

Minutes of the Meeting of Advisory Committee meeting dated 12.06.2023**Agenda No.1****File No. 8-323/1989-FC (Pt.1)**

Sub: Proposal for diversion of 2.048 ha (4.25 ha. as per form A) of forest land in SM Block, Kumarswamy Range, Ballari District for approach road to ML NO. 2313 in favour of M/s. JSW Steel Ltd. (Online Proposal No. FP/KA/ROAD/21842/2016). - (Regarding Change of CA land and grant of Stage-II approval).

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 12.06.2023. 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 and Nodal Officer FCA, Government of Karnataka was attended the meeting and present during the discussion of the above mentioned proposal.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed that:
 - i. The proposal is for diversion of 2.048 ha (4.25 ha. as per form A) of forest land in SM Block, Kumarswamy Range, Ballari District for approach road to ML NO. 2313 in favour of M/s. JSW Steel Ltd.
 - ii. The instant proposal has been accorded Stage-I approval by the Ministry vide its letter of even number dated 11.04.2018 subject to certain conditions prescribed therein.
 - iii. The Government of Karnataka vide their letter dated 30.09.2022 has submitted the compliance report informing that the CA land has been changed and recommended the proposal for Stage-II approval. After analysing the compliance report, the Ministry observed certain observation and the same was communicated to the State vide this Ministry's letter dated 28.10.2022.
 - iv. In response to the Ministry's observations dated 30.9.2022, the State Govt. on 21.04.2023 submitted/uploaded a compliance report on the conditions stipulated in the in-principle/Stage-I approval letter dated 11.04.2018.
 - v. The user agency (UA) has submitted the necessary undertakings to comply with the conditions stipulated in the Stage-I approval dated 11.04.2018.
 - vi. The UA has deposited the all the compensatory levies into the account of National Authority, CAMPA account through e-portal.
 - vii. The Deputy Commissioner, Bellary, Government of Karnataka has issued a FRA certificate vide his letter No.Rev./Mining/FRA/16/2016-17 dated 26.05.2017 certifying all clauses of the MoEF&CC advisory dated 05.07.2013 i.e. diversion of 5.83 hectare of forest for facilities managed by the Government and safeguarding the rights of Primitive Tribal Group and Pre-Agricultural Communities as required under the Scheduled Tribe and Other

Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

- viii. AC observed that the State Government has changed the CA land without Central Government approval providing the justification that earlier CA land (NFL) proposed for this instant proposal i.e. 2.048 ha in Sy No. ¼ of Tumti Sandur Taluk, Ballari District could not be registered because the certain issues.
- ix. The State Govt. has identified new CA land (NFL) to an extent of 3.889 Ha. The detail of the newly CA land is given as under:

S. No.	Taluk & District	Village	Sy No.	Extent in ha
1.	Ballari	Belgal	414/A	0.73
			414/B	1.55
			413/B	0.73
2.	Lingasuru Raichuru	Baggalgudda	67 (pt)	0.879
Total				3.889

- x. AC also observed that as per site suitability certificate submitted by DCF (Raichur), plantation can be done in the identified CA (NFL).
- xi. AC also noted that the identified CA land has already been mutated and transferred to Forest Dept. The transfer of identified CA land should not have been done without prior approval of the Central Govt. as this may lead to a *fait accompli* situation which is avoidable.

5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with Nodal officer (FCA), Govt. of Karnataka and IRO Bangalore. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended for accepting the revised CA land identified to an extent of 3.889 Ha in Belgal and Baggalgudda village, Ballari and Raichuru district. The AC also recommended that the State Govt. shall ensure that: -

- i. The User Agency shall take necessary steps to fulfil the condition as laid down by the Hon'ble Supreme Court in judgment dated 21-03-2017 passed in IA No. 247 & other IAs in Writ Petition Civil No. 562/2009 have approved construction of conveyer belt system, railway sidings and railway sub-lines as the most significant step towards controlling the environmental pollution that has persisted on account of open movement of iron ore by road. Further the area being diverted for road will be reverted back to Forest Department once the conveyer belt-railway system is made operational.

Agenda No.2

File No. 8-112/2000-FC (Vol.)

Sub: Proposal for the diversion of 4.74 ha of forest land in DM Block, Sandur Taluk, Ballari District for use of existing approach road to ML No. 2366 in favour of M/s JSW Steel Ltd., in Bellary district, Karnataka. (Online Proposal

No.FP/KA/ROAD/21837/2016). - (Regarding Change of CA land and grant of Stage-II approval).

