

(PARIVESH 1.0)**Minutes of the Meeting of the Advisory Committee (AC) held on 24.06.2025****Agenda No. 1****File No. 8-20/2024-FC**

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (i) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of National Hydroelectric Power Corporation (NHPC) Ltd. for non-forestry use of 847.17 ha. of Reserved Forest and Jungle-jhari land for construction of Sawalkot HEP (1856 MW) within the jurisdiction of Udhampur, Mahore, Batote and Ramban Forest Divisions, Districts-Udhampur, Reasi and Ramban, Jammu & Kashmir (Online proposal No. FP/JK/HYD/150591/2021)-regarding.

1. The agenda item was considered by the AC in its meeting held on 24.06.2025. 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 and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), Regional Office, Chandigarh, Nodal Officer, Government of Jammu & Kashmir were present in the meeting during the discussion of the above proposal. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Jammu & Kashmir vide letter No. FST-Land0FC/48/2024-02-Forest Department dated 03.12.2024 submitted the above mentioned proposal to the Ministry for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - ii. The component-wise break up of forest land is submitted along with the proposal. Details of the same are as under:

Sl. No	Component	Forest Land(ha.)	Non-Forest Land(ha.)
1.	Underground works left bank (HRT, Power house, TRT	101.4	0
0.	Explosive Magazine	2.4	0
0.	Site installation and facilities on left bank	0	2
0.	Workers Colony at Village Pari	0	9
0.	Colony/ Officers/ Fabrication Yard at Tanger villa	0	13

0.	Underground Works right bank (HRT, Power House, DT)	39.6	0
0.	Muck Disposal Area MDS1 and MDS2 above FRL	9	33
0.	Open works Power intake, Dam, Plunge pool, DT outl	18.209	0
0.	Reservoir (Submergence)	663.56	496.17
0.	Quarry Sites above FRL	12.001	0
0.	Roads within Project are above FRL	1	1.01
Total		847.17	554.18

- iii. The diversion is proposed on the Chenab River Basin for which the Cumulative Impact Study (CIS) and Carrying Capacity Study (CCS) has not been conducted. The Committee was informed that regarding CIS and CCS study, a DO was received from Secretary, Ministry of Power on 11.06.2025 wherein, it is mentioned that:
 - a. CIA and CCS reports for Jhelum and Chenab basins are yet to be prepared. Further, it is mentioned that in terms of the Indus Water Treaty (presently under abeyance), there were regulations for India in developing projects over the trans-boundary western rivers i.e. Indus, Jhelum and Chenab rivers.
 - b. In the current geopolitical scenario, conducting detailed CIA & CCS for these river basins at this stage may have implications on the already initiated clearances and approval processes and subsequent implementation/execution of important upcoming hydel projects in J&K. It may also lead to the exposure of sensitive hydrological and environmental data, which could be exploited by the downstream neighbouring country, thereby compromising national interests.
 - c. In view of the above, he has requested granting exemption from CIA and CCS w.r.t. Sawalkot Hydroelectric Project for facilitating its expeditious implementation.
- iv. The Committee took note of submissions made by the Nodal Officer and DO letter received from the Secretary, Ministry of Power.
- v. The Committee was informed regarding provisions mentioned in para 9.3 of chapter 9 of consolidated guidelines issued by the Ministry on 29.12.2023 which are as under:

Carrying Capacity and Cumulative Impact Assessment Study of river basin:

- a. *Cumulative Impact Study: Cumulative Impact study of a basin would reflect the cumulative impact of commissioned/upcoming hydro-power projects in the basin on environmental flow, bio- diversity, muck disposal sites, traffic flow in the region, R&R issues, etc. While, the first project in a basin could come up without insisting on cumulative study for all*

subsequent hydro-power projects in the basin, it should be incumbent on the developer of the second/other project(s) to incorporate all possible and potential impact of other project(s) in the basin to get a cumulative impact assessment done. This condition shall be stipulated at the ToRs stage itself during the EC process. Once such a cumulative impact study has been done, the same could be shared by Expert Appraisal Committee with AC. The Cumulative impact study in respect of bio-diversity component may be separately got done by one of the specialized institutes. While making recommendation on EC/FC for such projects, the EAC/FAC will take into account the results of such cumulative studies.

- b. Carrying Capacity Study: The carrying capacity study of a river basin is important to plan optimal number of power projects in a basin. All State Governments will be required to get such studies done for river basins in their State. The process may be initiated in the next three months and completed within a period of two years, after which the carrying capacity study report would be made a pre-requisite for considering EC/FC cases of projects of any basin. All State Governments will send the details of river basins where such studies are to be done and confirm Initiation of studies to MoEF within 3 months of issuance of this OM. The institutes for such studies may be settled by the State Government in consultation with the EAC.*
- c. Studies, as mentioned under para (i) and (ii) above, shall be a prerequisite for grant of 'in-principle' approval under the Adhiniyam and environment clearance under the Environment Impact Assessment Notification, 2006.*
- vi. Further, the Committee also took note of Ministry's letter dated 27.12.2023 wherein, it has been stated especially with regards grant of prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 to small and medium hydel projects proposed in various river basins, the following has been decided by the Central Government:
 - a. Carrying Capacity Studies and Cumulative Impact Studies are essential if more than one Hydro-power Project is to be sanctioned in a river basin.*
 - b. Since grant of approval under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 is a time taking process, the Forest Conservation Division of the MoEF&CC may consider grant of 'in-principle' approval under the Adhiniyam following due process subject to the conditions that Carrying Capacity Studies(CCS) and Cumulative Impact Assessment Studies(CIS) as per the OM NoJ-11013/I/2013-IA-I dated 28th May,2013 shall be carried out, except for the first Hydro-electric Project in a river basin where such study CCS and CIS need not be carried as mentioned in the aforesaid OM, and*

based on the outcome of such study the 'final' shall be granted for taking up any hydro-power project in a basin.

c. The provisions mentioned in the clause (a) and (b) above, shall apply prospectively for sanctioning of new projects.

d. Detail of available River basin study reports shall be shared by the IA Division of the MoEF&CC with the concerned State Governments.

vii. Legal status of forest land proposed for diversion is Reserved Forest & Jungle-jhari land.

viii. Details of vegetation density and project affected trees required to be felled are as under:

Sl. No.	Division Name	Density	Eco-class	No. of trees to be felled
1.	Udhampur	0.6	5	44,210
2.	Mahore	0.4	5	819
3.	Batote	0.7	5	50,590
4.	Ramban	0.5-0.8	6	1,26,462
Total				2,22,081

ix. Compensatory Afforestation has been proposed over 2115.878 ha. degraded forest land, out of which planting area is 1951.878 ha. degraded forest land in Udhampur (468.55 ha), Mahore 79.20 ha), Batote (735 ha out of which planting area is 571 ha) and Ramban (833.128 ha) Forest Divisions. Details of Compensatory Afforestation over degraded forest land are as under:

Sl. No.	Division Name	CA Area Division-wise(in ha)
1.	Udhampur	468.55
0.	Mahore	79.2
0.	Batote	735 (planting area 571 ha)
0.	Ramban	833.128
	Total	2115.878 (Planting area – 1951.878 Ha)

x. As per DSS report, Compensatory afforestation has been proposed over 2009.416 ha. degraded forest land, out of which, 79 ha is classified as very dense forest (Batote Division- 14 ha, Mahore- 19 ha, Ramban- 45 ha and Udhampur- 1 ha.), 533 ha moderately dense forest land (Batote Division- 223 ha, Mahore- 4 ha, Ramban- 179 ha and Udhampur- 127 ha.).

xi. The Committee was informed that there is rehabilitation of 1477 families out of which SC family is 87, ST family is 56 and Others are 1334 families. R&R plan has been submitted along with the proposal.

