior to handing over of the forest land to the new allocattee. **Also, in case the CA land has not been made available previously, the forest land shall be handed over to the new allocattee only after the corresponding CA land has been accepted by the competent authority as per the extant procedures for acceptance of CA lands for a new proposal.***
- v. The Committee also observed that subsequent to enactment of Mines and Minerals (Development and Regulation) Amendment Act of 2015 and of 2021, validity of lease has been extended for a period 50 years and concept of renewal has been done away with i.e. after the expiry of lease period, the lease is put to auction and successful bidder

is allowed to continue mining operation on the strength of statutory approvals granted under the various Act.

- vi. Committee also observed that forest areas broken prior to 1980 which have already been mined out and are not required for further mining operations should have been returned back to the Forest Department to help their reclamation as upheld by Hon'ble supreme Court in its Judgement dated 11.12.1986. However, in most of the cases, such land continues to be under the possession of user agency for the non-forestry purpose and hence cannot be used to rejuvenate or recoup the ecosystem goods and services lost by allowing their non-forestry use.
- vii. The Committee also noted that already Ministry has taken a decision to charge CA in even in respect of already broken up forest land, if the same was not done earlier.

3. **Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division, recommended that forest areas broken prior to 1980 which have already been mined out and are not required for further mining operations should have been returned back to the Forest Department to help their reclamation. Continuation of possession of such area with the user agency deprives the Forest Department to rejuvenate or recoup the ecosystem goods and services lost by allowing their non-forestry use. Therefore, the Committee recommended the following:

- i. During the transfer of approval granted under the FC Act from erstwhile agency to new lessee by the State/UT Governments, the provisions of CA will be applicable in respect of broken up forest area before the commencement of Act, 1980 which are continued to be under the possession of the user agency, in case the CA has not been raised earlier.
- ii. Consolidated details of reclamation carried out and status of reclaimed land handed over back to the Forest Department in respect of coal and non-coal mines may be provided by the M/o of Coal, M/o Mines, M/o Steel and M/o Power to the MoEF&CC for further consideration by the Ministry.

### **Policy Agenda No. 3**

**F. No. FC-11/8/2023-FC**

**Subject: Modification in the terms of forest clearance to align with MM (D&R) Amendment Act 2021 & Rules – reg.**

- 1. The policy agenda item was considered by the Advisory Committee in its meeting held on 23.02.2023. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
- 2. The Advisory Committee, after examination of the matter observed as under:

- i. A representation from Chhattisgarh Sponge and Steel Manufactures Association (CSSMA) has been received seeking clarification on provisions of captive use of mines, stipulated in the approval granted under the FC Act, 1980 vis-à-vis provisions of the MMDR Amendment Act, 2021 as amended till date.
- ii. The Committee noted that before the enactment of Mines and Mineral (Development and Regulations) Amendment Act, 2021, captive mining leases were exclusively used to be granted for captive purposes only and accordingly, while submitting application for prior approval of the Central Government under the Forest (Conservation Act, 1980 captive use of the mining lease is also used to be mentioned by the agency. Such proposed often stipulated with the condition "*Mining lease will be used for captive purposes only*".
- iii. The Committee also observed that one such proposal, cited by the CSSMA in their representation was granted approval by the Ministry on 6.05.2009, based on its approval by the Hon'ble Supreme Court on 3.10.2008, inter-alia stipulating the condition viz. "The mineral extracted from the mine will be exclusively for captive consumption/sale. No sale of mineral will be permissible.
- iv. The Central Government has enacted the Mines and Minerals (Development and Regulation) Amendment Act, 2021 on 28.03.2021 wherein under sub-section 7A of section 8A, it is provided that "*Any lessee may, where mineral is used for captive purpose, sell mineral up to fifty per cent. of the total mineral produced in a year after meeting the requirement of the end use plant linked with the mine in such manner as may be prescribed by the Central Government and on payment of such additional amount as specified in the Sixth Schedule....*"
- v. Pursuant to above Amendment Act, Mineral (Other than Atomic and Hydro Carbon Energy Minerals) Concession Fourth Amendment Rules, 2021 were notified on 2.11.2021 wherein in the rule 12 B the manner of sale of mineral from the captive leases has been specified and an '*Explanation*' given after the said rule mention that "*this rule shall be applicable in all leases where mineral is required to be used for captive consumption, notwithstanding any order or direction to the contrary, passed by any court or authority, prior to the commencement of the Mines and Minerals (Development and Regulation) Amendment Act, 2021.*".
- vi. The Committee further noted that as per the above provisions of MMDR Amendment Act and rules framed thereunder, it may be ascertained that provisions of rules are applicable to all captive mines notwithstanding any order or direction to the contrary passed by any court or authority.
- vii. The Committee also noted that the Ministry vide its guidelines dated 1.04.2015, incorporated at para 7.3 (iii) of Handbook of Forest (Conservation) Act, 1980, with a view to streamline the process of validity extension, aligned the validity of the approval granted under the Forest (Conservation) Act, 1980 to make it co-terminus with the