1. The above stated agenda item was considered by AC in its meeting on 12.06.2023. 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 and Nodal Officer FCA, Government of Karnataka was attended the meeting and present during the discussion of the above mentioned proposal.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed that:
 - i. The proposal is for diversion of 4.74 ha of forest land in DM Block, Sandur Taluk, Ballari District for use of existing approach road to ML No. 2366 in favour of M/s JSW Steel Ltd., in Bellary district, Karnataka.
 - ii. The instant proposal has been accorded Stage-I approval by the Ministry vide its letter of even number dated 19.12.2017 subject to certain conditions prescribed therein.
 - iii. The Government of Karnataka vide their letter dated 14.06.2022 has submitted the compliance report informing that the CA land has been changed and recommended the proposal for Stage-II approval. After analysing the compliance report, the Ministry observed certain observation and the same was communicated to the State vide this Ministry's letter dated 05.07.2022.
 - iv. In response to the Ministry's observations dated 14.06.2022, the State Govt. on 25.04.2023 submitted/uploaded a compliance report on the conditions stipulated in the in-principle/Stage-I approval letter dated 19.12.2017.
 - v. The user agency has submitted the necessary undertakings to comply with the conditions stipulated in the Stage-I approval dated 19.12.2017.
 - vi. The UA has deposited the all the compensatory levies into National Authority, CAMPA account through e-portal.
 - vii. The Deputy Commissioner, Bellary, Government of Karnataka has issued a FRA certificate dated 24.05.2017 for 4.55 hectare of forest land instead of 4.74 ha area proposed for diversion. In this regard the UA has given a justification stating that 1.83 ha out of 4.74 Ha. area comes under the mining lease area of Bhadra Mine (which is main proposal 133.58 ha) for which FC Stage-I, Stage-II & FRA Form-II have been issued vide MoEF&CC's F. No. 8-12/2018-FC dt. 22.06.2018 & 15.05.2019 and Deputy Commissioner L. No: Rev/Mining/F.R. A/63/2017- 18 dt. 04.09.2018 respectively. Further it was also informed that the FRA, in Form-I for Tunga Approach Road has been issued for 4.55 Ha area (earlier applied area) against 2.91 Ha. along with documentary evidences has been submitted.
 - viii. AC observed that the State Government has changed the CA land without Central Government's approval providing the justification that earlier CA land (NFL) proposed for this instant proposal i.e. 4.74 ha in Sy. No. 74/1 of Thimalapura village, Lingasuguru Taluk, Raichur District over an extent of (11.71 acres) 4.74 ha for raising CA. However, the UA has reported that that

they are unable to transfer this land because of certain issues and hence alternate non forest land in Sy. No. 412/B 2.14 ha Sy No. 412/C 0.38 ha Sy No. 413/A 1.99 ha Sy No. 413/B 0.23 total 4.74 ha in Belagallu Village, Ballari Taluk and District.

- ix. The State Govt. has identified new CA land (NFL) to an extent of 4.74 Ha. in the Sy. No. 412/B 2.14 ha Sy No. 412/C 0.38 ha Sy No. 413/A 1.99 ha Sy No. 413/B 0.23 total 4.74 ha in Belagallu Village, Ballari Taluk and District.
- x. AC also observed that as per site suitability certificate submitted by DCF (Raichur), plantation can be done in the identified CA (NFL).
- xi. AC also noted that the identified CA land has already been mutated and transferred to Forest Dept. The transfer of identified CA land should not have been done without prior approval of the Central Govt. as this may lead to a *fait accompli* situation which is avoidable.

5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with Nodal officer (FCA), Govt. of Karnataka and IRO Bangalore. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended for accepting the revised CA land identified to an extent of 4.74 Ha. in the Sy. No. 412/B 2.14 ha Sy No. 412/C 0.38 ha Sy No. 413/A 1.99 ha Sy No. 413/B 0.23 total 4.74 ha in Belagallu Village, Ballari Taluk and District. The AC also recommended that the State Govt. shall ensure that: -

- i. The User Agency shall take necessary steps to fulfil the condition as laid down by the Hon'ble Supreme Court in judgment dated 21-03-2017 passed in IA No. 247 & other IAs in Writ Petition Civil No. 562/2009 have approved construction of conveyer belt system, railway sidings and railway sub-lines as the most significant step towards controlling the environmental pollution that has persisted on account of open movement of iron ore by road. Such infrastructure is yet to be established and made operational. Further the area being diverted for road will be reverted back to Forest Department once the conveyer belt-railway system is made operational.

Agenda No. 3

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 12.06.2023. The details of the proposal may be seen at www.parivesh.nic.in.
2. The Nodal Officer (FCA), Government of Himachal Pradesh was 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 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:
- Government of Himachal Pradesh vide their letter dated 03.01.2022 had submitted the instant subject proposal to IRO, Shimla and this proposal had been considered in Regional Empower Committee (REC) Meeting held on 16.09.2022. REC linked the proposal with already approved case under FCA, 1980 by this Ministry for construction of Kuther HEP, 240 MW having diversion area 61.4083 ha. (Ministry File No. 8-47/2011-FC dated 11.01.2013). The Ministry accepted the decision of REC to consider the proposal at Head Office.
 - The proposal has earlier been discussed in the Advisory Committee (AC) Meetings held on 23.02.2023 and 24.03.2023.
 - The component wise break-up of forest land involved in the proposal is as below:

S.N.	Component	Forest Land (In Ha.)	Non-forest Land (In Ha.)
(i)	Tower locations (20mx20m) for 400kV Transmission Line	0.2	0
(ii)	Minimum R.O.W. (i.e. 46 m) for Transmission Line.	3.5904	0
	Total:	3.7904	0

- The compensatory afforestation in lieu of instant proposal is to be carried out in 7.59 Ha. (4.57 Ha in Ratten DPF and 3.02 Ha. Jarola DPF).
- The Chief Wildlife Warden has intimated that the project area is outside the Tundah Wildlife Sanctuary and its ESZ.
- This Ministry had already granted approval for diversion of 61.4083 ha. of forest land in favour of M/s. JSW Energy Ltd. on 11.01.2013 read with letter dated 19.02.2013 for the construction 240 MW Kuther Hydro Electric Project within the jurisdiction of Bharmour Forest Division Chamba, Himachal Pradesh subject to certain conditions prescribed therein.
- The Ministry vide its letter dated 10.11.2015 has also accorded the approval for transfer of 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).
- The Ministry vide its letter dated 27.01.2023 has accepted the request of State Government for change in the name of user agency from JSW Energy Limited to M/s. JSW Energy (Kuther) Limited.
- 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.
- x. Ministry vide its letter dated 02.03.2023 requested the State Government to furnish the compliance on observation made by the Advisory Committee on 23.02.2023.
 - xi. In response to Ministry's letter dated 02.03.2023, Government of Himachal Pradesh, Shimla vide their dated 21.03.2023, in response to observation of this Ministry as to why not using the land transferred to HPPTCL for transmission/evacuation of power in the instant case, informed that as per the earlier evacuation plan, 220 KV line for the evacuation of power from Kuther HEP was proposed to be constructed 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 HEPs with aggregate capacity of 51 MW for 220 transmission line and now this said line cannot evacuate further power from Kuther HEP (240MW) and 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.
 - xii. 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). 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, State Govt. has submitted that to improve these patches maintenance has been carried out and the protection from fire and grazing is being ensured.
 - xiii. The Advisory Committee (AC) in its meeting held on 24.03.2023 desired that 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.
 - xiv. Ministry vide its letter dated 18.04.2023 requested the Government of Himachal Pradesh to provide the compliance on observation made by the Advisory Committee on 24.03.2023.
 - xv. Government of Himachal Pradesh vide their letters dated 12.05.2023 and 06.06.2023 with regard to observation of AC on 24.03.2023 uploaded the complete Geo-Referenced Layout plan of already diverted and proposed forest land on PARIVESH. The following KML files for the instant have been uploaded in the PARIVESH portal:
 - a. KML file of now proposed 3.7904 ha forest land by M/s JSW, Kuther.
 - b. KML file of CA land against the present forest diversion proposal.
 - c. KML file of already diverted 58.2368 ha forest land in favour of in favour of M/s JSW, Kuther.
 - d. KML file of 3.1715 ha already diverted forest land in favour of M/s HPPTCL.
 - xvi. Advisory Committee observed that it is not clear whether the

transmission line on the land (3.1715 ha out of 61.4083 ha) transferred from Kuther project to M/s. HPPTCL has been constructed and being utilized for evacuating of power and what is the source of power of HPPTCL 220 KV transmission line. In this connection, Nodal Officer (FCA) informed that this transmission line is being utilized and the State will provide the details for the same.

5. Decision of the Advisory Committee: After detailed discussion and deliberation with the Nodal Officer (FCA), concern link officer of the Regional Officer, IRO Shimla and considering all aspects, the Advisory Committee recommended the proposal for in-principle approval under Section 2 (ii) of Forest (Conservation) Act, 1980 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 subject to the General, Standard and following specific conditions:

- i. State Government shall provide a clarification whether the transmission line on the land (3.1715 ha out of 61.4083 ha) transferred from Kuther project to M/s. HPPTCL has already been constructed and being utilized for evacuating of power with details of the source of power for this HPPTCL 220 KV transmission line.
- ii. State Government shall improve the Compensatory Afforestation plantation in respect of 4 patches, for which the survival is low, done against the diverted forest land for the construction of Kuther Hydroelectric Project (240 MW) and maintained remaining patches as per prescription of working plan. Further, the State Govt. and the user agency shall comply the conditions stipulated in earlier approvals under Forest (Conservation) Act, 1980 for Kuther Hydroelectric Project.

Agenda No. 4

F. No. 8-09/2023-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 in favour of M/s Prakash Industries Pvt. Ltd. for non-forestry use of 515.581 ha (201.806 ha for Underground mining) of forest land for Coal mining in Bhaskarpara Coal block under Surajpur District of Chhattisgarh State (Online Proposal No. FP/CG/MIN/149564/2021)-regarding

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 12.06.2023. The corresponding agenda note is available at www.parivesh.nic.in. Nodal Officer (FCA), Government of Chhattisgarh and Regional Officer, IRO Raipur were also present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis.

Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.