- xii. Proposal does not form the part of any Protected Area, or Eco-sensitive Zones, and Wildlife Corridors, etc. DFO's have mentioned in their Part-II that there is no presence of rare/endangered/unique species of flora and fauna found in the area. There is no violation involved in the proposal.
- xiii. The Ministry, after preliminary examination of the proposal, observed shortcomings viz. list of HEPs on Chenab river, CIS & CCS study, approval of State Dam Safety Authority (SDSA) and National Dam Safety Authority (NDSA), shifting of few components like explosive magazine, muck disposal areas and road to non-forest land and revised area, if any, to be submitted, approved mining plan, complete KML file of CA land, Clarification along with revised suitability certificate and CA scheme for Ramban Division, clarification from the UT Government along with activities to be carried out in the remaining in Batote Forest Division, Soil and moisture conservation plan for all four Forest Divisions, site inspection from Nodal Officer, discrepancies of 8.697 ha land in area proposed for CA, KML file for 12.1755 ha CA land, comments from UT Govt. regarding presence of road, solid structure such as building, pillars for flyover etc. component wise KML file of area proposed for diversion, basis of estimated number of trees and alternate CA sites along with CA details viz. site suitability certificate, site specific CA scheme, KML file and DGPS maps as per Rule 13 of Van (Sanrakshan Evam Samvardhan) Rules, 2023. Additional information was requested online from the UT on 01.01.2025 and 14.02.2025. The Regional Office was also requested to submit an inspection report.
- xiv. The UT Government submitted its reply online on 23.05.2025 informing the following:
 - a. There are 3 number of HEPs on River Chenab i.e. 390 MW Dulhasti HE power station at Kishtwar, 890 MW Baghliar HEP at Ramban, 690 MW Salal HEP at Reasi.
 - b. River Chenab is falling in the Indus Water Treaty, the data of the studies cannot be published due to Security reasons. Hence, the Cumulative Impact Studies in the instant proposal and river basin study shall not be possible due to the said reason. Secretary, Ministry of Power has mentioned in his D.O letter dated 11.06.2025 that:
 - 1. CIA and CCS reports for Jhelum and Chenab basins are yet to be prepared. Further, it is mentioned that in terms of the Indus Water Treaty (presently under abeyance), there were regulations for India in developing projects over the trans-boundary western rivers i.e. Indus, Jhelum and Chenab rivers.
 - 2. In the current geopolitical scenario, conducting detailed CIA & CCS for these river basins at this stage may have implications on the already initiated clearances and approval processes and subsequent implementation/execution of important upcoming hydel projects in J&K. It may also lead

to the exposure of sensitive hydrological and environmental data, which could be exploited by the downstream neighboring country, thereby compromising national interests.

3. In view of the above, he has requested granting exemption from CIA and CCS w.r.t. Sawalkot Hydroelectric Project for facilitating its expeditious implementation
- c. Regional Director (North) Chandigarh, that there is no statutory requirement for clearance from State Dam Safety Authority (SDSA) and National Dam Safety Authority (NDSA) for the under construction projects as per the provisions of Dam Safety Act, 2021.
- d. Explosive Magazine should be located near to the project work place. Also no non-forest land available for placing explosives. Most of the muck will be used in construction of the dam itself. The minimum quantum of muck needs to be dumped in the selected location and Roads within Project site, above FRL is barest minimum and very essential.
- e. Conditional NOC has been issued by the Geology and Mining department for carrying out quarries in the area proposed for diversion.
- f. KML files of Compensatory Afforestation proposed on degraded forest land with respect to their Forest Divisions has been calculated using the tools available on Google Earth. The CA patches have been re-verified and KML files uploaded.
- g. Total area to be diverted in Batote Forest Division is 285.54 ha. Accordingly, 571 ha of degraded forest area (Double the area to be diverted) has been proposed for Plantation activities along with adjacent forest area. It was observed that the additional area is vulnerable to encroachment and is having good scope of Natural Regeneration. Hence it was proposed to be closed for effecting protection from biotic interference. This would save the young crop.
- h. DFO Ramban has replied that the patch of 71 Ha, against which the CA programme has been covered under 11 individual CA plans which already stand uploaded.
- i. DFO's have mentioned that the proposed compensatory afforestation plan incorporates significant silviculture interventions, specifically addressing soil and water conservation measures to ensure comprehensive ecosystem rehabilitation.
- j. Site inspection report of CCF & Nodal Officer (FCA) has been submitted.
- k. Revised KML file of area proposed for diversion along with component wise KML has been submitted.
- l. KML file of 12.1755 ha proposed for CA is submitted.

- m. River Chenab is passing through the Ramban Town/ Villages. The submergence area starts from the Dam located at Tanger Village of Ramban District and ends at CRPF Camp, zero point located at Chandrakote village of Ramban District. All the roads and solid structures such as buildings, pillars for flyover, etc. which are visible in the imagery, are coming (Fully/ Partially) under the submergence area of the project.
 - n. Land suitability certificates/ CA schemes, KML file and DGPS maps have been uploaded by DFOs of Ramban, Mahore, Udhampur and Batote Forest Divisions.
- xv. The Regional Office also submitted its inspection report reporting no violation of the Adhiniyam. The DDG has recommended the proposal with following condition:

The Sawalkot Hydroelectric Project (HEP), with an installed capacity of 1856 MW, is a major hydropower initiative, intended to harness the potential of the Chenab River. Being a renewable energy source and the electricity to be generated from the proposed project, will improve the power scenario in the region, and likely to strengthen the economic condition of the UT. Moreover, the project will generate employment which will benefit the local population. Hence the proposal is recommended with general and specific conditions of hydroelectric project along with the following conditions: -

- a. The CA site located at Compartment No. 73 G of the Batote Forest Division has been designated for muck dumping and, therefore, must be removed from consideration or relocated to an alternative site.
 - b. The magazine explosive site is not connected with the main road, hence, the UA is required to clarify regarding the requirement of approach road and if the Forest land is involved for the same.
 - c. The proposed quarry site is located at a steep slope, hence the need to prepare a Mining Plan and detail of Over Burden benches for the stabilization of rock.
 - d. The strict implementation and monitoring by higher authority of CAT plan and Wildlife Mitigation Plan approved by the CWLW within the time bound period.
- xvi. On the issue of the Cumulative Impact Assessment Studies and Carrying Capacity Studies on the river Chenab, the Committee noted that as per OM NoJ-11013/I/2013-IA-I dated 28th May, 2013 of the Ministry, CIA/CCS studies are prerequisite for considering FC cases of projects in a river basin. Furthermore, as per the SIR of the Regional Office and as per the Nodal Officer in the meeting, the project was first initiated in 1984. As per documents submitted by the UT Government, the ToR for the said project was accorded by the Ministry for a capacity of 1,200 MW on 13.10.2011. Subsequently, the capacity for the dam was revised from 1,200 MW to 1,856 MW. CEA approved a revised installed capacity of 1,856 MW in April 2012. Subsequently, MOEF&CC issued a revised ToR on 13.06.2013. Furthermore, the Nodal Officer

stated that in the Guidelines of the Ministry dated 27.12.2023 CIA/CCS has been made mandatory for consecutive development of Hydro-electric projects in a river basin. However, the said guideline only has prospective applicability. Therefore, the provisions of the Ministry's OMs dated 28.05.2013 and 27.12.2023 may not be retrospectively applied to this case since the Sawalkot HEP was initiated in 1984 and approved by CEA in 2011 & in 2012. The Committee noted the same.

- xvii. The Committee was further informed that the Secretary, Ministry of Home Affairs in his DO Letter No. 13011/2/2025-S(JKL) dated 13.06.2025 to the Ministry stated that the project is of strategic significance and that the swift dam construction is essential for leveraging Chenab River's potential. Furthermore, it is stated that conducting a CIA/CCS Study at this juncture may risk exposure of sensitive hydrological data which could be exploited by downstream neighbouring countries. The Committee noted the same.
 - xviii. After discussion, the Committee decided to recommend grant of In-principle approval for diversion of 847.17 ha. of Reserved Forest and Jungle-jhari land for construction of Sawalkot HEP in favour of National Hydroelectric Power Corporation (NHPC) Ltd stating that final approval shall be subject to the grant of Environment clearance for the project.
4. **Decision of the Advisory Committee:** The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Chandigarh and Nodal Officer, Government of Jammu & Kashmir, recommended the proposal for grant of '*in-principle*' approval for diversion of 847.17 ha. of Reserved Forest and Jungle-jhari land for construction of Sawalkot HEP (1856 MW) in favour of National Hydroelectric Power Corporation (NHPC) Ltd. within the jurisdiction of Udampur, Mahore, Batote and Ramban Forest Divisions, Districts-Udampur, Reasi and Ramban, Jammu & Kashmir subject to the general, standard and following specific conditions:
- i. The UT Government shall provide a copy of approvals obtained pertaining to Dam safety, as applicable, along with Stage- I compliance report.
 - ii. The UT Government shall provide Environmental Clearance for the project along with Stage- I compliance report.
 - iii. The UT Government shall provide a copy of approved mining plan for quarry site of 12.001 Ha along with Stage- I compliance report.
 - iv. The UT Government shall provide a soil and moisture conservation plan for the area proposed for diversion along with Stage- I compliance report.
 - v. DPR appraisal was revalidated till 17.04.2024. The UT Government shall provide a Revalidated DPR appraisal along with Stage- I compliance report.
 - vi. The UT Government shall provide comments on the legal status of road connectivity of magazine explosive sites with the main road and its diversion, if any.
 - vii. The UT Government shall change the CA site of 14.826 Ha since it overlaps with muck dumping site.

