

Agenda No. 1**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 –regarding.

1. The above subject agenda item was considered by Advisory Committee (AC) in its meeting held on 24.03.2023. The Nodal Officer (FCA), Government of Himachal Pradesh was present in the meeting.
2. The details of the proposal may be seen at www.parivesh.nic.in.
3. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the Advisory Committee for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
4. The Advisory Committee after thorough deliberation and discussion observed that:
 - (i) Government of Himachal Pradesh vide their letter dated 03.01.2022 submitted the above mentioned proposal to IRO, Shimla.
 - (ii) This proposal was considered by Regional Empower Committee (REC) on 16.09.2022 and REC observed that the proposal is linked with the construction of Kuther HEP, 240 MW having diversion area 61.4083 ha. which was accorded Stage-II approval by the ministry vide letter No. 8-47/2011-FC dated 11.01.2013 and accordingly the proposal has been forwarded to this Ministry for decision.
 - (iii) 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. 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).

(iv) The Ministry vide its letter dated 27.01.2023 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.

(v) 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.

(vi) The proposal for the construction of transmission line was placed before the Advisory Committee in its meeting held on 23.02.2023 wherein the committee decided to defer the proposal and sought certain details from the State Government.

(vii) The Government of Himachal Pradesh, Shimla, vide their letter No. Ft.48-5321/2021 (FCA) dated 21.03.2023 submitted the justification from Himachal Pradesh Power Transmission Corporation Limited vide letter No. HPPTCL/Projects/F-86/Forest/2023-19234-35 dated 14.03.2023 for not using the land transferred to HPPTCL for transmission/evacuation of power in the instant case. It is mentioned that as per the earlier evacuation plan it was proposed to construct the 220 KV line for the evacuation of power from Kuther HEP for which connectivity was accorded by the HPPTCL vide letter dated 07.05.2012. However, M/s JSW neither signed the connection agreement nor applied for Long Term Open Access to HPPTCL for the above said line. During this period, HPPTCL had received the Long-Term Open Access application from Bajoli Holi HEP (180MW) and other small IPPs with aggregate capacity of 51 MW for above cited 220 transmission line and now this said line cannot evacuate further power from Kuther HEP (240 MW).

(viii) In the revised transmission plan, it is proposed to evacuate power from Kuther HEP (240 MW) at 400 KV level by LILO of one circuit of 400 KV Lahal-Rajera D/C line (now commissioned). This arrangement shall help to evacuate the whole power from further upcoming project without any constraints and will also minimize the RoW requirements.

(ix) The state Government further mentioned that total 147 ha of the area in 16 patches have been closed for the purpose of Compensatory Afforestation (CA) against the diverted forest land for the construction of Kuther Hydroelectric Project (240 MW). These sites have also been uploaded on E-Green Watch Portal. Out of these 16 patches, the survival is low in four (4) patches, the reasons given by DFO are: High intensity of sunlight, rocky topography/scarcity of soil, less rainfall and grazing. Further, it has been submitted that to improve these patches maintenance has been carried out and the protection from fire and grazing is being ensured.

(x) As far as cumulative study of Ravi River is concerned it has been mentioned that in the year 2015, MOECFF took a decision that henceforth

all the CCS & CIA study in all river basins will be conducted by MoEFCC Government of India itself. Accordingly, all the studies undergoing in the state were handed over to MOEFCC GoI.

(xi) The layout plan in case of the earlier diverted area and the proposed transmission line was discussed in detail by the members of the committee with the state Nodal Officer and the Regional Officer, IRO Shimla and it was observed that the KML file submitted does not depict all the components as mentioned in the detailed layout plan presented by the Regional Officer, IRO Shimla.

5. Decision of Advisory Committee: 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 and sought the following details:

- i. The State Govt. shall provide the complete lay out plan indicating the components of the area already diverted and the area now proposed to be diverted along with the corresponding KML file.

Agenda No. 2**F. No. 8-100/2008-FC**

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

1. The agenda item was considered by the FAC in its meeting held on 24.03.2023. 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 Advisory Committee for examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. The Regional Officer, IRO Ranchi and Dy. Director in the Office of Nodal Officer, Jharkhand attended the meeting.
4. The Advisory Committee after thorough deliberation and discussion observed that:
 - i. The proposal was placed before Forest Advisory Committee in its meeting held on 21.09.2022. The Committee after detailed discussion and deliberation on the proposal took a serious note of the tendency of the user agency to avert the conditions on which forest land was transferred to the user agency and recommended to raise CA as stipulated in the Stage-I approval as the user agency was aware of the conditions stipulated in the Stage-I approval, and has also given an undertaking to abide by these conditions while seeking transfer of approval.
 - ii. Based on the recommendation of the FAC and approval of the same by the competent authority, the Ministry vide its letter dated 07.11.2022 conveyed the following to the State Government:
 - a) CA should be raised as per the conditions stipulated in the Stage-I approval dated 20.09.2010 and compliance of all other conditions will be ensured by the user agency.
 - b) To check such tendencies among various user agencies in other similar cases, the action being proposed in the extant case, as indicated in above para, shall be applied mutatis mutandis to other similar cases also.
 - iii. Now the Principal Secretary, Government of Bihar vide their D.O. No. Badam Coal Block-03/2015/11821 dated 15.03.2023 informed that *Stage-II (2x250 MW) of NTPC's Barauni Thermal Plant is operational for nearly two years. The fuel supply of plant is linked with Badam coal*

mine, located in Hazaribagh region of Jharkhand. Currently coal is supplied to barauni Thermal Power Plant through bridge linkage from CCL and requested for early issuance of Stage-II forest clearance of Badam mine considering NTPC's request as this will help Barauni Thermal Power Plant to secure the fuel supply and improve its availability for power supply during peak demand of the State.

- iv. In addition to above a request has also been received in the Ministry from the user agency i.e. M/s. NTPC Limited vide their letter dated 10.03.2023 stating that as per para 2.5 (i)f of the Handbook of guidelines issued under Forest(Conservation) Act, 1980, it is provided that CA shall be raised and maintained at the cost of user agency on degraded forest land twice in extent of the forest area diverted in the cases of the projects implemented by the Central Government/PSUs, excluding Central Govt./Central PSUs projects implemented by/through State Government and State Sector Projects implemented by the Central Government/PSUs and requested that since, NTPC is a Central PSU, therefore the exemption for CA as applicable to the CPSUs be granted to NTPC as well.
- v. The AC observed that proposal involving forest area of 150.49 ha of forest land was granted Stage-I approval vide Ministry's letter dated 20.09.2010 in favour of M/s Bengal Emta Coal Mines Pvt Limited. Stage-I approval was subsequently transferred on 27.10.2015 to Bihar State Power Generation Company Ltd (BSPGCL), under the Coal Mines (Special Provisions) Act 2015, for captive use in Barauni Thermal Power Station. (BTPS). BTPS was subsequently transferred to the M/s NTPC and accordingly captive Badam Coal Mine was also allotted to M/s NTPC Ltd. Approval granted under the FC Act, 1980 was also transferred to M/s NTPC vide Ministry's letter dated 14.01.2020.
- vi. The Ministry vide letter dated 19.04.2022 has issued a guideline providing that the Compensatory Afforestation may be considered on Degraded Forest Land double in extent to the area diverted in respect of state PSUs for the limited purpose of the land diverted for captive coal blocks on case to case basis. **Thus, the prior User Agency i.e. Bihar State Power Generation Company Ltd (BSPGCL) was also eligible to be considered for raising Compensatory Afforestation on DFL in the instant case.** Further, the Rule 11(1)a of the Forest(Conservation) Rules 2022 inter alia provides that *"in exceptional circumstances when the suitable land required for Compensatory Afforestation under this clause is not available, and the certificate to this effect is given by the State Government or Union territory Administration, as the case may be, the Compensatory Afforestation may be considered on degraded forest land which is twice in extent to the area proposed to be diverted in case of State*

Public Sector Undertakings for captive coal blocks on case to case basis”.

- vii. The committee however, took a serious view of the delay in submission of compliance report of the conditions stipulated in Stage-1 approval and observed that the Ministry may seek from the State of Jharkhand a detail of such cases where compliance report of the Stage-1 approval is pending for more than two years.

5. Decision of Advisory Committee: The Committee had detailed discussion and deliberation with the Regional Officer, IRO Ranchi and the Dy. Director in the Office of Nodal Officer, Jharkhand. After going through the facts of the proposal, the dispensation given in case of the captive coal blocks of State PSUs in guidelines dated 19.04.2022 and the Forest(Conservation) Rules 2002, the Committee decided to allow *Compensatory Afforestation on degraded forest land which is twice in extent to the area proposed to be diverted* and recommended that:

- i. The Compensatory Afforestation in the instant case be allowed over Degraded Forest Land(DFL) double in extent to the area proposed to be diverted instead of non-forest land. The conditions pertaining to Compensatory Afforestation in the Stage-1 approval dated 20.09.2010 be modified accordingly.
- ii. The Degraded Forest Land identified for Compensatory Afforestation shall be inspected by the IRO for its suitability as per the prevalent guidelines.
- iii. The State Government shall provide a detail of such cases where compliance report of the Stage-1 approval is pending for more than two years. The reasons for delay in submission of compliance in such cases shall also be submitted. The Ministry may examine the matter and take appropriate action in the matter separately.

Agenda No. 3**(F. No. 4-KRC040/2004-BAN****(F. No. 8-286/1988-FC VOL.)**

Sub: Proposal for diversion of 12.4724 hectare of forest land (Revised area 6.6978 hectare) near Dharmapura village, Sandur Taluk, Ballari District for establishing Closed Pipe Conveyor System from Ramanadurga Iron Ore Mine (RIOM ML No. 2141) in favour of M/s Sri Kumaraswamy Mineral Exports Private Limited, Ballari. (Online proposal No. FP/KA/MIN/1247/2004). -regarding.

1. The above stated agenda item was considered by AC in its meeting on 24.03.2023. The corresponding details of the agenda may be seen at www.parivesh.nic.in.

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by 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. The IRO Bangalore attended the meeting and was present during the discussion of the above mentioned proposal.

4. The instant proposal was considered in AC meeting held on 27.07.2021 and 21.02.2022.

5. On 27.07.2021 the FAC deferred the proposal for want of: -

i. On perusal of the KML files of the area on DSS it is observed that already two approach roads are there to the existing mines. It is learnt the State government has not submitted the report on the alternatives explored. State Government shall explore possibility of using the existing road for maintenance of the Conveyor belt instead of proposing new road.

ii. From the DSS analysis it is learnt that the existing railway line is distant from the proposed terminal point of the conveyor belt, and a part of the forest area is proposed to be diverted for railway siding at the proposed terminal point. State government may submit the justification of proposing the terminal point, well ahead of the existing railway line along with review if forest area proposed for the railway siding could be avoided/ minimised.

iii. Serious note was taken that the State government has not yet notified the CA land provided in-lieu of diversion of the forest land approved earlier for mining (60.56 ha) as RF/PF despite considerable number of years have passed-by. It was noted that

as per extant Guidelines, the CA land has to be notified as RF/PF before Stage-II is granted. The copy of the notification shall be submitted.

iv. The area being hilly with steep slopes, a detailed soil and moisture conservation plan for the area shall be required.

6. The Government of Karnataka, on 21.01.2022 forwarded the additional information as sought by the FAC on 27.07.2021. Based on the reply submitted the proposal was once again placed in FAC held on 21.02.222.

