

Minutes of the Meeting of Forest Advisory Committee (FAC) held on 23.04.2019

Agenda No. 1

F.No. 8-76/2010-FC

Sub: Diversion of 158.64 ha of forest land for Dumri coal mining project in favour of M/s Hindalco Industries Limited in Hazaribagh West Forest Division in Hazaribagh district of Jharkhand.

The above stated agenda item was considered by FAC in its meeting held on 23.04.2019. The corresponding agenda note may be seen at parivesh.nic.in. The FAC observed as below:

1. The proposal was granted Stage-I approval for diversion of 158.64 ha of forest land on 04.06.2015. In fact, the original user agency i.e. Neelachal and Power Limited was granted Stage-I approval on 30.03.2012 and later this was transferred in favour of M/s Hindalco Industries Limited after the coal block was re-alloted by Ministry of Coal.
2. Initially 163.64 ha of forest land was requested by Neelachal and Power Limited in the year 2010 but only 158.64 ha of forest land was diverted under FC Act, 1980. The left over 5.00 ha of forest land was not diverted as the safety zone was kept out of the purview of FC Act, 1980.
3. Later, MoEF&CC vide its letter no. 11-73/2014-FC dated 13.05.2014 issued a guideline for diversion of forest land for safety zone also included in already diverted forest land. In this context present user agency has requested for permission for the same.
4. On analysis through DSS it has been observed that the CA land given against the forest land proposed for diversion is in 60 different small patches located at distant places. FAC noted that in 2015 when the proposal for transfer of Stage-I approval from one user agency to other was considered, the DSS was not in place, which might be the reason of such oversight. At present when the proposal is before this Committee, it is imperative to analyse the status of proposed CA land. It further observed that most of the patches are less than 0.2 ha, which will be practically impossible for State Forest Department to manage the small patches.

Decision of FAC:

After through delebaration and discussion with ADG (Central), Regional Office, Ranchi, Nodal Officer, Jharkhand and representative of the user agency, FAC **recommended the proposal for in-principle approval** for diversion of 5.00 ha to be included as safety zone with standard, general and following specific conditions:

1. The minimum land parcel proposed for CA shall not be less than 5.00ha. However, a land parcel irrespective of its size can be accepted, if the same is contiguous to a notified forest area. The CA area and scheme shall be revised accordingly.
2. The user agency shall ensure that all such land parcel of non-forest area identified for CA shall be fenced properly before handing them over to the Forest Department. It

shall be ensured that all such land parcel shall be mutated in the name of Forest Department and declared as RF/PF prior to Stage-II approval.

Agenda No. 2

F. No. 8-116/2002-FC (Vol.)

Sub: Diversion of balance 7.397 ha of Sabik Kisam forest land as on 25.10.1980 in addition to already diverted forest land of 66.38 ha. for Chromite mining in their Mahagiri Chromite Mine of 73.777 ha in Jajpur District, Odisha under Cuttack Forest Division by M/s Indian Metals & Ferro Alloys Ltd.- proposal for modification of land use pattern as per Mining Plan approved by IBM.

The above stated agenda item was considered by FAC in its meeting held on 23.04.2019. The corresponding agenda note may be seen at parivesh.nic.in.

Decision of FAC:

After through delebaration and discussion with ADG (Central), Regional Office, Bhubaneswar, Nodal Officer, Odisha, FAC observed that the above stated proposal has already been granted Stage-I approval and the proposal for land use has been approved by IBM within the already diverted forest area. FAC **recommended** that the Stage-II approval may be dealt as per the procedure with condition that user agency may be allowed to carry out underground mining as per earlier approval.

Agenda No. 3

File No. 8-63 /1995-FC(Vol.-II)

Sub: Proposal for change in land use pattern over an area of 0.218 ha. from Safety Zone purpose to mining purposes within 206.081 ha of already diverted forest land including safety zone in Tantra, Raikela & Bandhal (TRB) in Bonai Forest Division for Iron Mining Lease of M/s Jindal Steel & Power Ltd.

The above stated agenda item was considered by FAC in its meeting held on 23.04.2019. The corresponding agenda note may be seen at parivesh.nic.in.



Decision of FAC:

After through delebaration and discussion with ADG (Central), Regional Office, Bhubaneswar, Nodal Officer, Odisha, the FAC **recommended for use 0.218 ha of safety zone for mining purpose** as the area can be treated as a cluster mine with following general, standard and specific conditions:

1. The State Government and user agency shall ensure to maintain safety zone as per the prescribed norms.
2. It is reported that there are 138 number of trees which are enumerated over 0.218 ha area. User Agency shall ensure that wherever possible trees may be translocated prior to starting mining activity in supervision of State Forest Department.