- viii. The UT Government shall provide the corrected suitability certificate and CA scheme for 71 Ha CA site in compliance with point no.10 of EDS raised by the Ministry.
- ix. The UT Government shall provide revised KML of CA sites for 2115.878 Ha.

Agenda No. 5

File No: 6-MPR010/2023-BHO

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 2.21 ha Protected forest land in compartment number PF 399 of Hanumana Forest Range, Rewa Forest Division in favour of M/s Swami Nityanand Ji Maharaj Stones for Sardaman Stone Quarry lease under Rewa District of Madhya Pradesh State (Online No. FP/MP/MIN/152429/2022) - regarding.

1. The above stated agenda item was considered by the Advisory Committee (AC) in its meeting held on 24.06.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh attended 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 and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Govt. of Madhya Pradesh vide their letter No. F-1/837/2022/10-11/796 dated 21.02.2023 forwarded a fresh diversion proposal to obtain prior approval of the Central Government, in terms of the Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 2.21 ha Protected forest land in compartment number PF 399 of Hanumana Forest Range, Rewa Forest Division in favour of M/s Swami Nityanand Ji Maharaj Stones for Sardaman Stone Quarry lease under Rewa District of Madhya Pradesh State.
 - ii. Legal Status of the forest land involved is Protected Forest having density of vegetation as 0.2 and Eco Class-3 with 27 nos. the project affected trees.
 - iii. Component wise utilization of the proposed forest land is as under:

Sr. No.	Component	Forest Land (ha.)	Non-Forest Land (ha.)
1	Mining	1.92	0
2	Road	0.0136	0
3	Safety Zone	0.29	0
Total		2.2236	0

- iv. The State Govt. has informed that the Letter of Intent (LoI) has been issued in favour of the user agency and is valid up to 31.01.2026.
 - v. The State Govt. has informed that mining operation work will be done by mechanical method and the electricity requirement is negligible for mining operations. Water required for sprinkling, drinking etc. will be arranged through tankers. No additional forest land would be required for the purpose.
 - vi. The State Government has informed that the muck coming out of the project will be dumped in the revenue area by purchasing private land. Apart from the proposed area, the forest area will not be affected.
 - vii. The State Government has informed that the area applied for diversion is a rocky area. Due to being a rocky area, soil erosion is impossible. Despite this, the user agency will prepare a green belt of 7.5 meters width around the proposed area. Apart from this, there is no need to prepare any other mitigation plan.
 - viii. The Compensatory Afforestation has been proposed over both non forest land as well as on degraded forest land wherein 2.8 ha is Non-forest land in Khasra No. 261, 262, 263, 260 located under Village - Padraikala in Sagar District and 3 ha is degraded forest land in Khasra No. PF-603 located in Range West Sarai in Singrouli District of Madhya Pradesh State.
 - ix. The Committee observed that as per DSS analysis, the proposed forest land for diversion is located at a distance of 9.19 Km from the Son Gharial Wildlife Sanctuary and the instant proposal falls under Not in High Conservation Zone value as per DSS Rule- 1& 2.
 - x. The Committee found that the State Government has recommended the proposal for the diversion of 2.21 hectares of forest land, whereas the user agency has submitted a component-wise break-up of 2.2236 hectares of forest land. In this regard, the State Government has informed that an application was initially submitted for 3.4 hectares of forest land. Upon inspection at that time, 2.80 hectares of forest land was found. However, upon re-inspection of the proposed area on 31.07.2022, only 2.21 hectares of land was found to be available on site.
 - xi. The Committee noted that an area of 0.0135 ha forest land proposed for Approach Access has been found broken as depicted through historical data available on the Google imagery.
 - xii. The Committee noted that the instant mine has been proposed to be worked upon by mechanized mining with implementation of Open-cast technology and Google imagery shows certain other mines outside the mine boundary.
4. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and Nodal Officer, Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Nodal Officer, Government of Madhya Pradesh, the Committee '**deferred**' the proposal for diversion of 2.21 ha Protected forest land in compartment number PF 399 of Hanumana Forest Range, Rewa Forest Division in favour of M/s Swami Nityanand Ji Maharaj

Stones for Sardaman Stone Quarry lease under Rewa District of Madhya Pradesh State for want of following information:

- i. An area of 0.0135 hectares of forest land proposed for Approach Access road appears to be broken as per satellite imagery. The State Govt. shall submit the detailed action taken report regarding the violation in the matter.
- ii. Satellite imagery indicates the presence of certain other mining activities outside the proposed mine boundary. In this regard, the State Government shall give the status of the land and whether the mining operations currently being undertaken outside the proposed area have the requisite statutory approvals, including the approvals under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- iii. The proposed area is within 10 km of Son Gharial Wildlife Sanctuary. The state shall inform whether the ESZ of the WLS has been notified or not and whether the proposed area is outside the ESZ or otherwise.
- iv. As per DSS analysis, transmission lines have been observed over the Compensatory Afforestation area. The State shall ensure that the NFL/DFL proposed for CA is free from all encumbrances.
- v. The State Government has recommended the proposal for the diversion of 2.21 hectares of forest land, whereas the user agency has submitted a component-wise break-up of 2.2236 hectares of forest land. In this regard, the State Government shall confirm the actual area proposed to be diverted.

Agenda No. 7

File No. 8-07/2024-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 134.69 ha of forest land for Expansion of Kulda Open Cast Coal Mining Project of Basundhara Area of Mahanandi Coalfields Limited in Sundargarh District under Sundargarh Forest Division (Proposal No. FP/OR/MIN/50293/2020).

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 24.06.2025. 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. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDGF (Central), RO, Bhubaneswar and CCF, Government of Odisha were present in the meeting during the discussion of the above proposal. The AC after thorough deliberation and discussion observed the following:
 - i. The Government of Odisha vide their letter No. FE-DIV-FLD-0033-2024-7679/FE&CC dated 25.04.2024 submitted the above subject proposal seeking prior approval of the Central Government under

Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

- ii. The proposal is for expansion of the existing coal blocks. The area proposed for expansion is 134.69 ha comprising 83.24 ha of RF, 51.45 ha of Revenue Forest land. The proposed Expansion of Kulda Open Cast Coal Mining Project involves total land of 295.62 ha, out of which 134.69 ha is of forest land (RF land 83.24 ha + Revenue Forest land 51.45 ha) and 160.93 ha non-forest land (Govt. non-forest land 64.69 ha + tenancy land 96.24 ha).
- iii. The applied area does not form part of any National Park/ Wildlife Sanctuary/ Biosphere reserve, Tiger Reserve, Elephant Corridor, etc. No rare and endangered species available in the applied are for diversion.
- iv. No violation has been committed by the user agency. However, in the revenue forest, there are agricultural activities. Further, some hutments are also observed in revenue forest.
- v. 305.59 ha degraded forest land has been identified in Pandripani RF, Sidarmunda RF, Punjipahar, RF, Punjipahad RF, Panikholia RF under Gopalpur Range of Sundargarh Forest Division for raising compensatory afforestation.
- vi. The State has reported that the Rehabilitation and Resettlement benefits of the complete villages under Kulda Project i.e. Bankibahal, Kulda, Balinga, Tumulia, Siarmal as well as 09 other villages have already been undertaken by the Claims Commission, which has been set up by the Hon'ble Supreme Court of India in SLPC 6933 of 2007. The R&R benefits to the affected families of Bankibahal & Balinga have already been provided under Orissa K&R Policy 1998 and they have been resettled and for rest of the villages i.e. Kulda, Timulia, Starmal & some left out cases of village Bankibahal & Balinga, the same have been undertaken under Orissa R&R Policy 2006.
- vii. The number of families affected due to the current expansion of Kulda project is 975 families particularly in the villages of Tumulia and Kulda. The approval of R&R plan by the competent authority has been sought for and is still to be obtained. The User Agency has submitted an undertaking to this effect.
- viii. Total area of Kulda Mine is 981.705 ha which involves 354.06 ha forest land and 627.645 non-forest land. The user agency has at present applied for diversion of 134.69 ha of forest land under Forest (Conservation) Act, 1980.
- ix. The ministry has granted in-principle approval vide letter no. 8-176/1997-FC dated 25.07.2001 for diversion of 50.72 ha of forest land (45.71 ha of revenue forest land & 5.01 ha of Lalma R/F land) and vide letter no. 8-176/1997-FC dated 22.01.2002 granted in-principle approval for remaining additional forest land of 177.17 ha in addition to already granted 50.72 ha (total 227.89 ha) for Kulda OCP of M/s MCL for a period of 20 years in two stages respectively.
- x. Further, the Ministry vide its letter no. 8-176/1997-FC dated 08.08.2007 granted final approval for diversion of 227.89 ha of forest land (as against initially proposed 280.86 ha) for Kulda OCP of MCL in Sundargarh District of Odisha.