7. The FAC on 21.02.2023 recommended the proposal for in-principle approval, subject to the general, standard and following specific conditions:

i. The State Government shall declare the CA area identified against the present proposal for diversion as forest area under section 29 of Indian Forest Act 1927 prior to Stage-II approval to the present proposal.

ii. The State Government shall ensure that the user agency prepares the soil moisture conservation plan, duly approved by the competent authority in the State, and deposit the amount for implementation of the plan in CAMPA account prior to Stage-II.

8. Accordingly Ministry accorded Stage-I approval on dated 24.03.2022 for an area of 6.6978 ha (initially proposed 12.4724 ha) with the general, standard and specific conditions. One among the condition were: -

2. B: iii. The Compensatory Afforestation shall be taken up by the Forest Department over 12.4724 ha non-forest land at the cost of user agency. As far as possible, a mixture of local indigenous species shall be planted and mono-culture of any species may be avoided. With provision for 10 years on subsequent maintenance."

9. The Government of Karnataka vide its letter No. FEE 07 FFM 2020 (e) dated 14.11.2022 and 30.01.2023 recommended the request of User Agency to amend the condition no. B(iii) of Stage-I approval letter dated 24-03-2022 as

"..The Compensatory Afforestation shall be taken up by the Forest Department over 6.6978 ha.of non-forest land at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided. With provision for ten years on subsequent maintenance."

10. **Decision of FAC:** - The AC after thorough deliberation and considering the recommendation by the State Govt. accepted the proposal to amend the condition (B.iii) stipulated in the Stage-I approval letter dated 24.03.2022 w.r.t CA land as below:

"The Compensatory Afforestation shall be taken up by the Forest Department over 6.6978 ha. of non-forest land at the cost of the user agency. As far as possible, a

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mixture of local indigenous species shall be planted and monoculture of any species may be avoided. With provision for ten years on subsequent maintenance."

Agenda No. 4**File no. 8-02/2022-FC**

Subject: Proposal for diversion of 63.441 ha Reserved Forest land for the construction of National Institute of Technology under the Aizawl District of Mizoram –regarding.

1. The agenda item for above subject proposal was considered by the Forest Advisory Committee in the meeting held on 24.03.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer (FCA), Government of Mizoram was not 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 thorough deliberation and discussion observed that:
 - (i) The Government of Mizoram has uploaded the above mentioned proposal on PARIVESH portal on 03.02.2022 for seeking prior approval under Section 2(ii) of Forest (Conservation) Act, 1980.
 - (ii) This is a case of violation wherein it is reported by the Govt. of Mizoram that despite repeated directions, the user agency has made the violation by felling of trees and starting works on the said forest land. The 3070 trees have been felled without permission.
 - (iii) The above stated agenda item was considered by FAC in its meeting held on 13.06.2022 and the FAC after detailed deliberation and discussions deferred the proposal seeking certain information.
 - (iv) Government of Mizoram vide their letter No. G.20015/61/2018-FST dated 11.08.2022 has submitted the reply to the observations raised by the FAC. Further IRO Shilong along with Nodal Officer was asked to carry out site inspection of the area and submit detailed site suitability report for selection of the current site and its site specificity.
 - (v) The joint site inspection of the instant project on the recommendation of FAC has been done by DIG, IRO, Shillong and Nodal Officer (FC), Govt. of Mizoram. Registrar of NIT, Executive Engineer of NIT, Under Secretary for the Govt. of Mizoram, Higher and Technical Education & User Agency, Conservator of Forests (Northern Circle), DFO Mamit Forest Division and other senior officials of the EF&CC Department were present during the site inspection. A detail of the works carried out along with reasons for the selection of present site has been submitted.
 - (vi) The State Government has reported the following land use plan of the total area proposed for diversion of reserved Forest land i.e. 63.441 ha for construction of NIT Mizoram:

S.N.	Item	Area in ha
1.	Built-up space	25.00

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2.	Peripheral Roads {constructed}	2.70
3.	Internal Roads	7.30
4.	Green Zone (out of construction)	9.00
5.	Green Zone (to be developed later)	9.00
6.	Playgrounds/ Garden	10.441
	Total	63.441

- (vii) As per DSS analysis, out of 64.25 ha revenue land identified for Compensatory Afforestation at Village Pa Ngena Mual, an area of 53 ha. is MDF, therefore it may not be feasible to accommodate 1000 plants/ha in the said land. However, the State Govt. has not submitted details of DFL to accommodate the balance seedlings.
- (viii) It is reported by the Govt. of Mizoram that despite repeated directions, the user agency has made the violation by felling of trees and started works on the said forest land. The DFO, Mamit has issued show cause notice dated 14.10.2022 to the then user agency i.e. Ircon International Ltd. and subsequently filed a case in the court under Mizoram Forest Act, 1955. In this regard, it is also informed that DFO, Mamit has issued show cause notice dated 06.01.2023 to the then Range Officer.
- (ix) It is reported that the user agency had applied earlier on PARIVESH vide proposal dated 18.12.2017 which was subsequently not pursued as the user agency i.e. Ircon International Ltd. was no more associated with the project and hence subsequently fresh application on PARIVESH was submitted vide proposal dated 24.12.2021 by the Higher & Technical Education Department, Govt. of Mizoram.
- (x) A site selection committee for establishment of NIT was constituted by Department of Higher Education, MoHRD, Gol vide order dated 25.11.2011. The Special Secretary, MoHRD was the convener with member from State Government, NIT, Mentor Director, NIT, CPWD. Committee visited two sites namely, Thenzawl and Lengpui, and recommended the site at Lengpui for establishment of permanent campus of NIT, Mizoram. While identifying suitable site for permanent location of the Institution they considered parameters such as good students, good market around, medical facility, accessibility to interact with other institute in the country, accessibility, supplementary learning, interaction of experts from outside etc. Based on this, they recommended Lengpui which has a proximity to the Airport, Railway Station, Highways. Also at that stage they were informed and made to believe that the proposed site is not forest land and the provisions of Forest (Conservation) Act, 1980 are not applicable.
- (xi) It is not clear whether the State Forest Department was involved by the above mentioned committee during site selection or not. The Nodal Officer(FCA) from the State of Mizoram was however not present to clarify the same

4. Decision of Advisory Committee: The Committee had detailed discussion and deliberation with the Regional Officer, IRO, Shillong. After going through the detailed facts, the Committee decided to defer the proposal and sought the following information: -

- i. As per DSS analysis, out of 64.25 ha revenue land identified for Compensatory Afforestation at Village Pa Ngena Mual, an area of 53 ha. is MDF (Medium Dense Forest), therefore, it may not be feasible to accommodate 1000 plants/ha in the said land. However, the State Govt. has not submitted details of DFL to accommodate the balance seedlings. Accordingly, the State Govt. may identify suitable DFL to accommodate the balance plants and send the details along with site suitability certificates/KML files.
- ii. The State Govt. shall clarify whether the State Forest Department was involved by the site selection committee during the site selection.
- iii. As per analysis of the satellite imagery, the non-forestry activities appear to have been started during the year 2014 whereas the State Govt. has reported that the violation/construction started during 2016. This State shall verify the same.
- iv. The updated status of the case registered by DFO Mamit under the Mizoram Forest Act shall be submitted.
- v. Govt. of Mizoram shall provide the reply on the points raised above and Nodal Officer (FCA)/PCCF, Govt. of Mizoram shall remain present in the meeting of the Advisory Committee whenever it is scheduled after receipt of information as indicated above.

Agenda No. 5**F. No. 6-MPR 017/2002-BHO**

Subject: Diversion of 12.733 ha Revenue Forest land for underground coal mining in Shahpur East Coal Block in favour of M/s Chowgule & Company Private Limited in Shahdol & Umaria Districts of Madhya Pradesh (Online No. FP/MP/MIN/147526/2021) – regarding.

1. The agenda item was considered by the FAC in its meeting held on 24.03.2023. 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. The Regional Officer, IRO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting.
 - i. The Principal Chief Conservator of Forests (Land Management) and Nodal Officer, FCA, Government of Madhya Pradesh, vide their letter No. F-1/833/2021/10-11/1912 dated 30.05.2022 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 12.733 ha Revenue Forest land for underground coal mining in Shahpur East Coal Block in favour of M/s Chowgule & Company Private Limited in Shahdol & Umaria Districts of Madhya Pradesh.
 - ii. The proposed diversion area is 12.733 ha and there are a total of 351 trees available. Since this proposal is for underground mining, no trees are required to be felled. Tree enumeration is given only for filling of Part II form. Hence, the user agency has not identified area for CA.
 - iii. The IRO, Bhopal sought some additional information vide letter of even no. dated 30.06.2022 for which Government of Madhya Pradesh submitted reply vide their letter dated 10.10.2022.
 - iv. The above proposal was considered in the 07th Regional Empowered Committee of the Ministry of Environment, Forests & Climate Change, Govt. of India, Integrated Regional Office, Bhopal held on 18.11.2022. Committee noted that the proposal is for underground Coal mining, as per para 2.6 (i) (c), there is no surface rights to the User Agency on the proposed area for diversion. Therefore, no felling of trees would be involved and hence the Committee felt that there is no requirement of CA. REC recommended the above mentioned proposal subject to usual terms and conditions stipulated in mining proposals.

- v. The proposed area for diversion is 5.20 km away from Achanakmar-Bandhavgarh Tiger corridor, the comments of CWLW have been submitted.
- vi. The AC observed that the mining plan was approved by the Ministry of Coal vide their letter No. 13016/31/2010-CA-I dated 27.12.2012 in favour of M/s National Mineral Development Corporation and as per MoEF&CC guideline dated 09.06.2015 inter-alia providing that cases of de-allocated coal blocks which were under consideration at the Central Government level or State level will be considered as if they have submitted by the new allottee. However, revised Part-I and other relevant information with respect of proposal needs to be re-validated by the State.
- vii. The FAC observed that as per the approved mining plan the total area of allotted coal block is mentioned as 693 ha wherein the total forest area is mentioned as 9.199 ha. However, as per the proposal submitted by the State Government the total block area is 659 ha and the forest area involved is 12.733 ha.
- viii. The Cost-benefit analysis has been submitted wherein C:B Ratio is mentioned as 17072.272 which needs examination.

4. Decision of Advisory Committee: The Committee had detailed discussion and deliberation with the Nodal Officer (FCA), Madhya Pradesh and Regional Officer, IRO Bhopal. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee decided that the IRO, Bhopal shall seek the following information from the Government of Madhya Pradesh:

- i. The area involved in the proposal is not commensurate with the area details given in the approved mining plan. The purpose/component wise breakup of the required area has to be in conformity with the mining plan. The same needs to be examined by the State government. The State Govt. shall ensure to submit the mining plan as required under extant guidelines.
- ii. The Cost-benefit analysis shall be revisited keeping in view the revised rates of NPV and the format prescribed in the FCA Handbook of guidelines.

Agenda No. 6**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 24.03.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer (FCA), Government of Chhattisgarh 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, 27.01.2023 and 23.02.2023 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 advertng 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/40851/2023 **Recommendations of Advisory Committee in its meeting held on 24.03.2023**

- 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. On 23.02.2023 the AC deferred the proposal seeking the following:

- 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.

8. The instant proposal was also discussed in the Pragati/PMG meeting chaired by Secretary Co-ordination Cabinet Secretariat on 12 Jan 2023. In view of the MoM issued by the cabinet Secretariat the matter was again brought to AC for deliberations.

9. The Nodal officer (FCA) in response to the AC recommendation submitted the copy of the letter (dated 24.03.23) of the CWLW to PCCF & HoFF with revised budget (22.33 Cr.) for wildlife conservation plan along with following recommendation:

- a. Recommended for Elephant Proof Wall for which provision needs to be included in the Wildlife Conservation Plan.
- b. Recommended Elephant Mitra Dal (Elephant Friendly Teams) and Gajraaj Vahan (Elephant Vehicles) for which provisions need to be included in the Wildlife Conservation Plan.