Agenda No. 4

F. No. 8-23/2007-FC (Vol. I)

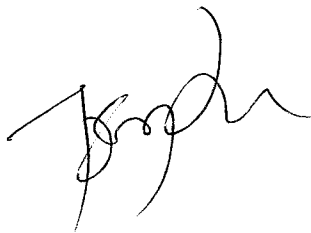
Sub: Proposal for change in land use pattern over an area of 0.218 ha from Safety Zone purpose to mining purposes of already diverted 48.632 ha of forest land over lease area of 49.372 ha at Raikela & Tantra Iron Mines in village Raikela & Tantra in Bonial Forest Division in Sundargarh District of M/s Penguin Trading & Agencies Ltd.

The above stated agenda item was considered by FAC in its meeting held on 23.04.2019. The corresponding agenda note may be seen at parivesh.nic.in.

Decision of FAC:

After through delebaration and discussion with ADG (Central), Regional Office, Bhubaneswar, Nodal Officer, Odisha, the FAC **recommended for use 0.218 ha of safety zone for mining purpose** as the area can be treated as cluster mine with following general, standard and specific conditions:

1. The State Government and user agency shall ensure to maintain safety zone as per the prescribed norms.
2. It is reported that there are 166 number of trees which are enumerated over 0.218 ha area. User Agency shall ensure that wherever possible trees may translocated prior to starting mining activity in supervision of State Forest Department.



Agenda No. 5

F. No. 8-11/2019-FC

Sub: Diversion of 425.5 Ha of forest land of USF area in New Umrangshu Village, Dima Hasao Dist. (North Cachar Hills) for opencast mining of limestone in favour of M/s Calcom Cement India Ltd.

The above stated agenda item was considered by FAC in its meeting held on 23.04.2019. The corresponding agenda note may be seen at parivesh.nic.in.

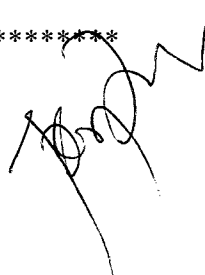
The FAC observed that:

1. The proposal is for open cast limestone mining (including construction of approach road over approximetly 8.00 ha.)
2. The proposed area is located at Dima Hasao Distt. (North Cachar Hills), Assam and legal status of the area is Unclassed Forests.
3. A total 1944 number of trees are enumerated to be felled in the instant proposal.
4. 425.5 ha non-forest land has been identified for CA in Boro Langherang Village in Dima Hasao Forest West Division, Dima Hasao District, Assam equivalent to the area proposed to be diverted. Land suitability certificate has been given.
5. Certificate on Forest Right Act is given by Principal Secretary (N. C. Hills Autonomous Council, Hafflong vide his letter no. FRS/Sect/Calcom/134/2012-2018/4-A dated 19.06.2018.
6. DFO/CCF/ PCCF and the State Government has recommended the proposal.
7. It is reported by regional office shilong that significant adverse effect on the general forest eco system is anticipated in the area, since the proposal involves extensive area.

Decision of FAC:

After through delebration and discussion with ADG (Central), Regional Office, Shilong, and representative of user agency, FAC observed that the DGPS co-ordinates of the area provided by the state has been analysed on DSS and it is learnt that the area has high conservation value. The analysis is indicative based on the software analysis.

Accordingly, FAC **deferred the proposal** and recommended that regional office shall visit the area and analyse the conservation value of the whole landscape taking all the layers of DSS into consideration. Regional office shall submit the report with very specific recommendations.



Agenda No. 6

F. No. 8-17/2005-FC (Vol.)

Sub.: Diversion of additional area 4.8725 ha in addition to already approved area of 104.6846 ha of forest land accorded Stage-II approval by the MoEF&CC on 29.05.2006 for the establishment of Cement Plant at village Baga in Solan District in the State of Himachal Pradesh in favour of M/s Jaypee Himachal Cement Project - regarding.