- xi. The user agency has now applied for diversion of 134.69 ha of forest land for expansion of Kulda OpenCast Coal Mining Project. Kulda Expansion OCP mining operation was carried out in two phases. In Phase-1, surface boundary was restricted within notified lease area for which forest clearance has been obtained i.e. excluding Lalma Reserve Forest. In Phase-II, the remaining part of the block was to be worked after obtaining forest clearance for this area. With the increase in demand, MCL now wants to expand the mine in the Lalma Reserve forest area.
- xii. The details of breakup of forest and non-forest land as per Mining Plan are as follows:

S. No.	Component	Forest Land (ha)	Non-forest land (ha)	Total
1	Quarry excavation area	110.92	107.15	218.17
2	Infrastructure including Safety zone (7.5 m around mine boundary) and Embankment	9.84	49.28	59.12
3	External OB Dump	13.93	4.5	18.43
	Total	134.69	160.93	295.62

- xiii. The total area required for the safety zone is 58.69 Ha in which 9.78 Ha is falling in the Forest Land.
- xiv. The RCCF, Rourkela Circle has reported that 30,441 no. of trees have been enumerated both in forest and non-forest land over 295.62 ha.
- xv. The State has intimated that the total forest land involved in Kulda OCP is 354.06 Ha. including 134.69 ha of area involved in the present proposal. However, an area of 8.52 ha has been re-diverted from infrastructure area of Kulda OCP for Basundhara Coal Washery, vide Letter No. 8-176/1997-FC (Vol.), dated 11.03.2019 of Gol MoEF & CC, (FC Division) New Delhi from an area of 227.89 ha which has been diverted earlier for Kulda OCP vide letter No. F. No. 8-176/1997-FC dated 08.08.2007. Therefore, the total forest area for Kulda OCP as per the current mining plan will be $(227.89 - 8.52) + 134.69 = 354.06$ Ha.
- xvi. RCCF, Rourkela Circle has reported that the Mining Plan of Kulda Expansion OCP has been revised from 18.75 MTPA to 21.00 MTPA, as the User Agency has already obtained an Environmental Clearance for a capacity of 21.00 MTPA for the existing Kulda OCP vide Letter bearing F.No. J-11015/10/1995-IA-II(M) dated 24.05.2022 of Gol MoEF & CC.
- xvii. Further, it has been reported that the entire Cost Benefit Analysis has been revised by the DFO, Sundargarh Forest Division by taking into account the correct canopy density as mentioned in the online Part-II. In the revised calculation, the

total cost of the project is ₹13,877.87 lakhs and the total benefit to the society is ₹7,31,675.23 lakhs. Hence, the cost benefit ratio is 1:52.72 which is enclosed.

- xviii. State has also informed that as per the EC conditions of all the running projects coming in Basundhara Coalfields like Siarmal OCP Kulda OCP & Garjanbahal OCP, a river conservation plan for Basundhara river along with all its rivulets like Chhattajor nallah for a span of 25 kms considering the impacts of all the coal mines in the area, has already been prepared and approved by State Water Works Department, Govt. of Odisha in Sep 2012. Accordingly, the complete work of conservation of Basundhara Rivet and its rivulets has been agreed to be carried out by the State Water Works Department in a phase wise manner on deposit basis, against which a DPR is expected to be submitted by State Water Works Department. The conservation plan covers the following activities at an approximate cost of ₹261 Crores:
- a. Construction of embankment along the river.
 - b. Providing Geo-mattress on riverside slopes for slope protection along with launching aprons.
 - c. Providing dub grass turfing on countryside slopes for slope protection.
 - d. Providing Bathing ghats on the banks of Basundhara River.
- xix. The RCCF, Rourkela Circle has reported that the User Agency has submitted the compliance of FC conditions stipulated in the approval dated 08.08.2007 granted over 227.89 ha of forest land for Kulda OCP. Further, as per the stipulated conditions, the DFO, Sundargarh Forest Division has inspected the site on 25.07.2024. and details of the monitoring report are enclosed. The Committee observed that the RO has also provided the monitoring report of the conditions stipulated in the previous approvals. However, a monitoring report of the conditions stipulated in the approval dated 11.03.2019 (for 29.41 ha) and status of violations if any needs to be ascertained.
- xx. The State Government has informed that as per approved Mining Plan and EC, Kulda OCP was being operated within a mining lease area of 634.205 Ha. The current expansion is for an additional lease area of 295.62 Ha making it 929.825 Ha. and as an area of 8.52 Ha of forest land was re-diverted for Basundhara Washery, the total lease area was revised to 921.305 Ha.
- xxi. Further, the DFO, Sundargarh Division vide his Memo No. 6722 Dtd 30.11.2024 has stated that, as per DSS analysis report, an area 10 Ha of water bodies was not included earlier and it is clarified that an area of 929.825 ha is comprised of 4 Ha as MDF, 678 Ha as Non-Forest, 132 Ha as open forest, 105 Ha as scrub and 10 Ha Water Bodies. The Committee observed that

the detail of 10 ha water bodies needs to be examined and state shall provide the justification along with proposed mitigation measures if any for the inclusion of 10 ha water bodies in the project.

- xxii. The State Government has informed that the proposed Basundhara washery is a standalone project, which will be constructed near mine entry of Kulda OCP in the northern side. It is also proposed to install 3 nos. rapid loading systems by constructing Silos for fast evacuation of coal at Barpali Bulb. The washed coal shall be carried by the series of conveyors from the proposed washery to feed into the Silo located approximately 2.0 km from the washery site. The location of silo is proposed on the MGR loop connecting the railway line from Jharsuguda to Sardega near Barapali yard. The Washery project with clean coal corridor and Reject Storage site is planned to be set up in an area of 43.9 Ha, the details of which are as shown in the table below:

S. No.	Description of structure	Total land (Ha)	Type of land (Ha)		
			Forest	Govt.	Tenancy
1	Washery	19.32	18.07	0.54	0.71
2	Reject Storage Site	2.71	-	1.53	1.18
3	Reject conveying corridor	0.85	0.53	0.32	-
4	Clean coal Conv. corridor	21.02	10.81	1.94	8.27
	Total	43.90	29.41	4.33	10.16

- xxiii. Further, the DFO, Sundargarh Forest Division has reported that, out of the 29.41 ha of forest land involved in the washery project, 8.52 Ha has already been diverted for infrastructure of Kulda OCP vide FC no. 8-176/1997-FC dated 8th August, 2007 which has been re-diverted for Basundhara Washery. Rest of the land i.e. 20.89 Ha Forest land and 14.49 Ha Non Forest land does not fall in Kulda Project and it is a separate project.
- xxiv. The State Government has informed that the habitation & cultivated land are visible within the proposed revenue forest patches. Further, it is to highlight that several land claims have been settled under the Forest Rights Act, 2006 (FRA) in the villages of Siarmal and Tumlia coming under this expansion project as per FRA Certificate issued by the Collector, Sundargarh with the list of Title holders vide letter No.5418 dt 21.06.2021 which is enclosed.
- xxv. Further, the DFO, Sundargarh has reported that no mining has been done in the expansion area of Kulda OCP. The roads visible within the proposed forest patches have been

constructed for internal use related to forest conservation and management activities of Lalma Reserve Forest. These Kachha roads are not intended for public access, commercial use, or any form of development but were created to facilitate the maintenance, protection, and monitoring of the forest. The primary purpose of these roads is to ensure the effective management of the forest ecosystem, such as for activities related to fire control, anti-poaching patrols, and wildlife monitoring.