3. The AC after thorough deliberation and discussion observed that:
- i. The Government of Chhattisgarh vide their letter No. 10F (Cons) 110/2016/6193/F&E dated 13.03.2023 submitted the instant proposal.
 - ii. The entire lease boundary of Bhaskarpara Coal Mine is 932.000 ha out of which 515.581 is forest land.
 - iii. The proposal is for diversion 515.581 ha (201.806 ha for Underground mining and 313.77 ha for open cast mining) of forest land for Coal mining in Bhaskarpara Coal block under Surajpur District of Chhattisgarh State.
 - iv. The proposed forest land for diversion is in Surajpur Forest Division and comprises of Protected FL (113.246 ha), Orange FL (35.549 ha.) and Revenue FL (366.786 ha).
 - v. The density of the forest land proposed for diversion varies from 0.4 to 0.5 and is Eco Class-III.
 - vi. No forest area of the proposal forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.
 - vii. No RET species of flora and fauna are found in the forest area proposed for diversion.
 - viii. Keeping in view of presence of wildlife in an around the area proposed for diversion, a Wildlife Management Plan of the area has been prepared by the User Agency and the same has been approved by CWLW, Govt. of Chhattisgarh vide letter dt 23.05.2022.
 - ix. Total of 12,742 trees are reported to be the affected trees in the project area. Out of which number of trees to be felled of girth below 60 cm. are 8031 nos, number of trees to be felled of girth above 60 cm are 4711 nos. Accounting to a total of total of 12,742 nos.
 - x. The component wise breakup of the forest land proposed for diversion is as below: -

Component wise breakup			
S.no	Component	Forest Land(ha.)	Non-Forest Land(ha.)
1	External Dump	78.025	16.905
2	Nalla Diversion	1.94	0
3	Mine infrastructure	1.62	4.67
4	Settling Pond	1.12	0
5	safety Zone	9.055	4.275
6	Excavation Area	216.751	240.615
7	Road Diversion	0.828	0.297
8	Undisturbed OR Mining Right for UG	206.242	149.657
Total		515.581	416.419

- xi. Compensatory afforestation has been proposed in equal amount of non-forest with regard to the mining right area 313.775 ha (PF 71.163 ha. + Govt. Revenue Forest 242.612 ha.) wrt open cast mining. The CA land measuring 316.062 ha has been proposed in three districts; namely, Balrampur area- 97.99 ha (Private land), Rajnandgaon area- 56.248 ha (private land), and Janjgir- Champa- 161.094 ha (Govt. revenue land).

- xii. The land identified for compensatory afforestation in districts of Balrampur, Rajnada (new Khairagarh District) and Janjgir-Champa for raising CA is suitable for plantation.
 - xiii. The total financial outlay for Compensatory Afforestation is ₹2757.414 lakhs.
 - xiv. A total of 301 Nos of families are involved for the rehabilitation/displaced persons in the proposal. However, as per the certificate issued by the District Collector, Surajpur, there are certain rights allotted to the local villagers under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The State Govt. has submitted R&R plan along in this regard.
4. AC observed that as per the reply submitted by the State Govt., in the part of Revenue Forest Land proposed to be diverted there are settlements of approximately 51 families and the user agency has given an undertaking that these families/people will also be resettled and will be included in part of R&R plan.
 5. AC observed that it has been informed by the State that the Mining plan of the instant proposal is approved by the Ministry of Coal and in this Mining Plan there is no provision to convert the UG mines to OC mines in future. In this regard, AC observed that the same needs to be ensured.
 6. AC observed that there are solid structures in the Mudpar, Dumarkholi, Magaji, Sauni villages identified for CA land. In this regard the State Govt. informed that the User Agency has submitted the undertaking that the area for compensatory afforestation (CA) land in village Mudpar, Dumarkholi, Magaji, Sawni are temporarily encroached by the villagers which shall be removed and the subject land will be handed over to Forest Department, free from all encumbrances at the time of handing over of the possession of the land.
 7. AC observed that the forest area earmarked for underground mining and to be kept as undisturbed should be demarcated and protected. Further, it was also deliberated that in the undisturbed forest areas canopy density may be improved by carrying out gap plantations to increase the productivity and enhance biodiversity.
 8. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with Nodal officer (FCA), Govt. of Chhattisgarh and Regional Officer, IRO, Raipur. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee sought following clarification for further perusal of the instant proposal:
 - i. As in the part of Revenue Forest Land proposed to be diverted there are settlements of approximately 51 families and the user agency has given an undertaking that these families/people will also be resettled and will be included in part of R&R plan. The IRO Raipur, shall examine if the R&R Plan submitted includes these families or not and if there is any requirement of settlement of rights for these people. The report is to be submitted in two weeks time.

Agenda No. 5

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

Subject: Proposal for non-forestry use of 247.50 ha of forest land out of total

lease area of 1936.06 ha in favour of M/s Steel Authority of India Limited (SAIL) for iron ore mining in Kiriburu- Meghahatuburu group of Iron Ore mines located in District West Singhbhum (Jharkhand) – regarding.