1. The above stated agenda item was considered in FAC meeting on 23.04.2019.
2. The corresponding agenda note may be seen at parivesh.nic.in.
3. During the deliberation, FAC observed that:
 - a. The proposal of diversion of 104. 6846 ha of forest land has been accorded Final Approval (Stage-II) by the Ministry on 29.05.2006.
 - b. Later two proposals (submitted at different times) for additional forest land related to the original proposal were submitted of which the second proposal for diversion of 4.8725 ha of forest land, based on the approval of the competent authority, was accorded Stage-I approval by MoEF&CC on 5th/7th June, 2012
 - c. The State Government of Himachal Pradesh vide their letter dt 03.01.2013 submitted the compliance of the conditions stipulated in the Stage-I approval, the examination of which revealed that some conditions are not complied with.
 - d. Subsequently the State Government submitted another proposal for change in land-use over **0.508** ha of forest land to accommodate Plant Operation Support Infrastructure within the total area of 104.6846 ha of forest land which was accorded Stage-II approval by the MoEF&CC on 29.05.2006.
 - e. The Stage-I compliance report in respect of diversion of 4.87525 ha and proposal for change in land-use over **0.508** ha had been placed before FAC in its meeting held on 30.09.2015. FAC did not recommend the proposal and *inter alia*, sought certain information/compliances
 - f. The above shortcomings were communicated to the State Government of Himachal Pradesh vide this Ministry's letter dated 10th November, 2015.
 - g. Now the State Government of Himachal Pradesh vide their letter No.48-979/2005 (FCA), dated 17.01.2018 has submitted the requisite information in respect of this Ministry's letter dated 10.11.2015, the summary of the same as given by the State Govt. is as under:
 - i. Compliance to the conditions stipulated in the approvals granted in past has been submitted to your good office vide this office letter of even number dated 20.03.2006, 03.01.2013, 06.05.2015, 30.12.2015 & 22.03.2016.



- ii. On the failure of user agency to comply with the conditions imposed in the Stage-I approval dated 5th June, 2012, FIR No.108 dated 17.06.2011 U/S 447 of IPC and 33 of IFA, 1927 was lodged with Police against user agency, which has now been challaned in the Court of Ld. JMJC Bilaspur.
- h. It was observed that all the conditions of the FAC recommendation for diversion of 4.8725 ha complied by the User Agency including the Legal Action for violation.

4. Recommendation of FAC:

FAC after through deliberation and discussion with Nodal Officer (FCA) of the State and User Agency recommended proposal for change in land-use over 0.508 ha of forest land to accommodate Plant Operation Support Infrastructure within the total area of 104.6846 ha of forest land which was accorded Stage-II approval by the MoEF&CC on 29.05.2006 with general, standard and following Specific conditions:

- a. State Govt has to follow up the case booked against the User agency for violation to the logical conclusion.
- b. The KML file for the Non Forest Land identified for CA shall be submitted and same shall be fenced by UA and handed over to forest department.

Agenda No. 7

F. No. 8-76/2018-FC

Sub.: Proposal for diversion of 69.555 ha. of forest land for construction of Chhitakhudri Medium Irrigation Project, in favour of Water Resources Department, Jabalpur District Madhya Pradesh State.-regarding.

1. The above stated agenda item was considered in FAC meeting on 23.04.2019.
2. The corresponding agenda note may be seen at parivesh.nic.in.
3. The APCCF (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980, State Government of Madhya Pradesh vide their letter No. F-3/83/2017/10-11/9/3656 dated 30th November, 2018 submitted the above proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980.
4. Some shortcomings were found during the preliminary Scrutiny and same were communicated to the State Government of Madhya Pradesh vide this Ministry's letter dated 31.01.2019. The State Govt. has complied the above shortcomings vide their letter



No. F-3/83/2017/10-11/9/1017 Bhopal dated 05.04.2019 and submitted the information /documents.

Decision of FAC:

FAC after through deliberation & discussion with Nodal Officer (FCA) of the State, representative of ADG(C), Bhopal and **recommended for In-principal approval** of the proposal for diversion of 69.555 ha. of forest land for construction of Chhitakhudri Medium Irrigation Project, in favour of Water Resources Department, Jabalpur District Madhya Pradesh State with general, standard and following Specific conditions.

- a. Calculated area of Compensatory Afforestation on Non-Forest Land is found as 66.18 ha instead of 69.555ha. The clarification is needed for the same.
- b. As depicted through High Resolution Google Earth satellite Imagery some agriculture patches are visible in the proposed CA site having Khasra no. 249. These patches shall be handed over after removing the encroachment.
- c. The whole CA land shall be fenced by the User Agency before handing over to the Forest Department at project cost.
- d. Some of the trees should be retained for perching of birds.