- xxvi. The State Government has informed that 305.59 Ha has been identified for CA for this project. The road, water body, cultivation land and plantation etc. have been taken into consideration and an effective area of 286.96 Ha have been considered for plantation. The road visible in patch 3 & 4 was the road that existed since long, which was not taken up for plantation. The cultivated lands & water body are a part of FRA patta applied at FRC level but not finalised. However, these are also excluded from the total CA area. As per DSS current analysis report, an area of 135.88Ha of land is suitable for plantation, out of 286.96Ha of identified CA land.
- xxvii. The Committee observed that since the CA is proposed over DFL, the state has to ensure that the forest area which is degraded and suitable for raising CA plantation over an area twice in extent to the area proposed for diversion needs to be provided. The state shall also ensure that the entire area proposed for CA is free from all encumbrances.
- xxviii. The Regional Office, Bhubaneswar vide their letter dated 5-ORA656/2024-BHU dated 06.08.2024 submitted Site Inspection Report in response to Ministry's letter dated 11.06.2024. Following have been observed from the SIR:
 - a. Kulda Open Cast Coal Mining Project in Sundargarh District is a project of Mahanadi Coalfields Ltd., a Government of India Public Sector Undertaking company dedicated to extract coal from different coal mines located in Odisha. Kulda geological block is located western part of Ib Valley Coalfields in Sundargarh District of Odisha. The block boundary is defined by the following:
 - 1) North : Basundhara river,
 - 2) West : Chattjhor nalla, tributary of Basundhara River,
 - 3) East : Metamorphic exposure and
 - 4) South & South East : Line joining boreholes CMHG-103, 129, 123, 138 & adjacent to Garjanbahal block. The location of the site for coal mining operation fully depends upon nature's deposit of minerals and geological structure of the coal seam.
 - b. As reported by the PCCF& HoFF, Odisha, Kulda OCP is coming under CIL block and has been dispensed by the Govt. of India. The complete land coming under the project in the villages of Kulda, Bankibahal, Balinga, Siarmal (P), Tumulia & Lalma RF in the district of Sundargarh, Odisha stands acquired by the Central Govt. and the ownership is vested with MCL. The details

of notification against which the land was acquired under CBA (A&D) is mentioned below:

S. No.	Particulars	Block details	Date
1	Date of notification under Section 4 (i) of CBA (A&D) Act, 1957	Ib Block-XI	24.07.1987
2	Date of notification under Section 7 (i) of CBA (A&D) Act	Ib Block-XI	25.09.1989
3	Date of notification under Section 9 (i) of CBA (A&D) Act	Ib Block-XI	29.10.1990
4	Date of notification under Section 11(i) of CBA (A&D) Act	Ib Block-XI	30.03.1993

The village wise land acquired by Central Govt. and vested with MLC are as follows:

Ib Block-XI : Tiklipara (1743.85 Ac), Siarmal (852.34 Ac), Gopalpur (part) (140.67 Ac), Tumulia (2381.32 Ac), Karlikachhar (511.94 Ac), Kulda (542.85 Ac), Bankibahal (836.33 Ac), Balinga (1234.64 Ac), Garjanbahal (798.35 Ac), Kiripsira (1680.11 Ac), & Japti Jungle (Lalma RF) (420.00 Ac). Villages falling in Kulda OCP : Kulda, Bankibahal, Balinga, Tumulia, Siarmal (P) & Lalma RF.

Gopalpur sector of Ib-valley coalfield forms the north western part of Ib River coalfield which is a Greenfield area with huge mining potential. Detailed exploration was undertaken by CMPDI to assess the quarriable potentiality of coal seams with primary view of opening up of new mining projects to the extent possible. This sector has high potential for open cast mining operations including the proposed project namely Kulda Expansion Opencast Project. Kulda is a potential block having a mineable reserve of about 266.49 million tonnes. Kulda Expansion OCP is a running project and has obtained all statutory clearances. Kulda OCP started its mining operations in 2007-08. Coal extracted is 86.70 MT and OB removed is 54.90 Mcum till 31.03.2020.

In the earlier approved Mining Plan of Kulda Expansion OCP (Revision-1) (10 Mty to 15 Mty), mining operation was carried out in two phases. In Phase-1, surface boundary was restricted within notified areas for which forest clearance has been obtained i.e. excluding Lalma Reserve Forest. In Phase-II, the remaining part of the block was to be worked after obtaining forest clearance for this area. With the increase in demand, MLC now wants to expand the mine in the Lalma Reserve Forest area so as to enhance the production capacity to 18.75 Mty. The production capacity has been revised from 18.75 Mty to 21 Mty.

Earlier Govt. of India, MoEF&CC, New Delhi agreed for in-principle for diversion of 50.72 ha of forest land (45.71 ha of revenue forest land & 5.01 ha of Lalma RF land) for Kulda Open Cast Mines vide letter No.8-176/97-FC dated 25.07.2001 and remaining additional forest land 177.17 ha in addition to already granted 50.72 ha (total 227.89 ha) for Kulda OCP of

M/s MCL vide letter No.8-176/97-FC dated 22.01.2002 for a period of 20 years in two stages respectively.

Further, the Govt. of India, MoEF&CC, New Delhi vide letter No.8-176/1997-FC dated 08.08.2007 has granted final approval for diversion of 227.89 ha of forest land (as against initially proposed 280.86 ha) for Kulda OCP of MCL.

The coal bearing area of the project with Reserve of about 266.49 MT (Mineable reserve) partially falls under the above forest land. The Open Cast method of Mining has been chosen due to geo mining conditions for extraction of coal to meet the heavy demand of coal.

c. Item-wise break up details of the total land involved in the project:

Pattern of Utilization	Forest land (in Ha)			Non-forest land (in Ha)			Grand Total Area (in Ha)
	RF.	Revenue Forest	Total Forest land	Govt. Non-forest land	Tenancy land	Total Non-forest land	
Mining	73.83	37.09	110.92	42.64	64.51	107.15	218.07
7.5m Safety Zone	9.41	0.37	9.78	17.55	31.56	49.11	58.89
Embankment	0	0.06	0.06	4.50	0.17	4.67	4.73
OB Dump	0	13.93	13.93	0	0	0	13.93
Total	83.24	51.45	134.69	64.69	96.24	160.93	295.62

d. As reported by the user agency 13.93 ha of forest land has been earmarked for OB Dump is actually a space demarcated for temporary topsoil storage, which will subsequently be used for coal mining.

e. No violation has been reported/observed.

f. As reported by the DFO, Sundargarh, wild animals such as Fox (*Vulpes vulpes*), Wild Boar (*Sus scrofa*), Indian Hare (*Oryctolagus cuniculus*), Jungle Cat (*Felis chaus*), Jungle fowl (*Gallus gallus*) etc. are seen in the applied area. No rare/ endangered/ unique species of flora and fauna found in the area. The DFO, Sundargarh Forest Division has reported that the applied area does not form a part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor. It was also reported that the proposed site for the project does not come under eco sensitive zone of any protected area. The State Govt. has recommended for implementation of Site Specific Wildlife Conservation Plan duly approved by CWLW, Odisha and the user agency shall contribute towards the cost of Regional Wildlife Management Plan.

g. As reported by the DFO, Sundargarh Forest Division, the canopy density of existing vegetation is 0.5 under Eco-value Class-III. As reported by the DFO, Sundargarh total 30,441 nos. of trees has been enumerated over a total project area of 295.62 ha (Forest: 134.69 ha + Non-forest : 160.93 ha). Out of which 23,635 nos. of trees are over Forest land and 6,443 nos. of trees on Non-forest land.

- h. **Compensatory afforestation:** As reported by the State Govt., double degraded forest land of 305.59 ha (Effective area of 286.96 ha) ha has been identified in Pandripani RF (64.10 ha), Sidarmunda RF (53.56 ha), PUnjipahar RF (131.54 ha) and Panikholia RF (56.39 ha) under Sundargarh Forest Division for raising compensatory afforestation. The DFO, Sundargarh has prepared the Site Specific CA Scheme as per approved one time cost norm basis an average 500 seedlings per ha with 18 month old seedlings to be planted thereof with a provision of required soil moisture conservation activities, watering and fencing etc. with maintenance of upto 10 years. The indigenous species chosen for plantation are Neem (*Azadirachta indica*), Karanja (*Derris indica*), Amla (*Emblica officinalis*), Asan (*Terminalia tomentosa*), Jamun (*Syzygium cunini*), Khair (*Acacia catechu*), Harida (*Terminalia chebula*), Sissoo (*Dalbergia sissoo*) etc. The instant forest diversion proposal involves 295.62 ha comprising 134.69 ha of forest land and 160.93 ha of non-forest land. As per Rule 13 (1) of Van (Sanrakshan Evam Samvardhan) Rules, 2023, equivalent non-forest land needs to be provided by the State Govt. for raising compensatory afforestation.
- i. As per Online Part-I of the proposal, total 975 families will be displaced due to implementation of the project, out of which 292 nos. of SC families, 585 nos. of ST families and 98 nos. of other families. State Govt. has reported that out of 96.24 ha of tenancy land involved in this project, 44.88 ha belongs to village Kulda, 21.29 ha belongs to village Bankibahal, 1.15 ha belongs to village Balinga, 28.92 ha belongs to village Tumulia. The lands of all above villages have been acquired under CBA (a&d) Act, 1957 vide Notification u/s 9(1) of the said Act vide SO No.3055 dated 09.10.1990. The above land has been vested in MCL u/s 11 (1) of said Act vide SO No.43105 dated 30.03.1993. The payment of Compensation and R&R benefit for the village Kulda, Bankibahal, Balinga and Tumulia including other 10 villages have been undertaken by the Claims Commission, set up by the Hon'ble Supreme Court of India in SLP (C) No.6933 of 2007. The compensation for land and structures for villages Kulda, Bankibahal, Balinga has been disbursed to the beneficiaries. For village Tumulia, approval of Hon'ble Supreme Court is awaited to provide the land compensation as well as R&R benefits. The Rehabilitation and Resettlement Plan prepared by the user agency has been submitted with the proposal.
- j. As reported, the Mining Plan including Mining Closure plan has been approved. The MCL Board has approved the Mining Plan & Mine Closure Plan for Kulda Expansion OCP vide letter No.MCL/SBP/CS/CR-19/2020-21/10992 dated 10.06.2020. As per Mining Plan, at the end of mine life, a major part of the excavation area will be backfilled and biologically reclaimed. The progressive mine closure plan includes various land reclamation activities to be done continuously and sequentially during the entire life of the mine. This is a lifetime of mine process which