- c. Provision for treatment of polluted water discharge in Kurkut river and disposal of water from the mine for which provision needs to be included in the Wildlife Conservation Plan.
- d. Recommended to leave 300-meter safety buffer area along the river Kurkut.
- e. Recommended 200-meter area should be left out on as buffer the mountain in the northern side of the mine.
- f. Prohibition of any new roads in the region.
- g. Recommended that any further mining activities should only be allowed in the area after studying the impact of the ongoing and already approved mining activities in the region and impact of the revised wildlife conservation plan.

The letter by the CWLW is reproduced below for record: -

कार्यालय प्रधान मुख्य वन संरक्षक (वन्यजीवन एवं जैव विविधता संरक्षण) सह मुख्य वन्यप्राणी अभिरक्षक, छत्तीसगढ़

सेक्टर-19, नार्थ ब्लॉक, अरण्य भवन, प्रथम तल (एफ.आर.) अटल नगर, नवा रायपुर (छ.ग.)

✉ pccfwl-cg@cg.gov.in , cwlwcg@gmail.com

(☎0771-2512880, ☎0771-2512853)

क्रमांक / व.प्रा. / प्रबंध-548 / 1536
प्रति,

नवा रायपुर, दिनांक 24/03/2023

अपर प्रधान मुख्य वन संरक्षक (भू-प्रबंध)
एवं नोडल अधिकारी
अरण्य भवन, अटल नगर, नवा रायपुर (छ.ग.)

विषय :- Proposal seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of 238.373 ha. of Forest land in favour of M/s. South eastern Coalfield Limited (SECL) for Baroud Expansion Open Cast Mining Project (3MT) in Raigarh District of Chhattisgarh.
(Specific comments on the reported movement of wildlife in the area and mitigating measures and its recommendation w.r.t. the proposal)

संदर्भ :- 1. Recommendation Made by the Advisory committee (AC) in its meeting Held on 23.02.2023.
2. आपसे दूरभाष पर हुई चर्चा दिनांक 23.03.2023 जिसमें दिनांक 24.03.2023 की बैठक में विषयांतर्गत सलाहकार समिति द्वारा चाही गयी जानकारी।

-00-

विषयांतर्गत सलाहकार समिति की बैठक में प्रधान मुख्य वन संरक्षक वन्यप्राणी हेतु निम्न दो बिन्दुओं पर पुनः अतिरिक्त जानकारी चाही गयी है :-

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 submission 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. :

- (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.

इस निर्णय पर वस्तुस्थिति यह है कि पूर्व में आवेदक संस्था ने जो प्लॉन प्रस्तुत किया था वो तीन से चार साल पुराना था और वर्ष 2019 का प्रकाशन है। वर्तमान में जैसे की पूर्व बैठक में बताया गया है कि वर्ष 2018 में 22 हाथी, वर्ष 2019 में 21 हाथी, वर्ष 2020 में 23 हाथी, वर्ष 2021 में 10 हाथी एवं वर्ष 2022 में 32 हाथियों का आवागमन रहा है। वर्तमान में इस क्षेत्र एवं लगे हुये क्षेत्रों में 18 हाथियों का विचरण हो रहा है। पुसल्दा गांव जो प्रस्तावित माईनिंग क्षेत्र से लगा हुआ है वहां 03 माह पूर्व दिनांक 09.12.2022 को बोरवेल के तार का विद्युत करंट के चपेट में एक नर हाथी शावक की मृत्यु हुई थी। यह क्षेत्र हाथियों का आवागमन का कॉरीडोर है। अतः पूर्व बैठकों में प्रधान मुख्य वन संरक्षक के चाहे गये अभिमत (Comments) के अनुक्रम में पुनः संशोधित वन्यप्राणी प्रबंधन प्लॉन हेतु बिन्दु सुझाये गये हैं। उक्त बैठक में पांच बिन्दुओं पर सुझाव दिया गया है जो निम्नानुसार है :-

1. **Elephant Proof wall का निर्माण :-** खदान हेतु प्रस्तावित क्षेत्र में मौका निरीक्षण के दौरान हाथी एवं भालू जैसे अन्य वन्यप्राणियों का उपस्थिति की प्रत्यक्ष प्रमाण मिला तथा विगत 5 वर्षों की अभिलेखों को अवलोकन करने पर उसके अनुसार क्षेत्र में लगातार वन्यप्राणी हाथी की विचरण हो रहा है। चूंकि हाथियों का खदान क्षेत्र की ओर विचरण करने एवं खुली खदान की खाई में गिरने की संभावना रहती है अतः

वन्यप्राणी हाथी की सुरक्षा की दृष्टि से खदान क्षेत्र की संपूर्ण सीमा में हाथी रोधक दीवार बनाना आवश्यक होगा एवं आवागमन हेतु 2 से 4 गेट रखा जा सकता है। दीवार हेतु वन्यप्राणी संरक्षण योजना में प्रावधान अवश्य रखनी होगी। चूंकि यह क्षेत्र हाथी एवं अन्य वन्यप्राणियों का कॉरीडोर है।

2. **हाथी विवरण एवं वन्यप्राणियों के लिए प्रावधान में विस्तार :-** वनमण्डलों में हाथी संबंधित गतिविधियों की व्यापक प्रचार प्रसार की कमी होने के कारण हाथी मानव द्वंद के द्वारा जान माल की हानि बढ़ रही है। अतः रायगढ़ के अलावा आसपास के जिलों के अन्य 6 वनमण्डलों (धरमजयगढ़, कोरबा, कटघोरा, जांजगीर चांपा, अचानकमार टाईगर रिजर्व एवं मरवाही) को भी प्रचार प्रसार हेतु हाथी मित्र दल एवं गजराज वाहन की प्रावधान वन्यप्राणी संरक्षण योजना में रखने की आवश्यकता होगी। (बिन्दु क्र. 1 एवं 2 से संबंधित वनमण्डलाधिकारी से प्राप्त इस्टीमेट की छायाप्रति संलग्न है।)

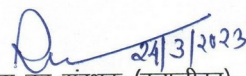
उपरोक्त दो बिन्दुओं हेतु आवश्यकतानुसार वन्यप्राणी संरक्षण योजना में शामिल करते हुए तथा शेष तीन बिन्दुओं जो निम्नानुसार हैं के संबंध में आवेदक संस्था से वचनपत्र लेकर तथा आवश्यक कार्यों को वन्यप्राणी संरक्षण योजना में शामिल करते हुए पुनः संशोधित प्लॉन लिया जाना होगा।

1. **कुरकुट नदी की सुरक्षा हेतु बफर जोन एवं जल उपचार व्यवस्था :-** प्रस्तावित क्षेत्र की पश्चिमी सीमा पर कुरकुट नदी की प्रवाह है। चूंकि कुरकुट नदी उस क्षेत्र की हाथी एवं अन्य वन्यप्राणियों की जीवन है। उसे खदान की विस्तार से होने वाले प्रदूषण से बचाव हेतु उपयुक्त उपचार प्रस्तावित करना आवश्यक होगा।
- (अ) खदान क्षेत्र के अंदर से कोई प्रदूषित पानी कुरकुट नदी के प्रवाह में मिलान नहीं होना चाहिए इस हेतु खदान के अंदर ही प्रदूषित पानी को सोखने हेतु व्यवस्था खदान प्रबंधन को करनी होगी तथा खदान क्षेत्र से उत्पन्न जल को उपचार किये बगैर जल की निकासी बाहर नहीं किया जाने हेतु उचित व्यवस्था अपनाया जाना चाहिए तत्संबंधित प्रावधान को वन्यप्राणी संरक्षण योजना में सुनिश्चित करना आवश्यक होगा।
- (ब) खदान की खुदाई कार्यवाही नदी को प्रदूषण से बचाने हेतु नदी की सीमा से दूर होनी चाहिए। इस हेतु एक 300 मी. का रिवर सेप्टी बफर जोन खदान प्रबंधन के माध्यम से छोड़ा जावेगा जिस पर कोई खुदाई नहीं की जावेगी। तत्संबंध में वचन पत्र खदान प्रबंधन से प्राप्त करना होगा।
- (स) प्रस्तावित माइनिंग क्षेत्र के उत्तरी सीमा पर खड़ा पहाड़ है, यहां भी न्यूनतम 200 मी. का बफर छोड़ा जाना उचित होगा। तत्संबंध में वचन पत्र खदान प्रबंधन से प्राप्त करना होगा।
2. **नये रोड स्थापना पर प्रतिबंध :-** क्षेत्र के बाहर नया रेल लाईन निर्माणाधीन है। पूरे रायगढ़ जिले में कोयला परिवहन के कारण सड़क मार्ग पूरी तरह जर्जर है, कोयला परिवहन करने वाले ट्रकों एवं हाईवा एवं अन्य वाहनों की संख्या बहुत ज्यादा होने के कारण धूल का गुब्बार उड़ता रहता है। खदान के विस्तार उपरांत क्षेत्र में कोयला के परिवहन पूर्व से उपस्थित सड़क को ही उपयोग करते हुए होनी चाहिए। इस हेतु कोई नये रोड का निर्माण की अनुमति प्रतिबंधित होना चाहिए। चूंकि कोई भी नई सड़क का निर्माण रहवास क्षेत्र को और अधिक विभाजित या खंडित करेगी तथा नये रोड के माध्यम से कोयला परिवहन होने पर वन्यप्राणियों की सड़क दुर्घटना होने की संभावना भी बढ़ेगी। अतः यथासंभव कोयला का परिवहन पूर्व में निर्मित सड़क एवं चयनित रेलवे स्पर लाईन जो वन्यप्राणियों की सुरक्षित आवाजाही की प्रावधानों सहित बनी हो उसके माध्यम से ही किया जाना चाहिए।
3. **भविष्य में खदान विस्तार पर नियंत्रण :-** उक्त वन्यप्राणी एवं हाथी रहवास क्षेत्र में कोयला खदान की और अधिक विस्तार की निर्णय वर्तमान में स्वीकृत खदान की रहवास क्षेत्र में पड़े प्रभाव को विस्तृत अध्ययन करने उपरांत तथा संशोधित वन्यप्राणी संरक्षण योजना में प्रावधानित Mitigation Measures की विपरीत प्रभाव को नियंत्रित करने की क्षमता एवं उसकी सफलता का आकलन एवं अध्ययन करने उपरांत ही लिया जाना उचित होगा।

Clear recommendation of the CWLW, Govt. of Chhattisgarh

हाथी विवरण की स्थिति तथा खनन कार्य से उत्पन्न प्रभाव के नियंत्रण संबंधित शमन उपाय उपरोक्तानुसार उल्लेखित है। इनके आलोक में यह अनुशंसा की जाती है कि इसके पालन की स्थिति में सलाहकार समिति इस प्रस्ताव के लिए विचार कर सकती है।

संलग्न :- उपरोक्तानुसार।


प्रधान मुख्य वन संरक्षक (वन्यजीवन)
छत्तीसगढ़, नवा रायपुर

Further, the Nodal Officer also submitted that the other details which were desired by the AC are submitted for further perusal.

10. Decision of the Advisory Committee: 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 (FCA), Govt. of Chhattisgarh, the Advisory Committee recommended the proposal to grant Stage-I approval with general, standard and along with additional conditions as proposed by CWLW, Govt. of Chhattisgarh vide letter dt. 24.03.2023.