Agenda No. 8

File No: 1-6/2014-ROHQ

Sub.: Request for reconsideration of extension of lease period of forest land in F. Sy. No. 232 of Sirsi, Uttara Kannada district, Karnataka in favour of M/s Sahyadri Papers - regarding.

1. The above stated agenda item was considered in FAC meeting on 23.04.2019.
2. The corresponding agenda note may be seen at parivesh.nic.in.
3. FAC observed that, the matter was placed before FAC in its earlier meeting held on 21.02.2019 for their examination and appropriate recommendation. Based on following grounds FAC did not recommend the proposal:
 - (i) The Regional office has not recommended the proposal of extension of lease beyond 2020.
 - (ii) The CF, Regional office informed that part of the land is being used as a Guest house.
 - (iii) Out of 2.0 ha area, about half of the area is still under green cover.
 - (iv) The user agency has given the undertaking to vacate the land, while the lease was extended beyond 2015.
 - (v) The land use is not site-specific.



- (vi) The justification of user agency given for extension of lease is, that the user agency is planning to modernize the existing paper mill.
4. However, while seeking approval of competent authority, Hon'ble MEF observed as below: *"If there is no value of forest land or part thereof, can we consider file for that part? Let us examine"*
5. Accordingly, the matter was re-examined in the Division and it was decided to place the proposal again before FAC.
6. FAC in its meeting on 23.04.2019, after through deliberation and discussion with Nodal Officer (FCA) of the State, ADGF (C) Bangalore; observed following:
- There are no new facts other than which were placed before the FAC in its meeting on 28.03.2019.
 - However, as observed by the competent authority, it was felt that the part having no character of a forest due to existing land-use, only may be considered for diversion.

Decision of FAC:

Based on the above facts the FAC **recommended that the State Government may submit a fresh proposal** for the part of land which does not have any forest cover and is under non-forest use.

Agenda No. 9

F. No. 8-4/2019-FC

Sub: Diversion of 49 ha of forest land in favour of M/s Bairavnath Earthmovers & Co. Guntur for mining of Laterite in village Parkhandle and Guntur villages of Shahuwadi tehsil in Kolhapur District in the State of Maharashtra – regarding.

- The above stated agenda item was considered in FAC meeting on 23.04.2019. The corresponding agenda note may be seen at parivesh.nic.in.
- The FAC considered the above proposal and various facts related to the proposal as presented in the factsheet, site inspection report of the Regional Office and in the proposal submitted by the State Government. The Nodal Officer (FCA), Govt of Maharashtra and representatives of the User Agency were also heard during the meeting. After examination of the proposal, the Committee noted as under:
 - The proposal envisages diversion of 49 ha of forest land comprising of 21.60 ha of protected forest land and 27.40 ha of Reserved Forest and for mining of 1.5 lakh MT to 2.0 Lakh MT of laterite annually. No non-forest land is involved in the project.



- The Addl PCCF & Nodal Officer (FCA) informed that LoI to the mining project has been issued by the District Collector, Kolhapur vide letter dated 20th August, 2015.
- (ii) Density of the forest area is reported to be less than 0.4 with 713 project affected trees. Compensatory afforestation has been proposed over equivalent non-forest land with CA scheme of 7 years. Site suitability certificate and DSS analysis indicate the area suitable for raising compensatory afforestation. Area does not form part of any Protected Areas and Eco-sensitive Zone. Radhanagari Wildlife Sanctuary is located at a distance of 35 km from the area proposed for diversion.
 - (iii) No violations under FC Act, 1980 have been reported by the State Government.
 - (iv) Compliance of FRA, 2006 has been submitted along with the proposal in accordance with the MoEF&CC advisory dated 5.07.2013 along with documentary evidences.
 - (v) Authorities in the State Government and the Regional Office of the Ministry have recommended the proposal for diversion of forest land.
3. With regards to the area proposed for diversion vis-à-vis laterite mining, the Committee noted that requirement of area appears to be exaggerated and needs to be rationalized. The Nodal Officer (FCA), Maharashtra informed the Committee that requirement of area will be re-examined and intimated to the Ministry.