1. The above subject agenda item was considered by Advisory Committee (AC) in its meeting held on 12.06.2023. 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 AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. AC after through deliberation and discussion observed that:
 - i. The instant proposal was granted Stage-I approval vide this Ministry's letter of even no. dated 18.10.2010 read with letter dated 7.05.2014 subject to fulfilment of certain conditions. Compliance of Stage-I approval was submitted by the State in 2014. However, due to incompleteness of CA and other information, proposal was not considered for Stage-II approval and deficit information was sought from the State. Subsequently, Ministry after receipt of carrying capacity study of Saranda forest prepared a Management Plan for Sustainable Mining (MPSM), which was finally approved in 2018, and pending preparation of MPSM no approval in the area was considered by the Ministry. After the finalization of the MPSM, there has been correspondence with the State on the compliance of Stage-I approval dated 18.10.2010. However, for want of submission of complete information specifically suitable CA land, Stage-II approval was not considered by the Ministry.
 - ii. Subsequently with regard to non-compliance of certain conditions and changes affected in the lease area, the proposal was placed before the AC in its meeting held on 16.08.2021, 15.07.2022 and 27.01.2023 wherein AC deferred the proposal and sought the following information:
 - a. It has been observed that an area of 1.70 ha has been used for Township/Housing Colony, whereas the project proponent has reported that there is no construction of any permanent structure in the mining in violation of FCA. 1980. The IRO shall examine the matter and submit a report/justification in this regard.
 - b. The IRO, Ranchi shall ensure that the entire CA area proposed in Khunti Forest Division consisting of 8 different patches is suitable for Compensatory Afforestation.
 - c. It has been informed that the CA area proposed in Gumla Forest Division is already planted. Since the area has been already planted therefore there is no justification for considering the same as suitable for Compensatory Afforestation. The IRO in consultation with State Govt. shall ensure that suitable DFL which is free from encumbrances is provided for Compensatory Afforestation.
 - d. The IRO in consultation with State Government shall explore the possibility of handing over of equivalent reclaimed area by the user agency from their other mines in the State and submit the details for further consideration by the Committee.

- e. The IRO shall submit a report on above points within a period of four weeks.
- iii. The Ministry vide its letter dated 22.02.2023 requested the IRO, Ranchi to submit inspection report as per recommendation of Advisory Committee within a period of four weeks.
- iv. The Government of Jharkhand vide their letter No. Van Bhumi-29/2008-1757/V.P. dated 11.05.2023 which was received in the Ministry on 24.05.2023, furnish information as desired by the AC from the IRO, Ranchi.
- v. The Ministry vide its letter of even No. dated 30.05.2023 again requested the IRO, Ranchi to expedite the detailed report as desired by the AC. A copy of State Government's letter dated 11.05.2023 was also forwarded to the IRO, Ranchi for their reference.
- vi. The IRO, Ranchi vide their letter no. FP/JH/MIN/790/2008/1141 dated 31.05.2023 submitted point wise reply in response to Ministry's letter dated 22.02.2023. The same is summarized as under:
 - a. IRO, Ranchi reported that it is apprised by the user agency that 1.70 ha of land constitutes part of tailing pond and the same is not for any infrastructural activity e.g. township/housing. IRO in its previous report (dated 7-8.11.2022) also has given detailed breakup of land wherever 1.7 ha is mentioned for tailing pond purpose.
 - b. IRO, Ranchi reported that DFO Khunti was present in the meeting dated 21.03.2023 held in IRO, Ranchi and all the CA patches proposed against the proposal was individually examined. DFO Khunti explained that few encroachments would be evicted whereas few has already been evicted and plantation/advance action has already begun in few areas. Dedicated site suitability certificate for each individual patches have been produced by DFO, Khunti.
 - c. IRO, Ranchi reported that CA area against the proposal situated in Gumla Forest Division has already been planted. DFO, Gumla has apprised that this plantation has been done against the extant proposal only.
 - d. IRO, Ranchi reported that the representative of user agency apprised that apart from the mining area under consideration, they (SAIL) have two more mining areas namely Gua and Manoharpur in Jharkhand and only 304.10 ha of forest land all together is under mining activities in these two mines. Since there are no exhausted mine sites in these two, therefore user agency has expressed its inability in handing over of equivalent reclaimed forest land from their other mining areas. The claim was consented by SFD representatives.
- vii. The AC observed that the proposed area is very important from Wildlife point of view as it forms core area of Singhbhum Elephant Reserve. Though it was mentioned by the Dy. Director in the Office of Nodal Officer, Jharkhand that an integrated Wildlife Mitigation Plan is submitted by the State Government. However, as the proposal was granted Stage-I approval on dated 18.10.2010 requirement of updated Site Specific Management Plan and Integrated Wildlife Management Plan along with comment of Chief Wildlife Warden was noticed by AC.
- viii. As per the inspection report of IRO, Ranchi dated 21.12.2022 it has been mentioned that the User agency has 2897.499 ha of entire lease area (all in

forest) comprising in three different leases of 1936.06 ha, 879.439 ha and 82 ha respectively. Till date 726.09 ha area is diverted and 247.5 ha area is under application for diversion in extant case. Rest more than 1800 ha area within the lease is undisturbed and under possession of user agency. Representative of user agency emphasized that if the matching area needs to be surrendered before issuance of Stage-II, it can be taken from this undisturbed area.