starts from commencement of mining operations and leads to the final closure of the mine. The activities of progressive mine closure plan includes handling & dozing of OB dumps & backfilling, Technical and bio-reclamation including plantation, landscaping of the open space in leasehold are for improving its esthetics and eco value, grass carpeting/plantation around the quarry area and in safety zone, grass carpeting/plantation over the external OB dump.

- k. **Details on catchment and command area under the project:** Basundhara River is flowing in the North-Eastern boundary of the mining lease. The mining project will affect the catchment of the Basundhara river. So there is a need for soil and moisture conservation measures in the rest catchment of this river and the forest lands in and around the proposed site. Safety zone with plantations of at least 50 meter width may be maintained along the lease boundary close to the river. Efforts should be made to ensure that no discharge leads to the Basundhara river from the mining lease area.
- l. The State Govt. has reported that the total benefit of the project comes to ₹730992.27 Lakhs. The total loss on forests including environmental loss comes to ₹13281.44 Lakhs. The Cost -Benefit ratio comes to 1:55.
- xxix. The Dy. Director General of Forests (Central) has recommended the proposal for diversion of 134.69 Ha of forest land and informing that Basundhara River is flowing in the North-Eastern boundary of the mining lease. The mining project will affect the catchment of the Basundhara river. Therefore, there is a need for soil and moisture conservation measures in the rest catchment of this river and the forest lands in and around the proposed site. Safety zones with plantations of at least 100 meter width may be maintained along the lease boundary close to the river. Efforts should be made to ensure that no discharge leads to the Basundhara river from the mining lease area by constructing embankments towards the lease boundary of the river.
Mining of coal is a site-specific activity. In view of the above, the proposal is recommended with standard general conditions and observation made during site inspection.
- xxx. Further, it has been noted that during the submission of the proposal the State\UA has provided the double degraded forest land for CA. However, as per the extant rules the UA has to provide the equivalent non-forest land. Therefore, during the site inspection the RO has not inspected the proposed DFL. In the meantime the Ministry has amended the Rules, 2023 on 20.09.2024 and all the Central Govt. agencies have been allowed to give CA land on DFL. Accordingly, already provided DFL land which was provided earlier with the original proposal was examined on the DSS and 116 ha area was found MDF.
- xxxi. The clarification was sought by the Ministry regarding 116 ha MDF, and the State Govt. has informed that when they selected

the area in 2022, then it was open forest as per DSS analysis, However, now it comes under MDF category.

- xxxii. During the deliberation, it was observed that the proposed project is in the proximity of the Basandhura river and its tributaries such as Chatiajor nallah. Impact of the proposed expansion of mining on Chhattajor nallah and mitigation measures, if any, needed to be undertaken needs to be informed by the State. In this regard the State Govt. has informed that as per the EC conditions of all the running projects coming in Basundhara Coalfields like Siarmal OCP Kulda OCP & Garjanbahal OCP, a river conservation plan for Basundhara river along with all its rivulets like Chhattajor nallah for a span of 25 kms considering the impacts of all the coal mines in the area, has already been prepared and approved by State Water Works Department, Govt. of Odisha in Sep 2012. Accordingly, the complete work of conservation of Basundhara Rivet and its rivulets has been agreed to be carried out by the State Water Works Department in a phase wise manner on deposit basis, against which a DPR is expected to be submitted by State Water Works Department. The conservation plan covers the following activities at an approximate cost of ₹261 Crores:
- a. Construction of embankment along the river.
 - b. Providing Geo-mattress on riverside slopes for slope protection along with launching aprons.
 - c. Providing dub grass turfing on countryside slopes for slope protection.
 - d. Providing Bathing ghats on the banks of Basundhara River.
- xxxiii. The above facts were placed before the Advisory Committee in its meeting held on 26.12.2024. After thorough deliberation and discussion with DDGF (Central), RO Bhubaneswar and CCF, Govt. of Odisha, the Committee deferred the proposal for want of the following information:
- a. The area proposed for CA on DFL is having MDF over 116 ha as per DSS analysis. Further, as informed by the state the area involves road, cultivated land and claims under FRA,2006, which indicate that the area proposed for CA is neither completely suitable for plantation, nor it is free from encumbrances. The State Govt. shall therefore exclude the area which is not suitable for CA and provide alternate DFL twice in extent to the area proposed for diversion which is suitable for raising plantation and is free from all encumbrances. All requisite details with respect to the revised CA area shall be provided.
 - b. The State shall provide the status of the compliance of the conditions stipulated in the approval dated 11.03.2019 (for 29.41 ha) for Basundhura washery. The status of violations (if any) in the said project shall also be submitted.

- c. The Regional Office shall provide the detailed site inspection report of the CA area with clear recommendations. The Regional office shall also give its comments on the status of the compliance of the conditions stipulated in the approval dated 11.03.2019 (for 29.41 ha) for Basundhra washery and violations (if any) in the said project.
- d. The State has informed that the DFO, Sundargarh Division vide his Memo No. 6722 Dtd 30.11.2024 has stated that as per DSS analysis, an area of 10 Ha of water bodies was not included earlier and it is clarified that an area of 929.825 ha is comprised of 4 Ha as MDF, 678 Ha as Non-Forest, 132 Ha as open forest, 105 Ha as scrub and 10 Ha Water Bodies. The possible impact of mining over 10 ha water bodies needs to be examined and the state shall provide the justification along with proposed mitigation measures if any for the inclusion of 10 ha water bodies in the project.
- xxxiv. The State Govt. has replied on the above observation and informed that As per DSS analysis, the earlier proposed CA site over 116 ha of DFL was found to have MDF and areas involving roads, cultivated land, and claims under the Forest Rights Act (FRA), 2006. Consequently, the State Government was directed to identify an alternate CA site **twice the extent** of the forest land proposed for diversion, which is **free from encumbrances and suitable for plantation**.
- xxxv. **Revised CA Proposal:** The DFO, Sundargarh Forest Division has submitted a **revised CA scheme** over **280.90 ha** of **degraded forest land**, distributed across six forest blocks.

Forest Block	Patch No.	Area (ha)	MDF (ha)	OF (ha)	NF (ha)	Remarks
Sikajore-A RF	1	54.00	0	40.00	10.00	From originally proposed CA
	2	10.50	0	1.00	9.00	From originally proposed CA
	3	10.50	0	1.00	9.00	From originally proposed CA
Sub-Total		74.50	0	46.00	28.00	
Sikajore PRF	1	40.00	0	23.00	17.00	Revised CA patch
Tangarpali DPF	1	14.00	0	5.00	9.00	Revised CA patch
Pandripani RF	1	64.30	0	7.00	57.00	Revised CA patch
Sidarmunda RF	1	18.00	0	17.00	1.00	Revised CA patch
	2	32.40	0	0.00	32.40	Revised CA patch
Punjipahar RF	1	37.70	0	2.00	36.00	Revised CA patch

Total		280.90	0	100.00	180.90	
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xxxvi. Planting Model and Species:

- a. **Model:** Assisted Natural Regeneration (ANR) with gap planting.
- b. **Planting Density:** 500 seedlings per ha.
- c. **Total Seedlings:** 280.90 ha × 500 = 1,40,450 seedlings.
- d. **Proposed Species:**
 - o *Adina cordifolia* (Haldu)
 - o *Anogeissus latifolia* (Dhaura)
 - o *Bombax ceiba* (Simili)
 - o *Cassia fistula* (Sunari)
 - o *Emblica officinalis* (Anla)
 - o *Madhuca indica* (Mahua)
 - o *Mangifera indica* (Amba)
 - o *Pterocarpus marsupium* (Bija)
 - o *Terminalia belerica* (Bahada)
 - o *Terminalia tomentosa* (Asana)
 - o *Xylia xylocarpa* (Tangan)

xxxvii. Land Suitability and Maps: Land Suitability Certificates have been issued by the DFO, Sundargarh Forest Division. The GPS maps for each patch have been prepared at scales of 1:50,000 and 1:2,000, covering all identified patches across the six forest blocks.