Decision of FAC:

After detailed deliberations and submissions made by the Nodal Officer (FCA), Maharashtra, the Committee desired that requirement of forest area proposed for diversion may be re-examined by the State Government in light of justification provided by the User Agency and the same be submitted for further consideration of the Committee. Till then FAC **decided to defer the proposal.**

Agenda no. 10

F. No. 8-83/1997-FC (Pt)

Sub: Proposal for change in land use/nomenclature of the area approved under the Forest (Conservation) Act, 1980 for renewal of mining lease over an area of 142.80 ha of forest land in favour of M/s NMDC Ltd in Dantewada (Chhattisgarh)-regarding.

FAC **deferred the proposal** till the next meeting, on the request of Addl. PCCF & Nodal Officer (FCA), Chhattisgarhi as he expressed his inability to attend to and replying to the clarification of the FAC due to polling in the State of Chhattisgarh.



Agenda No. 11

Sub: - Minor correction in Comprehensive Guidelines (Handbook of FC Act, Rules, clarifications & Guidelines)

The above stated agenda item was considered by FAC in its meeting held on 23.04.2019. FAC observed that based on the recommendation of Bansal committee report, comprehensive guideline related to Forest (Conservation) Act 1980 was approved and uploaded on parivesh.nic.in on 8.3.2019.

In due course, MoEF&CC had received many representations from Regional offices and states which highlighted certain anomalies including grammatical errors in the document. These are required to be incorporated in the document appropriately.

Decision of FAC:

After thorough deliberation and discussion FAC observed that there are some anomalies and grammatical errors, which need to be addressed by FC division as and when it comes to the knowledge. Since it is not possible to go into the details during the meeting and rectifying minor corrections is a continuous process, IG (FC) may look into the issue and correct such anomalies as and when these are noticed. IG (FC) may also correct the list of stipulations and different references made therein, in part C, if the stipulations are not in consonance with the Act, rules and Guidelines. In addition to above observations few anomalies which has been recored by FAC during discussion needs to be rectified or replaced are as follows:

1. Guideline 2.8 (ii) which states as

CA over Degraded Forest Land (DFL): CA scheme shall be prepared for minimum of 1000 saplings per hectare of identified CA land with ten-year maintenance. The plantation in the identified DFL shall be done as per the site requirement. The balance seedlings, if any, that could not be planted in the identified DFL, shall be planted in other DFL as per working plan prescriptions. The State Govt. will intimate names of the RFs/PFs in which the balance seedlings will be planted.

Shall be deleted

2. Guideline 3.7 which states that

NPV for tunnel construction for hydroelectric power project shall be governed by norms as applicable for underground mining projects.

Shall be deleted



3. Guideline 11.10 which states that

Eco-tourism: Eco tourism has been regarded as non-forestry activity. Prior approval of the Central Government under the Forest (Conservation) Act, 1980 is required for Ecotourism Projects.

Shall be repaced as

Eco-tourism : Construction of permanent structures for the purpose of ecotourism on forest land shall be considered as non Forestry Activity. In such cases Prior approval of the Central Government under the Forest (Conservation) Act, 1980 is required .

4. *The non forest land proposed for CA shall be transferred and mutated in the name of forest deprtment and notified as RF/PF prior to stage II approval.* This stipulation shall be imposed in stage I approvals. Any deviation to above in comprehensive guidelines or the list of stipulations mentioned in part C of comprehensive guideline shall be modified accordingly.
5. The copy of letter no 5-2/2017-FC dated 28th march 2019 that the comprehensive Guidelines are in supersession of all previous guidelines and is applicable w.e.f 08.04.2019 shall be incorporated in the beganing of Comprehensive guideline document for the sake of clarity.
6. The Phrase "***process of identification and settlement of rights***" used in para (a) in the form II and form III at page 99 and 100 may be substituted with "***Process of recoganition and vesting of forest rights***" as it is in conformity with FC Rules, 6(3) (e)(i).
7. In condition no 1 of the model conditions under the head of forest village relocation on page 129, the text "***legal status of diverted forest land shall be changed to revenue land***" may be substituted with "***legal status of forest land diverted under Forest (Conservation) Act, 1980 for relocation/rehabilitation of villages from National park/sanctuaries/Tiger reserves shall cease to be forest Land***". This will ensure conformity with para no 12.9 on page 89.
8. Para 4.3 at page no 58 which read as

"General approval for diversion of forest area for the development of following critical public utility and welfare projects"

shall be replaced as

General approval for diversion of forest area for the development of following critical public utility and welfare projects undertaken by the Government:"