Agenda No -7**File No. 8-31/2022-FC**

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Bhusan Power & Steel Limited for non-forestry use of 112.621 ha of Forest land (including 1.808 ha earmarked for Safety Zone) in village Baldihi under Koira Tahasil and Koira Range of Bonai Forest Division of Sundargarh District within the block area of 139.223 ha in respect of Netrabandha Pahar Iron Ore Block in Odisha State (Online proposal no. FP/OR/MIN/26965/2017).

1. The agenda item was considered by the Advisory Committee in the meeting held on **24.03.2023**. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended 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. Government of Odisha vide their letter No. FE-DIV-FLD-0088-2022-19934/FE&CC dated 09.11.2022 submitted the instant proposal for seeking prior approval under section-2 (ii) of the Forest (Conservation) Act, 1980 for non-forestry use of 112.621 ha of Forest land (including 1.808 ha earmarked for Safety Zone) in village Baldihi under Koira Tahasil and Koira Range of Bonai Forest Division of Sundargarh District within the block area of 139.223 ha in respect of Netrabandha Pahar Iron Ore Block by M/s Bhusan Power & Steel Limited.
 - ii. The mining lease of Netrabandh Pahar Block Iron Ore Mines has been e-auctioned in favour of Bhusan Power & Steel Ltd on 19.05.2017 and the letter of intent (LoI) has issued to Bhusan Power & Steel Ltd by Govt. of Odisha, Department of Steel and Mines on 24.06.2017 for 50 years.
 - iii. The Govt. of Odisha, Department of Steel & Mines further modified the letter of intent vide letter No.6285/SM dated 27.07.2017 by revising area of allotment as 139.223 ha instead of 139 ha.
 - iv. The block is comprised of 139.223 ha of land and within the Baldihi village in Koira Tahasil of Sundargarh District. The total area (as per DGPS) over 139.223 ha consists of 48.346 ha PRF, 19.532 ha of Revenue Forest, 44.743 ha of DLC Forest and 26.602 ha of Non-forest land.
 - v. An area of 1.808 ha is the Safety Zone area which is within the applied area for Forest Diversion.
 - vi. The non-forest Revenue land over 110.813 ha has been identified in village Jhurmur & Jaidega of Biramitrapur Tahasil in Sundargarh district for the purpose of Compensatory afforestation against the diversion of 110.813 ha (112.621 ha-1.808 ha Safety Zone) of forest land.
 - vii. The Mining plan including Progressive Mine closure plan has been approved by the Regional Controller of Mines, Office of the Regional

- Controller of Mines, BBSR(IBM) over an area of 139.223 ha in respect of Netrabandha Pahar iron Ore Block.
- viii. The project does not involve displacement of any human habitation in Bonai Forest Division.
 - ix. A Comprehensive Wildlife Management Plan covering the entire forest area for Wildlife Management of Bonai & Keonjhar Forest Division has already been prepared. The user agency has furnished undertaking to bear the cost of Comprehensive Wildlife Management Plan.
 - x. Since the applied area for diversion is characterized by the movement of elephants, a Site-Specific Wildlife Conservation Plan is suggested to be prepared and implemented after getting the same approved by the PCCF (WL) & CWLW, Odisha. The user agency has furnished an undertaking to bear the cost of the SSWLCP Plan.
 - xi. The applied area is under Tropical Moist Deciduous Forest of Eco-Value Class-I and the density of vegetation is 0.5. The applied area is not highly vulnerable to erosion and does not form part of seriously eroded area. The number of trees enumerated/to be actually felled is 31083.
 - xii. As reported, applied area does not form a part of any National Park / Wildlife Sanctuary / Biosphere Reserve / Tiger Reserve etc. There is no Archeological / Heritage / Defence establishment, or any other important monuments located in the area.
 - xiii. The original issued LoI was modified vide letter No.6285/SM dated 27.07.2017 revising the area of 139 ha to 139.223 ha. The said letter of Intent has been allowed with extension of the validity for another period of 2 years w.e.f. 26.06.2020 by the Steel and Mines Department, Government of Odisha vide letter N6350/SM dated 27.07.2020.
 - xiv. Despite the said iron Ore Block has been allotted to M/s BPSL in June, 2017, minimal progress has been made in terms of obtaining statutory approvals and clearances such as the EC/FC/Land Acquisition, the clearance for the forest diversion proposal, the issuance of the terms of reference, etc. primarily because of the following reasons:
 - a. Corporate Insolvency Resolution Process (CIRP) was initiated in respect of BPSL vide the Order passed by the Hon'ble National Company Law Tribunal, New Delhi (NCLT) dated 26.07.2017.
 - b. The CIRP resulted in approval of the resolution plan dated 03.10.2018 as amended by addendum letter dated 10.10.2018 of JSW Steel Limited, which was the Resolution Applicant on 16.10.2018. Pursuant thereto, the resolution plan was filed before the NCLT for its approval and was accorded the same under Section 31 of the code vide order passed by it on 05.09.2019.
 - c. Through the NCLT Order was challenged before the Hon'ble NCLT, the Hon'ble NCLT vide its judgement dated 17.02.2020 disposed of the said challenges and approved the Resolution plan after making certain modification in the NCLT Order.
 - d. The NCLT Order approving the resolution plan was further challenged before the Hon'ble Supreme Court. Since the Hon'ble Supreme Court did not grant a stay on the

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implementation of the resolution plan, the M/s JSW Steel Ltd. has started the implementation of the Resolution Plan w.e.f. 26.03.2021.

- xv. The PCCF & (HoFF), Odisha has reported that during verification of the land schedule allotted for the said mining lease area, it is found that the total area (as per the DGPS) over 139.223 ha consists of 48.346 ha PRF, 19.532 ha of Revenue Forest, 44.743 ha DLC forest and 26.602 ha of non-forest land.
- xvi. The CWLW has submitted their specific comments in respect of this proposal through CF (Ecotourism) letter dated 01.02.2023. The views/ recommendations of the PCCF(WL) & CWLW is furnished herein under; -
 - a. Area around the mining lease is characterized by presence of variety of wildlife including movement of elephants. To address the impact of project activities on such wildlife and its habitat; and, to mitigate the said impact, there is a requirement for implementation of the Site-Specific/Wildlife Conservation Plan (SSWLCP) by, prescribing specific interventions for protection of forests, prevention of forest fire, habitat management, mitigation of human-elephant conflict, public awareness, community participation, Eco-development activities, immunization of domestic livestock etc. in the Zone of Impact. In fact, such plan with the objective to minimize the adverse impact of the project on elephant and other wildlife, has-been prepared by the DFO Bonai Forest Division in compliance to Standard ToR No.18.of Letter No. of IA- J-11015/51/2021-IA-II(M), dt 04.08.2021 of MoEF&CC IA Division for mitigative measures for Schedule-1 fauna including the flagship species Asiatic Elephant. The said SSWLCP has also been approved by the PCCF(WL)&CWLW, Odisha with financial outlay of ₹549.33 lakh only prescribing-specific interventions over a period of five years for-protection and management of wildlife in Bonai and Keonjhar Divisions to be carried-out by the State Forest Department. Besides, the Project Proponent has also-been mandated Under-the said plan to carry out fire prevention measures, immunization of domestic livestock and; public awareness programme etc. in the project- area. With mitigative measures as proposed and, reflected at Chapter-V of the said-Plan, the project when undertaken will certainly address the impact of the project-on the wildlife including elephants. However, copy of the said approved Plan is enclosed for ready reference.
- xvii. The Government of Odisha has also submitted a proposal for permission under Section-2 (iii) of Forest Conservation Act, 1980 for grant of lease over 112.621 ha of forest land in village Baldihi of Netrabandha Pahar Iron Ore Block allotted to M/s Bhusan Power and Steel Limited under Bonai Forest Division of Sundargarh District. The proposal submitted under 2 (iii) was considered by the Forest Advisory Committee in its meeting held on 01.08.2022 where in the FAC deferred the proposal and decided that a team of officers from MoEF&CC and Wildlife Institute of India may visit the area and submit report on the following:

- a. Status of elephant distribution and movement in the area;
 - b. Holistic assessment of likely impact of the mining leases operational and proposed to be granted in the area on the elephant habitat and movements; and
 - c. Mitigation measures, if any, required to be undertaken for the conservation and protection of elephants in the area.
- xviii. The Subcommittee as constituted above submitted their report in respect of the proposal submitted under Section 2 (iii) and the Important observations made by the Committee are as under:
- a. The area is one of the prime elephant habitats as elephant keep on moving from one part of the habitat to other. The district shares its boundaries with Jharkhand and Chhattisgarh. Therefore, elephant population found in this area is part of the larger elephant population moving across three states namely, Odisha, Jharkhand and Chhattisgarh. Any adverse impact on this population will result in more dispersal into human habitation and human-elephant conflict not only Odisha but across all the three states.
 - b. There are 26 mines are functional in Bonai Division, 50 are non-working mines and there are 72 proposals at different stages (Pipeline and Stage-I). The mining areas have negative impact both on elephants and other wildlife and their movement. The instances of man animal conflict are on rise in spite of marginal decline in the elephant population. Cases reported include human kill, human injury, cattle kill, house damage & crop damage by wild animals while retaliatory killing of wild animals are also being reported. During the 6-year period of 2004-05 to 2009-10 there was a total of 352 cases of human death, 132 cases of human injury, 3863 cases of house damage and 21768 acres of crop damage due to elephant depredation, and 75 human death cases and 671 human injury cases due to other animals like bear, crocodile, wild pig, wolf and gaur. On the other hand, 331 elephant death cases were also reported during the same period, which include 55 deaths due to poaching for ivory, 96 cases due to accidents (mainly electrocution), 49 natural deaths 82 due to diseases and 49 for unknown reason.
 - c. Total number of humans killed during the 6-year period of 1998-99 to 2003-04 due to elephant attack was reported to be 228, wherein Keonjhar district alone reported 93 numbers followed by Sambalpur & Sundargarh that reported 28 & 23 respectively. Only five forest divisions of Keonjhar and the adjoining Sambalpur, Sundargarh, Bamra and Bonai account for 57.8% of the total depredation instances due to elephants in the state of Odisha.
 - d. Any additional mining lease in the area shall impact the movement of elephants not only in the Sundargarh district but also in the adjoining states of Jharkhand and Chhattisgarh.
- xix. Committee observed that report of the team has also suggested mitigation measures required to be undertaken for the conserve action and protection of elephants as under:

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- a. Most of the mining areas are point locations with area ranging from 0.5 – 3 sq. km. Once the mining commences, most of the ore evacuation happens through road. The heavy movement of ore laden trucks hinders free movement of elephants across the landscape. Thus, the impact of mining extends much beyond the actual mining lease area. To facilitate free movement of elephants, the transportation of ore may be through conveyor belts or slurry pipelines.
 - b. Cumulative impact of these mines at landscape level, including adverse impact caused by road transportation also needs to study. Once the mitigation measures are implemented, the possible reduction of the impacts on the larger landscape may be evaluated for further decision making.
 - c. A 50-year perspective plan at Elephant Landscape level may be prepared by the State Wildlife Department, keeping in view the impact of ongoing mining and future mining plans in the area.
 - d. The status of 50 non-functional mines may be examined to ascertain why these mines are non-functional in the first place. Attempts should be made to revive these mines or these mines (if established over forest areas) should be handed back to the forest department if no mining is envisaged. The FC approvals for new mining permissions should duly take into consideration the reasons for 50 mines being non-functional/ non-productive.
- xx. The FAC in the meeting dated 09.12.2022 decided that a copy of Committee Report may be provided to the State Government and Integrated Regional Office of the MoEF&CC at Bhubaneswar to carry out a holistic and joint analysis of the observations and recommendations made in the report in context to the entire landscape. Specific and generic comments, as mentioned below, will be submitted to the Ministry for further consideration:
- a. Efficacy of individual Site Specific Plans prepared for the various mining leases need to be ascertain in terms of their ability to address the issues related to elephant habitat and movement across the entire landscape or if there is requirement to have a broader Management Plan for the entire landscape based on the recommendations made in the report.
 - b. Keeping in view the larger landscape involving the elephant movement and recommendation made in the report of the team of MoEF&CC and WII officials, comments should be furnished on the likely impacts of the various mining leases which are currently operational, closed or proposed in the area on the wildlife in general and elephant habitat, their movement, protection and conservation of elephant corridors, after detailed scrutiny and analysis of the existing field information.
- xxi. In reply to the observations of the FAC the State Govt. has informed that:
- a. A meeting was held on 13.02.2023 under the Chairmanship of PCCF (HoFF), Odisha for holistic & joint analysis of the observation and recommendation made in the report of the team of MoEF&CC and WII officials in context to entire landscape along

with detailed deliberation of the recommendation of the sub-committee with due weightage to the measures envisaged in the report. The Regional Officer, IRO Bhubneshwar was also present in the meeting.