Forest Block	Patch No.	Range	Toposheet No.	Plate No.	Scale
Sikajore-A RF	1	Lephripada	F44L15	1	1:50,000
Sikajore PRF	1	Lephripada	F44L15	1	1:50,000
Tangarpali DPF	1	Lephripada	F44L15	1	1:50,000
Pandripani RF	1	Gopalpur	F44L15	1	1:50,000
Sidarmunda RF	1,2	Gopalpur	F44L16	2	1:50,000
Punjipahar RF	1	Gopalpur	F44L16	3	1:50,000
Additional GPS Maps	All patches			Plates 4–11	1:2,000

xxxviii. Financial Outlay: Total Estimated Cost: ₹10,99,09,200/- The revised CA proposal over 280.90 ha of degraded forest land has been prepared in accordance with the guidelines. The identified patches are free from encumbrances, suitable for plantation, and supported by all necessary maps and land suitability certificates.

xxxix. The State Government has informed that the compliance to the Stage-I Forest Clearance conditions dated 11.03.2019 for Basundhara Washery (29.41 ha) is pending due to non-submission of responses to five observations raised by MoEF&CC, which will be complied with after approval of the Site-Specific Wildlife Conservation Plan by the PCCF & Chief Wildlife Warden and deposit of requisite CAMPA funds, and that no violations under the FC Act have been reported as the

project was not implemented following policy changes but is now being reconsidered at the same site. The other issues as observed by the RO in his monitoring report shall be examined when the compliance report is received.

- xl. The State Government has informed that the 10 ha of water bodies identified within the project area are existing mine sumps located within the current mining lease of 634.205 ha, serving a critical role in water storage and management for ongoing mining operations, and thus are integral to the industrial use of the mine.
- xli. The RO has carried out SIR of the newly identified CA site and also submitted the monitoring report of the previous approvals. As per the observations of the inspecting officer, the DDGF Central has mentioned the following:
 - a. The proposal pertains to the diversion of 134.69 hectares of forest land for the expansion of the Kulda Open Cast Coal Mining Project in the Basundhara Area of Mahanadi Coalfields Limited, located in Sundargarh District under the Sundargarh Forest Division, Odisha.
 - b. In this regard, the Ministry of Environment, Forest and Climate Change (MoEF&CC), vide letter dated 06.01.2025, directed the Regional Office to provide a detailed site inspection report of the Compensatory Afforestation (CA) area, along with comments on the status of compliance with the conditions stipulated in the approval dated 11.03.2019 for 29.41 hectares pertaining to the Basundhara Washery.
 - c. Accordingly, a site inspection was conducted by Dr Padma Mahanti, Deputy Inspector General of Forests (Central), Regional Office, Bhubaneswar, MoEF&CC, on 21.05.2025. A copy of the site inspection report and the Regional Office's comments on the compliance report submitted by the State Government are enclosed.
 - d. Based on the inspection report and the observations of the Deputy Inspector General of Forests (DIGF), Regional Office, on the State Government's compliance with the conditions stipulated in the approval dated 11.03.2019 for 29.41 hectares for the Basundhara Washery, the views/recommendations of the Regional Office are furnished below.
 - e. As far as the suitability of CA land for the Kulda Open Cast Coal Mining Project in the Basundhara Area of Mahanadi Coalfields Limited, located in Sundargarh District, is concerned, six patches of the proposed CA land were inspected by the DIGF and all sites were found suitable for plantation, as per the Site Inspection Report (SIR). However, in the case of CA Patch No. 6, due to the existing vegetation density, implementing the proposed plantation of 500 trees per hectare using the Assisted

Natural Regeneration (ANR) methodology may pose challenges.

- f. Further, it has also been observed that the proposed CA scheme submitted by the State Government is not in line with the MoEF&CC directive dated 17.02.2025 (i.e., 1000 plants per hectare, with the balance, if any, to be planted in Reserve Forest or Protected Forest). The State Forest Department (SFD) may, therefore, be advised to undertake the required number of CA plantations on suitable land in accordance with the directive and submit the plantation details along with KML files to the Regional Office for record-keeping and monitoring. Accordingly, the proposed CA land is recommended for acceptance, subject to the above condition.
- g. With regard to the DIGF's observations on the CA land selection criteria, it is noted that the SFD selected the proposed CA area in accordance with the Ministry's directive dated 17.01.2024, as detailed in the inspection report. Since the directive does not specify the nature of the forest land-i.e., whether revenue forests or otherwise the selection appears to be in order.
- h. Regarding the compliance status with the conditions stipulated in the approval dated 11.03.2019 for 29.41 hectares for the Basundhara Washery, the major observation (Part VIII of the inspection report) pertains to the change in the CA site from non-forest land (NFL) to degraded forest land (DFL) by the State Government (Conditions No. (ii) and (iv)) without the approval of the competent authority, and Condition No. (xi), pertaining to the land use plan and mining plan, wherein certain deficiencies have been pointed out, along with the likely impact of the project on wildlife due to the felling of a considerable number of trees.
- i. In the case of compliance with Conditions No. (ii) and (iv) and related issues, the compliance report of the State Government was submitted to the Ministry on 01.11.2019, which predates the MoEF&CC directive (No. FC-11/158/2024-FC) dated 17.12.2024, permitting Central Public Sector Undertakings (CPSUs) to carry out CA in DFL in lieu of NFL. Moreover, the compliance report lacks details regarding the Ministry's prior approval for this change. Therefore, the condition concerning CA land appears to deviate from the prescribed norms, and a clarification may be sought from the State Government.
- j. Additional observations-such as the required number of plants to be planted as per the MoEF&CC directive dated 17.02.2025 and the existing vegetation density in the CA area-need to be addressed by the SFD during implementation. The additional plantation details may

also be submitted to the Regional Office for record and monitoring.

- k. With respect to compliance with Condition No. (xi), it is noted that the land use plan and mining plan have been approved, as per the compliance report. However, the inspection report highlights certain deficiencies in the mine closure plan, reclamation plan, and schedule for surrender. Clarifications on these aspects may be obtained from the State Government, and the competent authority may consider stipulating standard conditions pertaining to mining projects (Conditions 2.1 (i) & (ii)) in Stage-II approval.
 - l. Further, the recommendation of the DIGF, as detailed in Part VIII (2-III), regarding the handing over of both forest and non-forest land to the SFD, may also be considered by the competent authority based on the precedent, as elaborated in the inspection report.
 - m. In the case of the likely impact of the project on wildlife (Part VIII (3) of the DIGF report), the report does not elaborate on the presence of wildlife in the area or provide any specific suggestions. Hence, considering the potential impact, the SFD may be directed to take appropriate measures to mitigate the impact of the project on wildlife, with the approval of the Chief Wildlife Warden (CWLW). The competent authority may consider stipulating such a condition.
 - n. Subject to the above conditions / suggestions, the proposed CA land for the expansion of the Kulda Open Cast Coal Mining Project in the Basundhara Area of Mahanadi Coalfields Limited, located in Sundargarh District under the Sundargarh Forest Division, Odisha is recommended for acceptance.
- xlii. As per the recommendation of the RO the identification of revenue forest land instead of notified RF/PF for CA, the nodal officer has informed that the UA is Central PSU and qualifies to give CA land on notified DFL. Further, the Committee also noted that the State needs to identify the area for accommodating the balance seedlings as per the guidelines dated 17.02.2025. The State Government has to give the name/details of the RFs/PFs areas in which the balance seedlings are to be planted. The user agency will have to deposit the cost of plantation of the same.
- xliii. The Committee observed that the change in the Compensatory Afforestation area in case of the proposal for diversion of forest land for the washery cannot be done without the prior approval of the Central Government. However, the said proposal for the diversion of forest land is a separate proposal and the issue of change in CA area needs to be addressed accordingly while considering the same for Stage-II approval.

- xliv. The Committee observed that the legal status of the forest land cannot be changed and after completion of mining the diverted forest land needs to be restored, reclaimed and handed over to the State Forest Department.
- xlv. The Committee observed that as per the standard conditions the user agency has to prepare a schedule for surrender of the mined out and reclaimed Forest land in accordance with existing mine plan and submit the same along with an undertaking to surrender the mined out and reclaimed forest land as per such schedule to the ministry before grant of final approval under the Adhiniyam for diversion of said Forest land.