9. *Form I, at page number 98 shall be read as Form III.*
10. *Form II (for linear projects other than plantation) at page no 99 shall be read as Form I (for linear projects other than plantation)*
11. *Form III (for projects other than linear projects and plantation) at page no 100 shall be read as Form II (for projects other than linear projects and plantation)*
12. *At start of part C it may be mentioned that "The following are general and standard*



conditions pertaining to different category of projects. These conditions may be incorporated in all cases along with different specific conditions recommended by the RO/REC/FAC/State government (for general approval projects)

13. At page no 74, third para of para 7.3 (v) shall be made para (vi) as under

(vi) The existing period of validity of forest clearance granted for diversion of forest land under section-2(ii) of Forest Conservation Act 1980 for mining of minor minerals in the State regulated under Rules made under section 15 of MMDR Act, 1957 shall be for a period co-terminus with the period of mining lease as deemed extended under the Rules made under section 15 of MMDR Act, 1957 subject to the following conditions:

14. Page no 74 7.3(v)f, which read as

Provisions' of here-in, notwithstanding anything contained therein, shall not apply to forest land falling in a mining lease for which renewal has been rejected, or which has been determined or lapsed before the issue of this letter.

May be replaced as

Provisions' of here-in, notwithstanding anything contained therein, shall not apply to forest land falling in a mining lease for which renewal has been rejected, or which has been determined or lapsed before 30.11.2017.

15. Para 7.9 at page 78 Safety zone which read as

All mining projects, including cluster-mines, are required to have a 7.5-meter-wide peripheral safety zone within the Mining Lease area, properly demarcated with boundary pillars with DGPS coordinates inscribed on them and to be maintained as effective green belt. This shall be applicable prospectively to all fresh diversion proposals approved after 27th May 2015. However, the mining projects for which diversion of forest land have been approved before 27th May 2015, the UA shall take approval of forest land in the safety zone by 31st March 2018, if not already taken.

May be replaced as


All mining projects, including cluster-mines, are required to have a 7.5-meter-wide peripheral safety zone within the Mining Lease area, properly demarcated with boundary pillars with DGPS coordinates inscribed on them and to be maintained as effective green belt. This shall be applicable prospectively to all fresh diversion proposals approved after 27th May 2015. However, the mining projects for which diversion of forest land have been approved before 27th May 2015, the UA shall take approval of forest land in the safety zone, if not already taken

16. In conditions (Stage I and Stage II) it has been reported that 'Forest land will be handed over only after required non forest land for project is **handed over to the user agency**' same may be corrected as "**handed over by the user agency**"

17. Para 2.6(i)(e) at page no 49 which read as

(e) Diversion of forest land under the General Approval (GA) by the Central Govt. up to one hectare

May be read as



Diversion of forest land under the General Approval (GA) up to one hectare

18. The para 2.8(iii) (b) which read as

Map showing the proposed NF area for CA and that of the nearby forest area and map of degraded forest land proposed

May be replaced as

Map showing the proposed Non forest area/Degraded forest area for CA and that of the nearby forest area and map of degraded forest land proposed.

19. The title of chapter 4 at page no 57 which read **as** *General Approval under Section 2(ii) of FCA –Critical Public & Strategic Defence Infrastructure*

Shall be read as

General Approval under Section 2(ii) of FCA – Development of Critical Public & Strategic Defence Infrastructure

20. **Para 4.1 at page 57 which read as**

The Forest (Conservation) Act, 1980 and the Forest (Conservation) Rules, 2003, provide the regulatory procedures for prior approval of the Central Government for diversion of forest land for non-forest use required by various User Agencies including the Central/State Government Departments and PSUs. However, the Central Government has granted General Approvals for diversion of forest land for the specified area in each case and for specified public utility services and critical/strategic defence infrastructure as detailed below, subject to the following:

(a) User Agency shall apply, online, in the “Form A” of the Forest (Conservation) Rules, 2003.

Shall be read as

4.1 *The Forest (Conservation) Act, 1980 and the Forest (Conservation) Rules, 2003 and **the amendments issued therein** provide the regulatory procedures for prior approval of the Central Government for diversion of forest land for non-forest use required by various User Agencies including the Central/State Government Departments and PSUs. However, the Central Government has granted General Approvals for diversion of forest land for the specified area in each case and for specified public utility services and critical/strategic defence infrastructure as detailed below, subject to the following:*

*(a) User Agency shall apply, online, in the “Form A” of the Forest (Conservation) Rules, 2003 **and amendments issued therein***