- b. With reference to the efficacy of individual site specific plans to address issues related to entire elephant landscape, it was observed that the Site Specific Wildlife Conservation Plan (SSWLCP) prepared for individual mining as per approved guidelines of State Govt. prescribes specific interventions for protection of Forest and Wildlife, prevention of forest fire, Habitat Management, Mitigation of Human-Elephant Conflict, Public Awareness, Community Participation, Eco-Development activities, Immunization of domestic live-stock and surveillance of health of wildlife in the Zone of Impact around 10 kms radial distance of the project site. Besides the project proponent has also been mandated under the said plan to carry out fire prevention measures, public awareness and mitigation of "Human Elephant interface in the Project area. The mitigative measures as per SSWLCP address the impact of the project on wildlife including elephants in and around the project area. It is pertinent to state that the recommendations as per final report of the study conducted by CSIR-NERRI on Carrying Capacity vis-a-vis pollution in these areas and the Suggested Ore Transportation Mode (SOTM) will be implemented. This is likely to facilitate unhindered movement of elephants.
- c. The comprehensive Action Plan (CAP) for conservation of elephants and mitigation of Human-Elephant Conflict in Odisha prepared in consultation with Experts, Field Level Functionaries and NGOs as per the direction of the Hon'ble High Court, Orissa in Writ Petition (Civil) PIL No. 14706/2022 has already been approved by the High Power Committee (HPC) under the Chairmanship of Chief Secretary, Odisha. Action Points under 10 Pillars strategy have been envisaged in the CAP with Short Term, Medium Term and Long Term mitigative measures. The Action Plan will act as a perspective plan for elephant management in the state in the years to come.
- d. To address the issue of interstate movement of elephants in the larger landscape comprising of Odisha, Jharkhand, Chhattisgarh and South Western part of West Bengal; MoEF & CC (Project Elephant Division) may assign reputed organization/ institution to prepare Comprehensive Elephant Management Plan for the said Region.
- e. There are some factual errors with respect to non-working mines and no. of proposals in pipeline and Stage-I. The Director of Mines, Odisha after examining the proposal submitted by the field officials has submitted a report. As such, the land pertaining to any of the non-functional mining leases does not have any scope of being surrendered because of reasons mentioned therein by Director of Mines, Govt. of Odisha.

- xxii. The Sub-committee in its report has also mentioned that considering the present situation of mining in the area and rise in human elephant conflict the committee is of the opinion that the possibility of mitigating the impact is not foreseen.
- xxiii. The report of the Director Mines as referred to by the State government does not address the issue of impact of 26-functional, 50 non-functional and 72 mines in various stages of approval on the larger landscape.

4. Decision of Advisory Committee: The Advisory Committee after thorough deliberation and discussion with the Nodal Officer (FCA) Govt. of Odisha, Regional Officer, Bhubaneswar decided to defer the proposal and sought the following details:

- i. The Sub-committee in its report has mentioned that any additional mining lease in the area shall impact the movement of elephants not only in the Sundergarh district but also in adjoin states of Jharkhand and Chhattisgarh. Further, considering the present situation of mining in the area and rise in human elephant conflict the committee is of the opinion that the possibility of mitigating the impact is not foreseen. Mitigation measures have been suggested to reduce the impact of ongoing mining activities. Further, it has been mentioned that if these mitigation measures are implemented, in future, the government may consider for additional mining lease after due evaluation. The State Govt. shall give justification for the instant proposal in view of above.
- ii. State Government shall submit a pointwise reply/comments/justification on the mitigation measures suggested and issues raised in the report of the sub-committee as above.
- iii. The State Govt. shall compile the detail of all the functional/non-functional and other mines under various stages of approval and their possible impact on the larger landscape.
- iv. The State Government has submitted that to address the issue of interstate movement of elephants in the larger landscape comprising of Odisha, Jharkhand, Chhattisgarh and South Western part of West Bengal; MoEF&CC (Project Elephant Division) may assign reputed organization/ institution to prepare Comprehensive Elephant Management Plan for the said Region. Keeping this in view the Ministry shall seek the comments of the Project Elephant Division on the instant proposal.

Agenda -8**File No. 8-03/2022-FC**

Sub-: Proposal for seeking prior permission under Section 2 (iii) of Forest (Conservation) Act, 1980 for grant of lease over 112.621 ha forest land in village Baldihi of Netrabandha Pahar Iron Ore Block allotted to M/s Bhusan Power & Steel Limited under Bonai Forest Division of Sundargarh District of Odisha State regarding.

1. The agenda item was considered by the Advisory Committee in the meeting held on **24.03.2023**. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended 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. Proposal was considered by the FAC in its meeting held on 01.08.2022 wherein the Committee, after detailed deliberations, deferred the proposal and desired that a team of officers from MoEF&CC and Wildlife Institute of India may visit the area and submit report on the following:
 - a. Status of elephant distribution and movement in the area;
 - b. Holistic assessment of likely impact of the mining leases operational and proposed to be granted in the area on the elephant habitat and movements; and
 - c. Mitigation measures, if any, required to be undertaken for the conservation and protection of elephants in the area.
 - ii. The team visited the area and submitted its report. Important observations made by the Committee which were also deliberated in the Advisory Committee meeting held on 09.12.2022 are as under:
 - a. The area is one of the prime elephant habitats as elephant keep on moving from one part of the habitat to other. The district shares its boundaries with Jharkhand and Chhattisgarh. Therefore, elephant population found in this area is part of the larger elephant population moving across three states namely, Odisha, Jharkhand and Chhattisgarh. Any adverse impact on this population will result in more dispersal into human habitation and human-elephant conflict not only Odisha but across all the three states.
 - b. There are 26 mines functional in Bonai Division, 50 are non-working mines and there are 72 proposals at different stages (Pipeline and Stage-I). The mining areas have negative impact both on elephants and other wildlife and their movement. The instances of man animal conflict are on rise in spite of marginal decline in the elephant population. Cases reported include human kill, human injury, cattle kill, house damage & crop damage by wild animals while retaliatory killing of wild animals are also being reported. During the 6-year period of 2004-05 to 2009-10 there was a total of 352 cases of human death, 132 cases of human injury, 3863 cases of house damage and 21768 acres of crop damage due to elephant

- depredation, and 75 human death cases and 671 human injury cases due to other animals like bear, crocodile, wild pig, wolf and gaur. On the other hand, 331 elephant death cases were also reported during the same period, which include 55 deaths due to poaching for ivory, 96 cases due to accidents (mainly electrocution), 49 natural deaths 82 due to diseases and 49 for unknown reason.
- c. Total number of humans killed during the 6-year period of 1998-99 to 2003-04 due to elephant attack was reported to be 228, wherein Keonjhar district alone reported 93 numbers followed by Sambalpur & Sundargarh that reported 28 & 23 respectively. Only five forest divisions of Keonjhar and the adjoining Sambalpur, Sundargarh, Bamra and Bonai account for 57.8% of the total depredation instances due to elephants in the state of Odisha.
 - d. Any additional mining lease in the area shall impact the movement of elephants not only in the Sundargarh district but also in the adjoining states of Jharkhand and Chhattisgarh.
- iii. Committee observed that report of the team has also suggested mitigation measures required to be undertaken for the conservation and protection of elephants as under:
 - a. Most of the mining areas are point locations with area ranging from 0.5 – 3 sq. km. Once the mining commences, most of the ore evacuation happens through road. The heavy movement of ore laden trucks hinders free movement of elephants across the landscape. Thus, the impact of mining extends much beyond the actual mining lease area. To facilitate free movement of elephants, the transportation of ore may be through conveyor belts or slurry pipelines.
 - b. Cumulative impact of these mines at landscape level, including adverse impact caused by road transportation also needs to be studied. Once the mitigation measures are implemented, the possible reduction of the impacts on the larger landscape may be evaluated for further decision making.
 - c. A 50-year perspective plan at Elephant Landscape level may be prepared by the State Wildlife Department, keeping in view the impact of ongoing mining and future mining plans in the area.
 - d. The status of 50 non-functional mines may be examined to ascertain why these mines are non-functional in the first place. Attempts should be made to revive these mines or these mines (if established over forest areas) should be handed back to the forest department if no mining is envisaged. The FC approvals for new mining permissions should duly take into consideration the reasons for 50 mines being non-functional/ non-productive.
 - iv. The FAC in said meeting dated 09.12.2022 decided that a copy of Committee Report may be provided to the State Government and Integrated Regional Office of the MoEF&CC at Bhubaneswar to carry out a holistic and joint analysis of the observations and recommendations made in the report in context to the entire landscape. Specific and generic comments, as mentioned below, will be submitted to the Ministry for further consideration:

- c. Efficacy of individual Site Specific Plans prepared for the various mining leases need to be ascertain in terms of their ability to address the issues related to elephant habitat and movement across the entire landscape or if there is requirement to have a broader Management Plan for the entire landscape based on the recommendations made in the report.
- d. Keeping in view the larger landscape involving the elephant movement and recommendation made in the report of the team of MoEF&CC and WII officials, comments should be furnished on the likely impacts of the various mining leases which are currently operational, closed or proposed in the area on the wildlife in general and elephant habitat, their movement, protection and conservation of elephant corridors, after detailed scrutiny and analysis of the existing field information.
- v. The Government of Odisha, vide their letter no. 4253/9F (MG)-51/2021 dated 03.03.2023 furnished their reply on the observations of FAC about generic and specific comments sought vide Ministry's letter dated 26.12.2022.
- vi. In reply to the observations of the FAC the State Govt. has now informed that:
 - a. A meeting was held on 13.02.2023 under the Chairmanship of PCCF (HoFF), Odisha for holistic & joint analysis of the observation and recommendation made in the report of the team of MoEF&CC and WII officials in context to entire landscape along with detailed deliberation of the recommendation of the sub-committee with due weightage to the measures envisaged in the report. The Regional Officer, IRO Bhubneswar was also present in the meeting.
 - b. With reference to the efficacy of individual site specific plans to address issues related to entire elephant landscape, it was observed that the Site Specific Wildlife Conservation Plan (SSWLCP) prepared for individual mining as per approved guidelines of State Govt. prescribes specific interventions for protection of Forest and Wildlife, prevention of forest fire, Habitat Management, Mitigation of Human-Elephant Conflict, Public Awareness, Community Participation, Eco-Development activities, Immunization of domestic live-stock and surveillance of health of wildlife in the Zone of Impact around 10 kms radial distance of the project site. Besides the project proponent has also been mandated under the said plan to carry out fire prevention measures, public awareness and mitigation of "Human Elephant interface in the Project area. The mitigative measures as per SSWLCP address the impact of the project on wildlife including elephants in and around the project area. It is pertinent to state that the recommendations as per final report of the study conducted by CSIR-NERRI on Carrying Capacity vis-a-vis pollution in these areas and the Suggested Ore Transportation Mode (SOTM) will be implemented. This is likely to facilitate unhindered movement of elephants.
 - c. The comprehensive Action Plan (CAP) for conservation of elephants and mitigation of Human-Elephant Conflict in Odisha prepared in consultation with Experts, Field Level Functionaries and NGOs as

per the direction of the Hon'ble High Court, Orissa in Writ Petition (Civil) PIL No. 14706/2022 has already been approved by the High Power Committee (HPC) under the Chairmanship of Chief Secretary, Odisha. Action Points under 10 Pillars strategy have been envisaged in the CAP with Short Term, Medium Term and Long Term mitigative measures. The Action Plan will act as a perspective plan for elephant management in the state in the years to come.