- ix. The AC observed that with regards to the status of reclamation and handing over land back to state forest department user agency has communicated to the concerned DFO that they have 78.3 ha (51.4 ha+26.9 ha) of land readily available with them to be handed over to State Forest Department.
- x. The AC observed that there are encroachments and structures in the proposed area. Also the CA area is not free from encumbrances, details of the extent of encroachments are not known.
- xi. The AC observed that user agency has a total lease of 2897.499 ha comprising of three leases, Lease-I of 1936.06 ha, Lease –II of 879.439 ha & Lease III of 82 ha area (all in forest). Out of 1936.06 ha of lease –I, 644.26 ha (726.09 Ha in total) area is already diverted for mining and allied activities in which iron ore mining is happening since 1962. This already diverted area is renewed too under proposal no. FP/JH/MIN/678/2009 (A Proposal to renew the mining lease in 644.26 ha forest land) for which Final approval (Stage –II) was accorded vide Ministry's letter dated 29/3/2010.

4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with Regional Officer, IRO, Ranchi and Dy. Director in the Office of Nodal Officer, Jharkhand deferred the proposal and sought the following information:

- i. The proposed area is very important from Wildlife point of view and falls in Singhbhum Elephant Reserve. The State Govt. shall submit Site Specific Management Plan and Integrated Wildlife Management Plan duly recommended by the Chief Wildlife Warden.
- ii. As per IRO, Ranchi's report, more than 1800 ha area within the lease is undisturbed and under possession of user agency. Representative of user agency emphasized that if the matching area needs to be surrendered before issuance of Stage-II, it can be taken from this undisturbed area. The State Govt. shall submit the comments of PCCF (HoFF) along with an undertaking from user agency regarding handing over of undisturbed area against the proposed diversion. The State Govt. shall submit the details of future plans for the said 1800 ha undisturbed area.
- iii. The user agency has communicated to the concerned DFO that they have 78.3 ha (51.4 ha+26.9 ha) of land readily available with them to be handed over to State Forest Department. The State Govt. shall submit the action taken on the request of user agency and provide the updated legal status of the said land.
- iv. The State Govt. shall also submit the detailed land use plan for the entire lease area along with land reclamation plan with timelines for handing over/surrender to forest department.
- v. The State Govt. shall submit the status of encroachment in the lease area

and the proposed CA land along with a detailed plan of action regarding prevention and eviction of the encroachment.

- vi. The State Govt. shall submit the compliance report of previous approvals granted in the mining lease by the Ministry and same shall be examined by IRO, Ranchi.

Agenda No. 6

F. No. 4-APC147/2022-VIJ

Sub: Proposal for diversion of 12.98 Ha (i.e. 9.72 ha for Ashramam and 3.26 ha for road portion) of forest land in Compartment Nos 172,173,174,175,176,178 & 208 of Kotha Kota Dasarapalli RF, Jyothi Beat, Porumamilla Range, Proddatur WL Division for development of Samartha Sadguru Sri Kasinayana Ashramam at Jyothi Kshetram in Sri Kasireddynayana (M), Kadapa District in favour of Sri Kasireddy Nayana Gari Nandyal Ashramam, Nandyal Kurnool District.-regarding (Online Proposal No. FP/AP/Others/35298/2018).

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 12.06.2023. The corresponding agenda note is available at www.parivesh.nic.in. The PCCF, Nodal Officer (FCA), CF concerned and DFO concerned, Government of Andhra, and Regional Officer, IRO Vijayawada were also present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts & Rules relevant to the proposal and their significance.
3. The AC after thorough deliberation and discussion observed that:
 - i. The State Government vide letter No. 2326/Section. I/2021/ (1584407) dated 16.02.2022 forwarded the instant proposal and requested for according approval under FCA, 1980. The proposal has been processed and forwarded by the State Government through online vide proposal No. FP/AP/Others/35298/2018 on 17.02.2022.
 - ii. Purpose wise break-up of the forest area required for diversion:As reported by the User Agency, the component wise breakup are as follows;

Sl. no.	component wise breakup	Area (ha)
1.	Ashram Area	9.72
2.	Road area	3.26
3.	Total	12.98

- iii. Legal Status of Forest land proposed for diversion is reserved forest. The density of the vegetation is 0.5 and Eco Class 03.
- iv. The DFO, Proddatur (WL) Division has reported that proposed forest area is falling in Tiger Corridor Area Nagarjuna Sagar Srisailam Tiger Reserve and Sri Venkateswara National Park and reported that reported that fauna like Tiger, Panther, Wild Boar, Bear, Jungle Sheep, Hare, Spotted Deer, Jungle fowl etc are present in and around the