21. Para 5.4(a) which read as

Duly filled in part-I of the application in Form-A appended to the Forest (Conservation) Rules, 2003 along with all necessary undertakings/certificates,



including documentary proof in support of allocation of such block in favour of the new use agency and details of non-forest/revenue land identified for creation of compensatory afforestation, wherever required, is submitted by the new user agency o the Nodal Officer concerned

May be read as

*Duly filled in part-I of the application in Form-A appended to the Forest (Conservation) Rules, 2003 and **the amendments issued therein** along with all necessary undertakings/certificates, including documentary proof in support of allocation of such block in favour of the new use agency and details of non-forest/revenue land identified for creation of compensatory afforestation, wherever required, is submitted by the new user agency o the Nodal Officer concerned*

22. Para 5.6 which read as

In respect of 49 mining leases (operating iron ore mines falling in Category "C") cancelled on the Orders dated 18th April 2013 of the Supreme Court of India and put to auction, the Supreme Court has ordered on 30.7.2015 that "the existing statutory approval/clearances in favour of the lessee of the erstwhile category "C" leases will be transferred in favour of new lessees. The concerned authority will take expeditious action for grant of statutory approval such as Environment Clearance, TWP/forest Clearance under the Forest Conservation Act 1980."

May be read as

*In respect of 49 mining leases (operating iron ore mines falling in Category "C") cancelled on the Orders dated 18th April 2013 of the **Hon'ble Supreme Court** of India and put to auction, the **Hon'ble Supreme Court** has ordered on 30.7.2015 that "the existing statutory approval/clearances in favour of the lessee of the erstwhile category "C" leases will be transferred in favour of new lessees. The concerned authority will take expeditious action for grant of statutory approval such as Environment Clearance, TWP/forest Clearance under the Forest (Conservation) Act, 1980."*

23. The para 7.4 title which read as

Mining in respect of atomic minerals regulated under MMDR Act:

May be read as

Mining in respect of atomic minerals regulated under MM(DR) Act,1957

24. Title of chapter 12 which read as

Projects in/near Protected Areas, including Zoos

May be read as

Projects in/near Protected Areas, Tiger Reserves, Elephant Reserves, Eco-



sensitive Zones, Zoos

25. The title of para 12.11 which read as
Eco-Sensitive Zone

May be read as

Felling of trees in Eco-Sensitive Zone.

Agenda No. 12

Sub: - Status of recorded forest area (not notified) broken up prior to 25.10.1980

The above stated agenda item was considered by FAC in its meeting held on 23.04.2019.

1. The matter related to the status of forest land which has been recorded as forest in revenue record and broken prior to 1980 was discussed. Further it was deliberated that all such category of land which has not been notified and only recorded as forest as per revenue record or comes within the purview of FC Act, due to Hon'ble supreme court judgment dated 12.12.1996 in Writ Petition (Civil) No. 202 of 1995 in the matter of T. N. Godavarman Thirumalpad Vs. Union of India. It was further deliberated that whether the Hon'ble Supreme Court Judgement dated 13/11/2000 in Writ Petition (C) No. 337 of 1995 will be applicable on such cases or not. the judgement reads as

*“Pending further orders no de reservation of forests/National Parks/
Sanctuaries shall be effected”*

Decision of FAC:

After through deliberation and discussions on the issue, FAC recommended that the proposal may be taken up with Member secretary CEC, before further action on the matter is taken up.



Agenda No. 13

Sub:- Guidelines on prospecting and exploration in light of Site Inspection Report by FC Division.

The above stated agenda item was considered by FAC in its meeting held on 23.04.2019.

1. It was reported that MoEF&CC is receiving repeated requests from stakeholders of Hydrocarbon sectors for appropriate modifications in the existing guidelines of MoEF&CC regarding exploration and prospecting in the forest area.
2. In this regard a team of officials from FC Division, consisting of Sh Shrawan kumar verma DIG(FC) and Sh Sandeep Sharma AIG (FC) made a field visit in upper Assam in some ongoing prospecting/exploration sites. The team has also submitted its report, which was placed before the FAC.
3. The report is annexed. The recommendations made in the report are:
 - a) *The process of exploration drilling for hydrocarbon in 130 m x130 m area causes total damage to vegetation (both floral and faunal elements) in the area and cannot be considered as temporary vegetation change. It is a case of proper diversion for the purpose of FCA 1980 and must be considered for processing with application in form A of FC rules and not under Form C. This will enable the user agency to use the area fully and can change the land use within the diverted area if the change in land use plan is approved by some government agency.*
 - b) *If the area is diverted as per procedure under form A of FCA rules for exploratory drilling, the same area may be converted into developmental well without going through the repetitive process of approval under FCA 1980.*
 - c) *The approach road to the exploratory site shall be part to total proposal.*
 - d) *A detail deliberation with the stake holders such as DGH, MoPNG, ONGC, OIL and private players in the sector of Hydrocarbon is essential before taking any decision on guidelines on seismic survey. In fact, it will be helpful if MoEF&CC also involves representatives of Ministry of Mines and Ministry of Coal in such deliberation.*
4. FAC discussed the recommendation of the committee and observed that the guidelines related to prospecting and exploration had been deliberated many times in MoEF&CC but still there are certain issues related to Hydrocarbon sector which needs to be resolved. This includes NPV imposed in seismic surveys, exploration in hydrocarbon is equated with exploration in coal and iron sector for the purpose of diversion of forest land under the provisions of FCA 1980 etc. This has apparently created many difficulties in obtaining approvals.