- d. To address the issue of interstate movement of elephants in the larger landscape comprising of Odisha, Jharkhand, Chhattisgarh and South Western part of West Bengal; MoEF & CC (Project Elephant Division) may assign reputed organization/ institution to prepare Comprehensive Elephant Management Plan for the said Region.
- e. There are some factual errors with respect to non-working mines and no. of proposals in pipeline and Stage-I. The Director of Mines, Odisha after examining the proposal submitted by the field officials has submitted a report. As such, the land pertaining to any of the non-functional mining leases does not have any scope of being surrendered because of reasons mentioned therein by Director of Mines, Govt. of Odisha.
- vii. The Sub-committee in its report has also mentioned that considering the present situation of mining in the area and rise in human elephant conflict the committee is of the opinion that the possibility of mitigating the impact is not foreseen.
- viii. The Nodal Officer(FCA) informed that the proposal under section 2(ii) of FCA,1980 for diversion of the forest land included in the instant mining lease is also under consideration in the Ministry. The Lol issued in favour of the user agency is about to expire and in case the approval under 2(iii) is not accorded the lease cannot be signed. The approval under section 2(iii) will not allow the user agency to start the work. The work can be started only when the Central govt. gives the prior approval for diversion of forest land under Section 2(ii) of FCA,1980. Moreover, the approval under section 2(iii) does not in any manner create any right or equity in favour of the user agency for grant of approval under section 2(ii).

4. Decision of the Advisory Committee: After detailed discussion and deliberation with the Nodal Officer(FCA) , The Regional Officer, IRO Bhubneshwar and considering all aspects, the Advisory Committee recommended the proposal for approval under Section 2 (iii) of Forest (Conservation) Act, 1980 for grant of lease over 112.621 ha forest land in village Baldihi of Netrabandha Pahar Iron Ore Block allotted to M/s Bhusan Power & Steel Limited under Bonai Forest Division of Sundargarh District of Odisha State subject to the General, Standard and following specific conditions:

- i. The approval under section 2(iii) does not in any manner exempt the user agency from obtaining prior approval under section 2(ii) of the FCA,1980 in regard to such area of forest land which is to be used for non-forest purpose.

- ii. Grant of approval under section 2(iii) does not in any manner create any right or equity in favour of the user agency for grant of approval under section 2(ii) of the Forest (Conservation) Act, 1980 and decision on proposal under section 2(ii) will be taken purely on the merit of the case.
- iii. The State govt. shall ensure that breaking up of land or mining operations within the lease area are not allowed without prior approval of the Central Govt. under Section 2(ii) of Forest(Conservation) Act, 1980.
- iv. The user agency shall be responsible for the protection of the forest land located in the mining lease. However, administrative and management control of such forest land will remain with the State Forest department or other forest land owning agencies.

Agenda no.9**File No. 8-10/2022-FC**

Subject: Proposal for diversion of 100.05 ha of forest land in favour of NPCIL for Mahi Banswara, Rajasthan Atomic Power Project (MBRAPP) -1 to 4. (Online proposal No. FP/RJ/Others/22621/2016).

1. The agenda item for above mentioned proposal was considered by the Advisory Committee (AC) in its meeting held on 24.03.2023. The Nodal Officer(FCA) Rajasthan was present in the meeting. The corresponding agenda details may be seen at 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 is for setting up pressurized heavy water reactor (PHWR) based Nuclear Power Plant with installed capacity of 2800 MW, comprising of four units of 700 MW.
 - ii. Legal status of land proposed for diversion is Protected Forest land. 502.67 ha non-forest land is also involved in the project. Density of the area proposed for diversion is reported to be 0.6, Eco-class-03 and 9725 number of trees are reported to be felled.
 - iii. Proposal does not form part of any PA, Biosphere Reserve, Elephant corridor etc. The State Government reported numerous wildlife species in and around the forest land proposed for diversion in Part-II, PARIVESH.
 - iv. No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
 - v. No violation of Forest (Conservation) Act, 1980 have been reported.
 - vi. Compensatory afforestation (CA) has been proposed over degraded forest land of 286.10 ha. in two patches located in Banswara district of Rajasthan .
 - vii. Proposal involves Rehabilitation of families. As per the Site inspection report submitted by IRO Jaipur proposal Involves Rehabilitation of 10 tribal families who were given 2.416 ha land under FRA. The R&R Plan for same is prepared by State Government/User Agency of the amount Rs 1,38,75,910/-
 - viii. As reported, based on agreed R&R plan and revised award had been notified in Nov. 2015, which includes R & R value. So far Rs. 159.98/160 crore has been disbursed as per plan. Construction of R&R colony is completed and process to hand over the houses to PAFS has been initiated.

- ix. As per the DSS analysis, it was observed that a part of forest land located under 'SARWAN DERI B Forest Block' has not been included in the instant diversion proposal. In this regard it has been mentioned that the area in question is revenue land(private). Further, 0.43 ha land in Khasra no. 117 has already been included in the proposal and the KML file has been revised accordingly.
- x. The calculated degraded forest land for CA as per uploaded KML file was found to be 304 ha. instead of 286.10 ha. In this regard the state has intimated that 18 ha additional land has been included as the proposed area includes nalas and slopy land. It has also been mentioned that the area proposed for CA has not been used for Compensatory afforestation for any other proposal in the past.
- xi. It is reported that the Sites for Nuclear Power Plants are selected based on stringent siting criteria such as earthquake & Seism tectonic activity in the area, geotechnical & geophysical of the soil strata, availability of water and land, conducive drainage and flooding pattern etc. This site offered by the Government of Rajasthan was evaluated by the Site Selection Committee, Government of India and approval for setting up of Nuclear Power Plants PHWR type with installed capacity of 2800 MW (4 x 700 MW) at MAHI BANSWARA in RAJASTHAN was accorded. The Site selection committee formed by Department of Atomic Energy (DAE) issued Report No-4- Assessment of sites for locating Nuclear Power Plant in Northern electricity region in June 2003.
- xii. Further, it has been mentioned that Approx. 16% of Forest Land proposed to be diverted is in patches spreading across private land and extending up to low lying area adjoining to Mahi Reservoir. In the process of identifying land for Nuclear Power Plant (NPP) all available options have been considered before narrowing down on the proposed site of plant. Due consideration has been given to minimize on forest land diversion for the project. The proposed diversion is only 16% including pipeline corridor for drawl of water required for the plant. Thus, the requirement put forth is the barest minimum.
- xiii. The IRO, Jaipur in their Site inspection report clarified that 'the proximity of the proposal has to be near the water body where water is available throughout the year'.
- xiv. The CCF Udaipur in his SIR carried out on 26.11.2022 reported that plantations were done in the proposed forest land for diversion. However, it has been clarified by the State govt. and the Nodal Officer that no Compensatory Afforestation has been carried out over said land during last 10 years.
- xv. It has been mentioned that the user agency shall utilize only 27.47 ha forest land for operating stand and Pipeline Corridors and remaining forest area i.e. 72.58 ha. will be exclusive zone which will be maintained as green cover.

4. **Decision of Advisory Committee:** The Committee had detailed discussion and deliberation with the Regional Officer, IRO Jaipur and the Nodal Officer, Jaipur. After going through the facts of the proposal, the Committee recommended the proposal for Stage-I approval with General, Standard and following specific conditions:
- i. The user agency shall utilize 27.47 ha forest land for operating stand and Pipeline Corridors and remaining area of forest land i.e. 72.58 ha. will be maintained as green cover. The user agency shall develop 72.58 ha. as Green Belt at the project cost under the supervision of State Forest Department. The State Forest Department shall be given free access to the area for its management.
 - ii. There minimum number of trees shall be felled and the felling shall be done under the supervision of State Forest Department.
 - iii. User Agency will not allow any direct discharge from the project site to the Dam water.
 - iv. It has been reported by IRO that the Ghatol DFL site proposed for CA is situated on plateau, which is good grass land having heavy biotic pressure. The area should be properly fenced and plantation should be done after carrying out proper soil-moisture conservation (SMC) works.

Agenda no. 10**File no. 8-03/2019-FC**

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

1. The agenda item was considered by the Advisory Committee (AC) in the meeting held on 24.03.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. The Nodal Officer (FCA), Government of West Bengal and Chief Managing Director, WB Mineral Development and Trading Corporation were present in the meeting.
3. 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.
4. The AC after through deliberation and discussion observed that:
 - (i) Govt. of West Bengal vide their letter dated 14.01.2019 submitted the instant coal mining proposal to this Ministry for seeking prior approval under Section-2 of the Forest (Conservation) Act, 1980.
 - (ii) The proposal has been considered by FAC in its meeting held on 31.03.2022, 27.01.2022 and 23.02.2023.
 - (iii) Legal status of forest land proposed for diversion is Protected Forest. Vegetation density has been reported 0.4 with 5159 project affected trees.
 - (iv) Compensatory afforestation has been proposed over equivalent non-forest land of 110.36 ha. Attributes of CA proposal viz. CA scheme suitability certificate and digital maps have been submitted along with the proposal.
 - (v) The Ministry vide its letter dated 12.04.2021 and subsequent reminder dated 24.02.2022 requested IRO, Kolkata to visit the site proposed for diversion as certain Non-forestry activity/ mining in the proposed Forest land has been noticed on the eastern boundary of Gourangdih 'C' Coal block. Integrated Regional Office (IRO), Kolkata vide their letter dated 09.03.2022 informed that a field inspection was conducted at the Gourangdih ABC mines at Durgapur by AIGF on 05.03.2022. The observations are as follows:
 - a. There was no mining activity on the proposed site.
 - b. The Eastern Boundary of Gourangdih C Block was checked with its Geo-coordinates and found that there is no overlapping of boundaries with the adjoining mine.