- forest land proposed for diversion.
- v. The Divisional Forest Officer, Proddatur WL Division has submitted that violations took place in the year 2014 for developing temple area and formation of road in the RF area to an extent of 9.98 ha. without obtaining permission from the Competent authority. The following are the violations: -
 - a. Construction of civil structures like Sathrams, Choultries, Core temple - 3.00 ha.
 - b. Under development works such as parking, internal road etc. - 3.72 ha.
 - c. Formation of BT road from outer boundary of RF boundary to the Temple localities -3.26 ha
 - vi. DFO, Proddatur (WL) Division has reported 443 trees to be felled (including red sanders) in the forest area proposed for diversion. Enumeration list of trees has been submitted and uploaded in the online application.
 - vii. Non forest area over an extent of 13.10 ha. Sy.no.6/N3, Thimmamambapuram Village, Penagalur Mandal, Rajampet WL Division, Kadapa District is identified for CA land. It is adjacent to Kokaletikanuma Extn.RF, Kothur Beat, Kondur Section, Chitvel Range, Rajampet WL Division. Further it is reported that the identified non-forest land has hilly rocky sheeted and slope area and good natural growth pole size Red sanders, Yelama, Neeudi tect. Hence soil working to the existing plants in natural regeneration areas, water harvesting structures and tending & cultural operations are proposed in the non-forest land. Since, the non-forest land identified for CA is not suitable to plant 1000 plants per hectare, it is proposed to take up balance CA plantations in the degraded forest in compartment.no.1046 of Chitvel Extn.B RF Chitvel Beat, Chitvel Section of Chitvel Range over an extent of 13.01 ha.
 - viii. CA scheme with financial outlay of Rs.72.91 lakhs (both NFL & DFL area together) has been submitted. CA scheme, map, soil suitability certificate etc have been uploaded in the online application.
4. AC further observed that the proposal has already been deliberated in two Regional Empowered Committee (REC) held on 18.03.2022 and 03.05.2023.
 5. On 18.03.2022 the REC after detailed deliberation and considering and considering the fact that the User Agency has already carried out works in violation, the committee opined that the subject proposal is for regularization of encroachment and for such regularization, approval from the competent authority, MoEF&CC, New Delhi is required. Hence, committee decided to forward this proposal to Ministry for appropriate decision, only after receipt of the following;
 - a. Recommendation of the SC-NBWL
 - b. Clarification on whether staff quarters included within the 12.98 ha or otherwise
 - c. As reported, 9.98 ha of forest area under Violation. But as per the google earth images, most of the forest area proposed for diversion appears to be under non forestry usage. Hence correct extent of forest area under violation shall be reported along with the details of violation;
 - d. The status of the UA has been reported as others. As per the letter dated 18.02.2020 of the Endowments Department, the Ashramam referred is not published and registered in Endowments Department.

Hence, correct legal status of the User Agency and their activities in the said Ashramam etc shall also be reported;

- e. Authenticated block notification mentioning of existence of temple and its extent of RoW allowed shall be informed; Copy of such notification shall be furnished.
- f. Details of offence cases wherein the User Agency and its representatives involved i.e. poaching of Wild animals / red sanders smuggling etc, if any shall be reported;

In addition to the above, the committee decided to inform to the State Government that, the forest area proposed for diversion shall not be considered as diverted under FCA, 1980 until diverted with the approval of the competent authority, in case considered by such authority. As the area is very rich in rare flora like Red sanders and is falling Tiger Corridor Area, the State Government shall take all appropriate action on violators and on ongoing construction works as deemed fit under Indian Forest Act, 1927 and other State Acts dealing with the Conservation of Forests by the State Government and shall take all precautionary measures to prevent further encroachment.

6. In response to the recommendation of REC, the State Government vide their letter No.2326/Section.II/2021/1584407 dated 31.03.2023 submitted additional information. Accordingly, the matter was once again deliberated in the REC meeting held on 03.05.2023.
7. The REC on 03.05.2023 examined the proposal and additional information submitted by the State Government vide their letter No.2326/Section.II/2021/1584407 dated 31.03.2023. As the project is non site-specific, the committee enquired Shri Nagaraju Maddur, the representative of the User Agency for justification for consideration under FCA, 1980 and why can't the proposal be not recommended from the conservation of pristine forest area with important flora & fauna point of view. The representative of the User Agency informed to the committee on importance of the area and but could not submit any such tangible reasons to justify the area required for diversion. The committee expressed its displeasure on the User Agency for violation by encroaching on the forest land and carried out non forestry activities by encroaching the forest area without prior approval of the competent authority and committee also expressed serious anguish on the State Forest Department officials for their failure to prevent such encroachment of forest land.
8. Further, REC noted that the State Government reported, two (02) staff quarters (i.e. one (1) FBO quarter and one (i) ABO quarter) were constructed during the 2010-11, which are included within 12.98 ha area proposed for diversion and the area proposed for diversion and the area occupied for staff quarters is 838 Sq mt or 0.084 ha. Committee noted that the instant proposal is submitted by as private party and reason for including staff quarters within their proposal by the State Government is not clear;
9. The REC also noted that the Nodal Officer (FCA), AP Forest Department informed to the committee that the SBWL approved the proposal under WLP Act and the same has been sent to the SC-NBWL and the recommendation of the SC-NBWL is awaited.
10. The REC examined the entire case and opined that as per the information / documents submitted along with the proposal, the present proposal is

qualifying as one of regularization of encroachments and decided to tender its advice. The committee noted that the UA already constructed residential structures with a capacity of 500 members and road / electricity / government bus facilities also being given by the State Authorities for the encroached project proponents.