Decision of FAC:

After thorough deliberation and discussions, FAC recommended that MoEF&CC may form a committee under the chairmanship of ADG(FC) with following members,



- i. Dr Sanjay Deshmukh Member FAC
- ii. Shri SK Agrawal, ADG(C), Regional Office, Shillong
- iii. Shri Pankaj Agrawal, ADG(C), Regional office, Dehradun
- iv. Nodal Officer (FCA), Govt of Assam
- v. Nodal Officer (FCA), Govt of Gujarat
- vi. Nodal Officer (FCA), Govt of Maharashtra
- vii. Nodal Officer (FCA), Govt of Telangana
- viii. Shri S.K. Verma, DIG (FC), MoEF&CC, Member Secretary of the committee
- ix. Sh Sandeep sharma AIG(FC) MoEF&CC

The committee shall analyse the existing guidelines on prospecting and exploration and take into account the above stated report of officers of FC Division of MoEF&CC. Committee shall also obtain views of Representatives of Ministry of Mines/Ministry of Coal, Representatives of Director General of Hydrocarbons/Oil India Limited/ONGC, Representatives from two private companies from oil sector. Based on these and all the inputs from the members of the committee, appropriate and comprehensive recommendations be framed, within the ambit of existing provisions of Forest (Conservation) Act 1980 and rules thereof.

Agenda No. 14

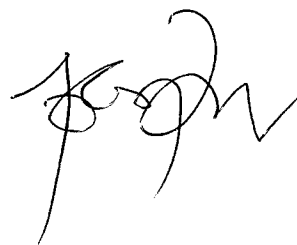
Sub: -Special consideration for CA in forest rich States.

The above stated agenda item was considered by FAC in its meeting held on 23.04.2019.

Decision of FAC:

After thorough discussion on the issue FAC recommended that:


- i. The states/UTs having forest land of more than 75% of their respective Total Geographical area, shall not be insisted upon providing Non-forest land (for subsequently notifying into RF/PF) equal to the forest area diverted for non-forest purposes in the same state/UT. However, the same may be taken up in any other state/UT having deficient forest land/cover and having land bank for CA.
- ii. Isolated patches having area less than 5 ha are difficult to manage as forests. Hence no NFL having area less than 5ha area shall be accepted for CA purpose. However, land parcels, if contiguous to RF/PF, can be accepted for CA irrespective of their sizes, subject to their suitability for CA. In case of forest area under diversion is less than 5ha, efforts should be made to identify NFL contiguous to some RF/PF. User agency shall fence all such land parcels properly and mutate the same in the name of forest department before handing them to the forest department. All such land parcels shall be compact (i.e without any pockets of habitation or non-forest land) and free from any encumbrances.



- iii. Land parcels, if contiguous to National park/WL sanctuary, can be accepted for CA irrespective of their sizes and suitability for CA, subject to condition that the same shall be mutated in the name of Forest Department, notified as RF/PF and thereafter merged with concerned NP/WLS with suitable declaration, prior to stage-II approval by MoEF&CC.

absent

(S. D. Vora)
Member



(A. K. Mohanty)
Inspector General of Forests (FC)

absent

(Dr Sanjay Deshmukh)
Member

absent

(Sh Anmol Kumar)
Member

absent

(Saibal Dasgupta)
Addl. Director General of Forests (FC)

absent

Additional Commissioner (Soil Conservation)
Ministry of Agriculture (Member)


(Siddhanta Das)

Director General of Forests & Special Secretary