validity of mining lease granted under the MMR Amendment Act, 2015. Pursuant to said clarification issued by the Ministry, States Govt./UT Administrations have been extending the validity of approval granted under the FC Act, 1980 prior to 1.04.2015.

- viii. Condition relating to captive use of minerals from the mine, stipulated in the FC approvals, restrains the lessee from the selling the surplus minerals for which enabling provisions have been provided in the MMDR Amendment Act, 2021.
- ix. Although, the CSSMA has cited the example of one such case, there may be other cases also where non-captive use of minerals is limited by the FC approval.

3. **Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division and in view of the provisions provided in the Mines and Minerals (Development and Regulations) Amendment Act, 2021 and rules framed thereunder decided that in pursuance to the aforementioned legislation enacted by the Central Government, the condition stipulated in the approvals granted by the Ministry in the past restraining the user agency from selling their surplus minerals produced from their captive mine lease, becomes null and void. The Ministry may accordingly, consider issuing a clarification to all States/UTs to enable the user agency to sell minerals from the captive mines to the extent of up to fifty per cent of the total mineral produced in a year after meeting the requirement of the end use plant linked with the mine in such manner as prescribed by the Central Government.

#### **Policy Agenda No. 4**

**F. No. FC-11/65/2019-FC**

**Sub: Amendment in para 4.2 of the Handbook of Forest (Conservation) Act, 1980 conveying the General Approval of the Central Government for laying of OFC/Drinking water pipelines/CNG/PNG pipelines/Slurry pipelines etc. in the RoW of roads – reg**

The policy agenda item was considered by the Advisory Committee in its meeting held on 23.02.2023. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.

1. The Advisory Committee, after examination of the matter observed as under:
  - a. Whether the General Approval is applicable if tree felling is involved?
  - b. Whether General Approval is applicable if the area is part of National Park/Wildlife Sanctuary?
  - c. If the project passes through Tiger Reserve, whether General Approval is applicable? If applicable, whether such proposals are to be referred to SBWL or NBWL?