11. Accordingly, REC decided to advise not to consider the instant proposal under FCA, 1980 and decided that, the IRO may take necessary action to convey the decision of the REC to the Competent Authority in the Ministry as per the provision of Forest (Conservation) Second Amendment Rules, 2014 rule 6 (i)(2)(c)(d)(e) & (f).
12. The file was submitted by IRO, Vijayawada with the recommendation of REC held on 03.05.2023 for approval of Competent Authority. DFG&SS, MoEF&CC desired that the proposal may be placed before Advisory Committee for deliberation and further appropriate decision.
13. Deliberation of Advisory Committee: -
 - i. AC Observed that the instant proposal is a case of blatant violation wherein State Authorities are seemingly involved as there is a road connectivity, a transmission line and State has provided the transposition facility etc. without approval of Competent Authorities.
 - ii. AC also observed that there is no record which is placed on record which can ascertain the presence of any old temple structure. In this regard the State Officials have submitted that there is one mention of small temple in the said area in an old gazetteer. However, AC further observed that there are no Revenue/Forest record put in place.
 - iii. It was also deliberated that violation in the said area is being done continuously over a period of time and infrastructure is being expanded/strengthened on time to time basis. For this a time series analysis and a comprehensive report need to be submitted.
 - iv. AC further observed that the offense cases has been filed against certain individuals only, it is not clear that who provided permission for creating infrastructures like road, transmission lines and other amenities.
 - v. Further AC also observed that for the purpose of creating such infra structure a huge number of trees must have been felled considering the density of the forest in this area. It is not clear whether the felling was done illegally or with permission of the State Forest Dept. In addition, the details of timber seized for illegally felled timber or timber from any felling with permission of the forest dept. is not available.
 - vi. AC also observed that there is a mention of around 300 numbers of domesticated cattle in the premises, it is not clear what steps are being taken by the State Forest Dept. for stopping illegal grazing.
 - vii. AC finally observed that State Forest Dept. has not taken any steps and measures to stop the expansion of infra structure and there is continued violation by the State Authorities as well as the User Agency. In this regard it is noted that the user agency has only be formed in the year 2022.
14. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with PCCF, Nodal Officer (FCA), CF concerned and DFO concerned, Government of Andhra Pradesh, and Regional Officer, IRO Vijayawada. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee deferred the proposal and sought the following information: -

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- i. The State Govt. shall provide a clarification for providing road / electricity / government bus facilities by the State Authorities for the project proponents and the temple. The State Govt. shall provide the names of authorities who have allowed these permissions without approval of FCA 1980.
- ii. The State Govt. shall also provide clarification on the number of trees felled and the status of timber and also inform whether the trees being felled was illegal and if so details of any FOR/POR filed in this regard. In case, the State Forest Dept. has given permission to fell trees for widening / making of road and transmission lines, the same shall be submitted with details.
- iii. State Government and IRO Vijayawada shall initiate action under section 3A & 3B under FCA 1980 against the State Authorities for providing Road, Electricity and Transport facility in the forest land for violation of FCA 1980. The State Govt. shall forward the details of the officials responsible for violation of FCA 1980 to IRO Vijayawada.
- iv. The State Govt. shall also forward the details of the officials who were in charge in the Forest division and were responsible for stopping the encroachments from the level of Range Forest Officer, ACF, DFO and CF since 2014 to IRO Vijayawada.
- v. State Govt. shall clarify as to why the appeal is not filed against the acquittal of accused and the also provide the details of the two cases for which C.C numbers were to be obtained.
- vi. State Govt. shall immediately stop all illegal activities in this area and submit an undertaking that no further extension & expansion of any infra structure/ activities will be done without prior approval under FCA 1980.
- vii. Since the area is in the vicinity of Tiger Reserve area and is in the Tiger corridor the specific comments of Chief Wildlife Warden shall be submitted.
- viii. IRO, Vijayawada shall analyse the extent and timeline of violation and submit a detailed report along with details of officials/authorities responsible for violation/encroachment. A time series analysis for construction of such extensive infrastructure shall be done and the same shall be submitted.

(Confirmed through email)

Dr. Naveen Chandra Bisht
(non-official Member)

(Confirmed through email)

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

(Not Present)

Shri Manoj Pant
(non-official Member)

(Not Present)

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

(Confirmed through email)

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

(Confirmed)

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

(Confirmed)

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

(Approved)

Shri C. P. Goyal
(Director General of Forests and Special Secretary)
(Chairperson)