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- c. The Eastern boundary of C Block is in use for dumping over burden as well as for vehicle parking by the adjoining Mine.
 - d. A copy of the Memo No. 232/CMO/IX/I/2016 dated 23.08.2021 of the Chief Mining Officer, Government of West Bengal and a copy of the Map showing the Mining lease boundaries also reveals that there is no overlapping.
- (vi) The Advisory Committee in its meeting held on 31.03.2022 had deferred the proposal with certain observations and decided to constitute a sub-committee to visit the area. The Ministry vide letter dated 08.04.2022 requested the State Govt. to comply with the observations of FAC and the constitution of the sub-committee was also communicated by the Ministry on 08.04.2022.
 - (vii) Govt. of West Bengal vide their letter dated 24.11.2022 forwarded their response on the observations of FAC as communicated vide this Ministry on 08.04.2022.
 - (viii) State Govt. clarified that there is no direct evidence of existence of Schedule –I species in the project and buffer area but it is learnt that regular rescue of Rock Python within 10 km of the project site exists. There is no Wildlife Sanctuary/ National Park within 10 km area of the project site. Govt. of West Bengal further informed that Wildlife Conservation Plan has been prepared and submitted to the P.C.C.F., Wildlife & Chief Wildlife Warden for approval and the user agency has given undertaking to this effect that it will comply with all directions, conservation plans etc. that may be stipulated by the Forest Department for conservation and development of wildlife and to mitigate that likely impact on wildlife of the Gourangdih ABC Coal Mining Project and make the requisite budgetary and logistics provisions throughout the life of project.
 - (ix) The State Govt. has not provided the copy of approved Wild Conservation Plan as prepared. However, Nodal Officer informed in the meeting that the Wildlife Conservation Plan has been approved by the CWLW of State.
 - (x) The component wise detail of the area indicates that an area of 18.025 ha has been proposed for external dump.
 - (xi) The total area involved in the project is 356.575 ha, comprising of 247.116 ha of non-forest land and 109.459 ha of forest land. Corresponding detail of area mentioned in the approved Mining Plan are different wherein total area has been mentioned as 370 ha comprising of 92.53 ha of forest land and 277.47 ha of non-forest land. Discrepancy in the area needs to be rectified by the State and exact detail may be provided to the Ministry.
 - (xii) It has been mentioned that 370 Ha is the area of the coal block allocated by the Ministry of Coal, Government of India for Gourangdih ABC Coal Mine. Out of this allocated area, some portion (~78.52 Ha) in the middle (Block-B) was excluded from the mining plan as this area is heavily constructed and populated. Additionally, 65.09 Ha was taken

outside the Block Area for OB, infrastructure etc and thus the total "Project Area" envisaged in the Mining Plan is $(370 - 78.52 + 65.09) = \sim 356.57$ Ha.

- (xiii) It has been mentioned that after the allotment of the Block to WBMDTCL, reconciliation of the land schedule was undertaken. The change in forest area from 92.53 Ha, as mentioned in the Mining Plan, to 109.459 Ha is one of the results of reconciliation. Thus, WBMDTCL has preceded with the updated land use details and accordingly forest clearance application has been submitted for 109.459 Ha. Further it has been mentioned that as per Rule 22E (3) (i) of the Mineral Concession (Amendment) Rules, 2020, this change in land type within lease area comes under 'minor changes' in the approved mining plan and does not require fresh approval of the mining plan.
- (xiv) The Rule 22E (3)(i) however refers to the "change in land type within the leased area" as a minor change, whereas in the instant case the area has been reduced from 370 ha to 356 ha and moreover 65.09 ha additional area has been taken outside the block.
- (xv) Railway siding is reported to be located at distance of 20 km from the proposed mine, which is reported to be used by other mines also, therefore, state was asked to explore the possibility of evacuation of coal using common closed/piped conveyor corridor to reduce pollution loads on the existing road infrastructure. In this regard it has been mentioned that a detailed study for the Coal Evacuation System was conducted through their Transaction Advisor M/s KPMG International. In this study, long distance conveyor system has been considered but ruled out.
- (xvi) The state has mentioned that detailed report of the traffic density survey both in up and down direction at three locations namely Baradang (0.9 km from the proposed mine in S direction), Majandih (1.6 km from the proposed mine in NE direction) and Dharaspur (3.5 km from the proposed mine in WSW direction) conducted on 03-04/01/2018, 07-08/01/2018 and 10-11/01/2018, respectively and that the current road width appears to be sufficient to sustain the present and additional traffic.
- (xvii) The Sub-Committee of the FAC as constituted on 08.04.2022 could not visit the area. The State Govt. has not provided the copy of approved Wild Conservation Plan as prepared on the observation of FAC. However, Nodal Officer informed in the meeting that the Wildlife Conservation Plan has been approved by the CWLW of State.
- (xviii) This proposal could not be considered by the FAC in its last two meetings held on 27.01.2023 and 23.02.2023 due to non-availability of Nodal Officer (FCA), Govt. of West Bengal in these meetings and the decision of FAC has been communicated to all concern vide Ministry's letter dated 02.03.2023.

5. Decision of Advisory Committee: - The Committee had detailed discussion and deliberation with Nodal officer (FCA), West Bengal, Regional Officer, IRO, Kolkata and Chief Managing Director, WB Mineral Development and Trading Corporation. After going through the facts of the proposal and submissions

made by the Nodal Officer, the Committee deferred the proposal with the following observations:

- i. The total area involved in the project is 356.575 ha, comprising of 247.116 ha of non-forest land and 109.459 ha of forest land. Corresponding detail of area mentioned in the approved Mining Plan are different wherein total area has been mentioned as 370 ha comprising of 92.53 ha of forest land and 277.47 ha of non-forest land. The State Govt. has mentioned that as per Rule 22E (3) (i) of the Mineral Concession (Amendment) Rules, 2020, this change in land type within lease area comes under 'minor changes' in the approved mining plan and does not require fresh approval of the mining plan. The Rule 22E (3)(i) however refers to the "change in land type within the leased area" as a minor change, whereas in the instant case the area has been reduced from 370 ha to 356.575 ha. Moreover 65.09 ha additional area has been taken outside the block. The purpose/component wise breakup of the required area has to be in conformity with the mining plan. The same needs to be examined by the State government. The State Govt. shall ensure to submit the mining plan as required under extant guidelines.
- ii. A copy of approved Wild Conservation Plan shall be submitted.
- iii. The State Govt. shall explore the possibility to exclude the area proposed for dumping on forestland and explore alternatives on adjoining non-forest land. The KML file of the area proposed for dumping shall also be submitted.
- iv. Since the composition of the Advisory Committee has now been changed and the sub-committee as constituted earlier could not visit the area, therefore, a committee consisting of Advisory Committee member Shri Manoj Pant and representatives of Ministry/IRO shall visit the area and submit report.

Policy Issues**Agenda No. 1****Sub: Special Provision for restoration of provisions of raising compensatory afforestation over degraded forest land in respect of projects of Central Government – 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 Chairman, NHAI, vide his Do dated 3.03.2023 requested intervention from the MoEF&CC to restore provisions of raising compensatory afforestation over degraded forest land in respect of projects implemented by the Central Government. The Chairman, NHAI inter-alia made the following submissions:
 - (a) Proposals submitted after September, 2022 are stalled at the level of Project Screening Committee/CF/DFO due to the demand of non-forest land for raising CA. Forest Officials are insisting NHAI to provide suitable non-forest land for CA as per the Forest (Conservation) Rules, 2022 dated 28 June 2022.
 - (b) NHAI has to fulfil the mandate set by the Government in time bound manner, but all proposed diversion proposals are pending at very initial stage for processing, recommendation and grant of clearance under Section-2 of FCA, 1980 of thereby delaying project implementation.
 - (c) In view of the above, the chairman, NHAI has requested the Ministry for restoration of provisions of raising CA over degraded forest land in lieu of Central Government project.
 - (ii) The Government of Sikkim, vide letter dated 19.03.2023, has also requested to allow raising of compensatory afforestation in degraded forest land in light of following submissions:
 - (a) A gap in provisions related to compensatory afforestation contained in the Handbook of Guidelines for FCA-1980 published in 2019 and recently notified Forest (Conservation) Rules, 2022 appeared while seeking approval for proposal for an Eco-tourism project
 - (b) The State Government has adverted to the provision of Handbook of FCA contained in para 2.3 (iii) wherein the State/Union Territory having forest area of more than 33% were provided leeway of compensating the loss of forest due to diversion through compensatory afforestation on the double degraded forest land.

- (c) Sikkim has notified 82.3% of the geographical area as forest land. Agriculture is the second most dominant land use of the state and all the 75,000 hectares of farmlands have been declared certified organic in 2016. Thus there is hardly any Non-Forest land available for CA.
 - (d) Sikkim is the border state and the stipulations demanding Non-Forest Land (NFL) for CA will throttle the green development projects like eco-tourism, harnessing of hydro power, laying of transmission lines and welfare measures taken up by State in the Vibrant Villages in border area.
 - (e) Furthermore, the guidelines issued vide letter no. FC-11/118/2021-FC dated 18th July 2022 regarding applicability of the Forest (Conservation) Rules, 2002 also provides for extension of provisions of earlier guidelines contained in Handbook of FCA, if not contrary or inconsistent with the extant rules.
 - (f) The State of Sikkim has already stretched its forest land to maximum extent and squeezed its non-forest land to minimum and therefore the provisions of double degraded Forest Land (DDFL) be maintained for CA for all categories of the projects in Sikkim (as per para 2.3 (iii) of the Handbook of FCA) to ensure the critical security and livelihood requirements of the State.
- (iii) The Advisory Committee, after analysis of the submissions made by the NHAI and Government of Sikkim observed that the Ministry has notified the Forest (Conservation) Rules, 2002 wherein under sub rule (1) of rule 11, provides that CA is to be raised over non-forest land. Proviso given under sub-rule (1) mentions that in case of *Central Government agencies or Central Public Sector Undertakings*, the raising of CA may be considered on double degraded forest land on case to case basis.
 - (iv) Similarly, provisions of raising CA over degraded forest land, double in extent to the forest land being diverted is also allowed in case of captive coal mine projects of State Government undertakings on case to case basis.
 - (v) From the above provisions of rules, it may be ascertained that primarily, the compensatory afforestation has to be raised over non-forest land, however, in exceptional circumstances when non-forest land is not available, the CA in respect of projects pertaining to the Central Government undertakings can be considered on degraded forest land on case to case basis subject to submission of certificate from the State Government regarding non-availability of non-forest land for CA. However, the project of Central and State undertakings involving acquisition of non-forest land for the project will not be eligible for this dispensation of raising CA.
 - (vi) As per the provisions of guidelines given under para 2.3 and 2.4 of the Handbook of Forest (Conservation) Act, 1980, inter-alia the following State specific provisions have been provided for raising CA:

Para 2.3 (iii): *Where non-forest land is available but lesser in extent to the forest area being diverted, CA could be carried out over degraded forest twice in extent of the area being diverted or the difference between the forest land being diverted and the available non-forest land, as the case may be. The non-availability of suitable non-forest land for CA in the State / Union Territory would be accepted by the Central Government only on the basis of a Certificate of the Chief Secretary of the State/Union Territory Government to that effect in respect of States/UTs having forest area more than 33% of the geographical area in the prescribed format*

Para 2.4. Clarification:

(i) *As a matter of pragmatism, the revenue lands/zudpi jungle/chhote/bade jharka jungle/jungle-jhari land/civil-soyam/orange lands and all other such categories of forest lands not under management and/or administrative control of the State/UT Forest Department, on which the provisions of FC Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation. Such lands on which compensatory afforestation is proposed shall be provided double in extent to the area proposed for diversion and shall be transferred and mutated in the name of State Forest Department. It shall be notified as Reserve Forest (RF)/Protected Forests (PF) under the Indian Forest Act, 1927 prior to Stage-II approval.*

(ii) *In Arunachal Pradesh, Degraded Unclassed Forests (USF) shall be considered for CA provided such land proposed for CA shall be double the extent of area proposed for diversion. Such land shall be transferred and mutated in the name of State Forest Department and notified as RF/PF, under IFA 1927 or Assam Forest Regulation 1891 or Anchal Forest Reserve/Village Forest Reserve under the Arunachal Pradesh Forest Reserve/Village Forest Reserve (Consolidation and Maintenance) Act 1975 as amended from time to time, prior to Stage-II approval.*

(iii) *Waste lands of Himachal Pradesh, which come under the category of Protected Forests but have neither been demarcated on the ground nor transferred & mutated in the name of forest department in the revenue records, shall be considered for the purpose of CA provided that double the area of such category is covered under CA and is declared as RF/PF under IFA, 1927 after mutation in the name of SFD prior to Stage-II approval. This dispensation shall be applicable for the Central, State and Private sector projects.*

(vii) *Any degraded forest land for the purpose of CA, selected by State Government may be accepted by MoEF&CC only if the crown density of the area is below 40 percent.*

(vii) From the above, provisions of the guidelines, it may be ascertained that revenue forest land could also be used for raising CA, prior to the notification

of Forest (Conservation) Rules, 2022. The extent of these lands is used to be charged double in extent to the forest land being diverted. However, after the notification of new rules, such revenue lands can be used for CA provided they are not notified and are not under the management and administrative control of the Forest Department. In many States of the country such revenue forest land, though a blanket notification, have been notified as PF. Therefore, dispensation available earlier for States such as Himachal Pradesh, Chhattisgarh, Arunachal Pradesh, etc. cannot be exercised due to limitation offered by the provisions of the Forest (Conservation) Rules, 2022.