- i. The Integrated Regional Office Bangaluru, adverting to the Ministry's guidelines dated 22.07.2020, amending the para 4.3 of the Handbook of Forest (Conservation) Act, 1980 has mentioned that there appears to be contradiction in the condition no. (a) and (f) of the approval i.e., condition no (a) prescribes no felling of trees while condition no (f) prescribes for plantation of 10 times number of trees proposed to be felled. Accordingly, IRO has sought clarification in the matter. Accordingly, the IRO has sought clarification on the following:
  - ii. After analyzing the submissions made by the IRO, the Committee observed that the Ministry, vide guidelines dated 27.07.2020 amended the para 4.2 of the Handbook. However, while issuing the revised guidelines the clause relating to the approval of NBWL/NTCA, inadvertently due to a typographical error, was replaced with phrase stating that 'In case of project involve tree felling, ten trees for each tree marked for removal shall be planted at the cost of user agency in consultation with the local forest department'.
  - iii. The Committee further observed that para 4.2 of the Handbook relates to grant of permission for laying of OFC/drinking water pipe line, slurry pipe lines, etc. within the ROW of roads i.e. area which has already been put to non-forestry use/diverted under the FC Act, 1980, therefore, it envisages no fresh tree felling and accordingly, relevant condition of 'no tree felling' has been stipulated in the GA given under para 4.2 and accordingly, the condition relating to felling of trees needs to be deleted from the guidelines dated 22.07.2020.
  - iv. With regards to the applicability of provisions of para 4.2, if the area or part thereof falls into the National Park/Wildlife Sanctuary it has already been clarified in the para 4.2 and also in guidelines dated 22.07.2020 stipulating that "*In case, the proposed area falls in the RoW of the road passing through National Parks and Wildlife Sanctuaries, General Approval is subject to requisite permissions from the State Board for Wildlife*".
2. **Decision of the Advisory Committee:** After detailed deliberation in the matter and discussion with the Regional Officers and official of the Forest Conservation Division, the Committee observed that guidelines dated 22.07.2020 needs to be amended to remove ambiguity in the application of conditions. Committee accordingly, decided that clause (f) of the guidelines dated 22.07.2020 may be replaced with the following:

*In case, the proposed area falls in the RoW of the road passing through National Parks and Wildlife Sanctuaries or Tiger Reserve, General Approval is subject to prior permissions from the State Board for Wildlife (SBWL)/Standing Committee of SBWL as applicable.*

**Sub: Validity of Final Approval granted under the Forest (Conservation) Act, 1980 for non-forestry use – reg.**

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 23.02.2023. The Regional Officer, Dehradun made a brief presentation in the matter before the Committee.
2. The Advisory Committee, after examination of the matter observed as under:
  - i. The Ministry grants final approval under the Forest (Conservation) Act, 1980 authorizing states to further hand over the land to the user agency to carry out the intended non-forestry use over said land. In the present circumstances, the Final approval of the Central Government remains live which can be subjected to further modifications in the forest area, conditions, etc.
  - ii. Issue before the Committee is whether the Stage-II is to be kept live or its validity should be restricted to certain period of time. As per current regimes and precedence, the validity of the prior approval of the Central Government granted under the Forest (Conservation) Act, 1980 is co-terminus with the life of the project
  - iii. Under the circumstances of specifying the validity of the prior approval of the Central Government under the FC Act, 1980 for a fixed term, there may be unforeseen situations which needs to addressed such as change in the layout of the project, legality of using the forest land without valid approval, allowing the change in the name of the user agency, transfer of approval, etc.
  - iv. The proposition relating to fixation of the term of validity of approval granted under the Forest (Conservation) Act, 1980 may or may not have the repercussions on the various developmental and infrastructural projects, many of which such as roads are executed and maintained on perpetuity basis.
3. **Decision of the Advisory Committee:** Advisory Committee, after deliberations and detailed discussions with the Regional Officers and official of the Forest Conservation Division, desired that proposal needs in-depth analysis in terms of its impacts on various infrastructural and developmental projects and on post approval activities related to Forest (Conservation) Act, 1980 such as change in the conditions of approval, change in the layout plan, violation of conditions of approval, transfer of approval, etc. The Forest Conservation Division may, therefore, analyze all the aspects of the proposal and a detailed analysis of the same may be presented before the Committee for further consideration.

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**(Confirmed through email)**

*(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

**(Confirmed through email)**

*(Sh Om Prakash Sharma)*

Member

**(Not present)**

*(Sh S.P. Yadav)*

Additional Director General of Forests (FC)

Member

**(Confirmed through email)**

*(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