- (viii) The Committee observed that as per the provisions of the guidelines prevalent before the notification of the Forest (Conservation) Rules, 2022, certain dispensations were considered by the Central Government keeping in the view the state specific limitations to provide non-forest land in lieu of diversion of forestland.
- (ix) Given the provisions of the new rules, besides the projects being implemented by the Central Government undertakings, small public utility projects may also be delayed for want of non-availability of non-forest land. The States like Sikkim, Uttarakhand, Himachal Pradesh, Arunachal Pradesh and Andaman & Nicobar Islands, etc. having forest area of more than 33% of their geographical areas, have limitation of providing the non-forest land due to its scarce availability. Therefore, such forest rich States should be considered for dispensation of raising CA over degraded forest land.

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 provisions of guidelines contained under the para 2.3 and 2.4 of the Handbook of Forest (Conservation) Act, 1980 may be restored as under:

- (i) Where non-forest land is available but lesser in extent to the forest area being diverted, CA can be carried out over degraded forest twice in extent of the area being diverted or the difference between the forest land being diverted and the available non-forest land, as the case may be. The non-availability of suitable non-forest land for CA in the State/Union Territory will be accepted by the Central Government only on the basis of a Certificate of the State Government /Union territory Administration to that effect in respect of States/UTs having forest area more than 33% of the geographical area in the prescribed format.
- (ii) As a matter of pragmatism, the revenue lands/zudpi jungle/chhote/bade jharka jungle/jungle-jhari land/civil-soyam/orange lands and all other such categories of forest lands not under management and/or administrative control of the State/UT Forest Department, on which the provisions of FC Act, 1980 are applicable, shall be considered for the purpose of compensatory afforestation. Such lands on which compensatory afforestation is proposed shall be provided double in extent to the area proposed for diversion and shall

be transferred and mutated in the name of State Forest Department. It shall be notified as Protected Forests (PF) under the Indian Forest Act, 1927 prior to Stage-II approval.

- (iii) In Arunachal Pradesh, Degraded Unclassed Forests (USF) shall be considered for CA provided such land proposed for CA shall be double the extent of area proposed for diversion. Such land shall be transferred and mutated in the name of State Forest Department and notified as PF, under IFA 1927 or Assam Forest Regulation 1891 or Anchal Forest Reserve/Village Forest Reserve under the Arunachal Pradesh Forest Reserve/Village Forest Reserve (Consolidation and Maintenance) Act 1975 as amended from time to time, prior to Stage-II approval.
- (iv) Waste lands of Himachal Pradesh, which come under the category of Protected Forests but have neither been demarcated on the ground nor transferred and mutated in the name of forest department in the revenue records, shall be considered for the purpose of CA provided that double the area of such category is covered under CA and is declared as PF under IFA, 1927 after mutation in the name of SFD prior to Stage-II approval. This dispensation shall be applicable for the Central, State and Private sector projects.
- (v) Any degraded forest land for the purpose of CA, selected by State Government as per above provisions, may be accepted by MoEF&CC only if the crown density of the area is below 40 percent.

Additional Policy Issue

Sub: Processing of proposals involving violation of Forest (Conservation) Act, 1980 – Authorising State Government/Union territory Administrations to take cognizance of the offence committed under the Forest (Conservation) Act, 1980 - reg.

1. The additional policy agenda item was considered by FAC in its meeting held on 23.03.2023. The Member Secretary explained all the facts and background of the matter to the FAC for their examination and analysis.
2. After through deliberation and discussion, the FAC observed that:
 - (i) As per the provisions contained under sub rule (1) of rule 9 of the Forest (Conservation) Rules, 2003, the Central Government may, by notification, authorize any officer not below the rank of Conservator of Forests or the concerned forest officer having territorial jurisdiction over the forest land in respect of which the said offence is said to have been committed, to file complaints against the person (s) prima-facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.
 - (ii) In accordance with the power conferred under sub-rule(1) of rule 9, the Central Government by Notification dated 17.11.2019 has authorized the officers not below the rank of Conservator of Forests in the Integrated Regional Offices of Ministry of Environment, Forest and Climate Change, having jurisdiction over the forest land in respect of which any offense under the Forest (Conservation) Act, 1980 is alleged to have been committed, to file

complaints against such person (s)/authority/organization prima-facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.

- (iii) The Committee, with regards to processing of such cases involving of violations of FC Act, 1980 or ex-post facto approval, observed that Ministry, vide guidelines dated 22.03.2022 and 8.09.2022, clarified that such proposals are at par with the cases pertaining to the encroachment and therefore process prescribed under clause (c) of sub rule -2 of rule -7 of the Forest (Conservation) Rules, 2003 needs to be followed for the processing of cases involving area up to 40 ha. The Integrated Regional Office may examine and process all such proposals as per extant rules and guidelines; however, the same should be forwarded to the with specific comments Ministry for with specific comments/recommendations, for appropriate decisions. It has also been clarified in the said guidelines that IRO concerned of the Ministry will ensure that appropriate action under section 3A and 3B of the Forest (Conservation) Act, 1980 are initiated by them in such cases involving violation of the Forest (Conservation) Act, 1980.
- (iv) The Ministry has notified Forest (Conservation) Rules, 2022 on 28.06.2022 wherein it has been provided that all cases pertaining to violation, encroachment and de-reservation will be dealt at MoEF&CC level only. A clarification dated 18.07.2022 was also issued by the Ministry stating that provisions of new rules will be applicable in cases, which have been submitted on after 28.06.2022 and cases which have been accepted by the Nodal Officer of the State/UT before 28.06.2022 will be processed as per provisions of the Forest (Conservation) Rules, 2003.
- (v) The Forest (Conservation) Rules, 2022 do not provide for provisions for authorization of officers for taking cognizance of violation of the Forest (Conservation) Act, 1980. For want of enabling provisions for taking cognizance of violations of the Act, there is an apprehension prevailing among the IROs and State/UTs authorities to proceed with the violations of the Forest (Conservation) Act, 1980.
- (vi) IROs of the Ministry in various meetings have also raised this issue and requested intervention of the Ministry to provide for enabling provision to deal with the cases involving violation of the Forest (Conservation) Act, 1980 as per the provisions of the Forest (Conservation) Rules, 2022.
- (vii) The Committee also noted that as per the power delegated to IROs under the rule 9, very few cases filed by invoking the provisions of the section 3A and 3B of the Forest (Conservation) Act, 1980 for the reason that IROs of the Ministry due to limited manpower could not exercise the delegated powers and cases where such powers have been exercised, could not be culminated to their finality. Moreover, violation of the Act subsumes into the violation of Indian Forest Act, 1927 or local revenue Act and penal action as prescribed in the IFA are initiated by the authorities in the States/UTs.
- (viii) The Committee was also informed that various legal aspects and other field related situations that need to be taken care of by the prosecuting officer while discharging responsibilities arising out of rule-9 of the Forest (Conservation) Rules, 2003 requires in depth study and wider consultation with States. With

limited manpower and resources, it becomes difficult for the IRO to take such cases to their conclusion. The Committee also noted that State/UT Forest Department who is custodian of forests, have proper resources and manpower to deal with the cases of violations. Moreover, they have already been dealing with the legal proceedings arising out of violations committed in the forest land under the Indian Forest Act, 1927. Therefore, it will be more appropriate to delegate power to the State authorities for taking cognizance of the violation of the Forest (Conservation) Act, 1980.

- (ix) The Committee also deliberated and was of the view that the violations and their extent will be decided by the Ministry after receiving the information with respect to offence committed or violations made either through State government/authorities or *suo-moto* and the same will be informed by the Ministry either directly or through its Regional Offices to the State government and also to the officers in whose jurisdiction the offence under the Forest (Conservation) Act, 1980 has been committed or the provision of the said Act is violated, for filing the complaint against the offenders before the court of law, for which an officer of DFO/DCF level or above will be authorized by the Ministry for this purpose.

3. **Decision of the Advisory Committee:** The FAC after detailed deliberations and discussion with the IROs and officials of the Forest Conservation Division, the Advisory Committee observed that since there are no enabling provisions have been provided in the Forest (Conservation) Rules, 2022 for taking cognizance of the offence committed against the provisions of the Act, 1980, enabling provisions for the same need to be provided to remove ambiguities in dealing with the legal proceedings arising out of the violations of the Forest (Conservation) Act, 1980. The Committee also observed that based on the past experience of dealing with the violations cases starting from taking cognizance of offence and thereafter its culmination, it will be appropriate and proper to delegate the power of taking cognizance of the offence committed under the Forest (Conservation) Act, 1980 to the authorities in the State Govt./UTs. Accordingly, the Committee decided that Ministry by way of guidelines or general notification may consider the authorization of officers of the State/UTs Forest Department for taking cognizance of the offence and file complaint under the Forest (Conservation) Act, 1980 as given under:

The Central Government hereby authorizes officers of the rank of Divisional Forest Officer (DFO)/Deputy Conservator of Forests (DCF) and above of the State Government or Union territory Administration concerned, having jurisdiction over the forest land in respect of which any offense under the Forest (Conservation) Act, 1980 is committed or violation of the provisions of the said Act has been made, to file complaints against such person/authority/organization, prima-facie found guilty of offence under the Act or the violation of the rules made thereunder, in the court having jurisdiction in the matter.

However, the Central government after receiving the information with respect to offence committed or violations made either through State government/authorities/ any other source or suo moto shall communicate the same after due examination to State government and the authorities concerned under whose jurisdiction the offence under the Forest

(Conservation) Act, 1980 has been committed or any provision of the said Act has been violated, for filing the complaint against the offenders before the court of law and it shall act as a prerequisite for the authorized officer before such complaints are filed. Such complaints should be filed before the court within a period of 45 days from the receipt of such communication from Central Government. Moreover, a periodic report, as specified by the Central Government on time to time, regarding filing of the complaints shall be submitted by the State government/authorities/authorized officers.

(Not present)

*(Dr. Naveen Chandra Bisht)
(non-official Member of the
Advisory Committee)*

(Confirmed through email)

*Shri S. D. Vora
(non-official Member of Advisory
the Committee)*

(Confirmed through email)

*Shri Manoj Pant
(non-official Member of Advisory
Committee)*

(Confirmed through email)

*Dr. Dhura Ram
Addl. Commissioner (NRM)
(Member)*

(Confirmed through email)

*Shri Bivash Ranjan
Additional Director General of
Forests(WL)
(Member)*

(Confirmed)

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

(Confirmed)

*Shri S. P. Yadav
Additional Director General of Forests(FC)
(Member)*

(Approved)

Shri C. P. Goyal

(Director General of Forests and Special Secretary)

(Chairperson)