4. **Decision of the Advisory Committee:** After thorough deliberation and discussion with DDGF (Central), RO, Nagpur, additional charge of RO Bhubaneswar and Nodal Officer, Govt. of Odisha and after going through the facts of the proposal, the Committee recommended the proposal for grant of ***'in-principle' approval*** of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 134.69 ha of forest land for Expansion of Kulda Open Cast Coal Mining Project of Basundhara Area of Mahanadi Coalfields Limited in Sundargarh District under Sundargarh Forest Division subject to the general, standard and following specific conditions:

- i. The State Govt. shall submit the compliance report in respect of Stage-I approval accorded to M/s MCL in Bashundhara washery by MoEF&CC vide letter no 8-176/1997 FC(Vol) dated 11.03.2019;
- ii. The State shall ensure that the CA scheme is prepared to accommodate at least 1000 seedlings/ha over DFL identified for CA. In case 1000 saplings cannot be accommodated per hectare in the DFL identified for CA, the balance seedlings will be planted in any RF/PF as per prescription of the working plan. The State Government will intimate the name/details of the RFs/PFs areas in which the balanced seedlings are to be planted. The user agency shall deposit the cost of plantation of the same.
- iii. The user agency shall prepare a schedule for surrender of the mined out and reclaimed Forest land in accordance with existing mine plan and submit the same along with an undertaking to surrender the mined out and reclaimed forest land as per such schedule to the ministry before grant of final approval under the Adhiniyam for diversion of said Forest land.
- iv. A wildlife plan should be prepared for conservation and mitigation of impact on wildlife in consultation with CWLW and the same should be approved and monies deposited before final approval.

Agenda No. 14

File No.: 8B/UP/10/124/2022/FC-FP/UP/Def/46871/2020

Sub: Establishment of 08 Border Out Posts (BOPs) namely Bahrawa Naka, Khangra Naka, Patoli Naka, Sิริya Naka, Sukli Naka, Gurung Naka, Khabri Naka,

Gandhaila Naka in r/o 9th Bn Balrampur of SSB. (Proposal No. FP/UP/DEF/46871/2020)

1. The agenda for the above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 24.06.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer, Govt. of Uttar Pradesh and DIGF (Central), Regional Office, MoEF&CC, Chandigarh in charge of Lucknow, Regional Office attended 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. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after thorough deliberation and discussion observed that:
 - i. The proposal submitted by the State Government of Uttar Pradesh to Regional Office, Lucknow and as the proposal involved violation of Van (Sanrakshan Evam Samavardhan) Adhiniyam, 1980, the Regional Office, Lucknow forwarded the proposal to the Ministry for perusal and further necessary action.
 - ii. The total forest area under the proposal is 7.57 ha of forest land which is located in the Balrampur District, Uttar Pradesh.
 - iii. The proposed forest area is protected forest with canopy density of 0.4 (Eco Class-3) and 28 trees have been proposed to be felled.
 - iv. The proposal was examined in the Regional Office, Lucknow and Regional Office vide EDS dated 30.6.2022 has sought additional information from State Government which include to ensure that the plantation is as per the provisions of approved Management Plan as CA is proposed in Sohelwa Wildlife Sanctuary, copy of the approval of the Standing Committee of National Board of Wildlife, calculation of NPV and Penal NPV, standard design and layout plan of the Outpost and report on justification of area requirement and number of trees to be felled etc.
 - v. The State Government vide reply dated 31.10.2023 has informed that the selection of CA site will be done as per the approved provisions. The State Government has submitted a copy of the approval of the proposal by the Standing Committee of NBWL vide letter No.6-138/2021-WL dated 24.02.2022. State Government has also informed that the Divisional Forest Officer, Sohelwa Wildlife Sanctuary has carried out the joint inspection of the proposed 8 Border Out Posts (BOPs). There is no alternate land available in lieu of forest land and requirement of forest land is minimum. As per the inspection report of DFO, 28 trees have been proposed to be felled.
 - vi. The above proposal was discussed in 11th REC meeting and as per decision of REC additional information were sought from by Regional Office from State Government vide EDS dated 23.11.2023 which include to indicate if any authority has passed orders in contraventions of FCA 1980 Undertaking of User Agency that only 28 trees shall be felled. The

State Government vide letter dated 07.02.2024 informed that Sashastra Seema Bal (SSB) was granted permission for setting up temporary BOP in forest area for five years vide Government of Uttar Pradesh Order No. 3546/14-2-2008 dated 23.08.2008. After the expiry of the temporary permission, the Sashastra Seema Bal has not obtained permission for extension of the period. Accordingly, while submitting the subject proposal online, the above was considered a violation. Considering the above as violation, a notice was issued to the Sashastra Seema Bal. However, no order has been passed by Sohelwa Wildlife Division, Balrampur against any authority of Sashastra Seema Bal for violation of Van (Sanrakshan Evam Samavardhan) Adhiniyam, 1980. The State Government has also submitted an Undertaking by the User Agency regarding felling of only 28 trees.

- vii. The proposal was discussed in the REC meeting held 15.02.2024. The REC recommended the proposal for sending it to the ministry for approval with following additional conditions:-
 - a. Since the BOP's were established earlier as per the order of the Ministry of Environment, Forests & Climate Change, New Delhi vide letter no. 1-17/2005-P.T., Dated 02.08.2005 & State Govt. vide letter no. 3546/14-2-2008, Dated 23.08.2008 and for a period of 5 years up to 23.08.2013. The User Agency, subsequent to the completion of approval period submitted a proposal for approval/regularization under FC Act. The delay in processing/decision at State Govt. level, caused categorization of proposal as violation case, for which user agency is not to be considered responsible for violation. Violation may be ignored/condoned since no authority has passed orders in contraventions of Van Sanrakshan Evam Samvardhan Adhiniyam, (VSESA), 1980.
 - b. Five-time penal NPV with 12% simple interest may be imposed as a penalty of violation.
- viii. The Compensatory Afforestation has been proposed in 15.14 ha in Comp 1 under Tenduanagar Comp 1 in Barhwa Range Sainthal forest block under Sohelwa Wildlife Forest Division, Balrampur. CA land is in one patch.
- ix. As per DSS analysis report, the proposed forest area for diversion falls under Balrampur district of Uttar Pradesh State and also proposed forest diversion sites are located along the international Indo-Nepal border. The calculated area of the Shape file/ KML file of Forest land proposed for diversion is found at 7.601 ha (GIS software calculated). As per the DSS, the proposed forest diversion sites are located within Sohelwa Wildlife Sanctuary. The instant proposal falls under inviolate or high conservation zone (HCV) category as per the DSS Rule-1 because the proposed forest land is having the presence of Very Dense Forest (VDF) and also the proposed forest land is falling in Sohelwa Wildlife Sanctuary. The State Govt. has proposed Compensatory afforestation (CA) over forest land and

the proposed CA site is located within the Sohelwa Wildlife Sanctuary, Balrampur District of Uttar Pradesh State.

- x. The proposal was examined in the Ministry. The Ministry has sought certain additional information from RO, Lucknow which include copies of Order of the MoEF&CC, New Delhi vide letter no. 1-17/2005-P.T., Dated 02.08.2005 & State Govt. letter no. 3546/14-2-2008, Dated 23.08.2008, clarification regarding recommendation of REC dated 15.2.2024 which appear contradictory, i.e. recommended imposing penalty and condonation of violation at same time etc.
- xi. RO, Lucknow has submitted the copies of Order of the MoEF&CC, New Delhi vide letter no. 1-17/2005-P.T., Dated 02.08.2005 & State Govt. letter no. 3546/14-2-2008. RO, Lucknow has further informed that during the discussion in FRCM on 21.06.2024, the officials of SSB had informed that since the BOP's were established earlier as per the order of the Ministry of Environment, Forests & Climate Change, New Delhi vide letter no. 1-17/2005-P.T., dated 02.08.2005 & State Govt. letter no. 3546/14-2-2008, dated 23.08.2008 for a period of 5 years up to 23.08.2013, the User Agency, subsequent to the completion of approval period again submitted proposal for diversion under FC Act. The delay in processing/decision at State Govt. level, caused categorization of proposal as violation case, for which user agency is not to be considered responsible.
- xii. RO, Lucknow has further stated that as per para 1.16 (v) of VSESA, 1980, "If the violation is not attributable to the user agency, no penalty shall be imposed on the user agency." Thus, it was decided by REC that Violation may be ignored/condoned since no authority has passed orders in contravention of Van (Sanrakshan Evam Samvardhan), Adhiniyam, 1980 and Five-time penal NPV with 12% simple interest may be imposed as a penalty of violation, which is proposed in accordance with provisions of the act and rules.
- xiii. The reply submitted by the Regional Office, Lucknow examined in the Ministry. The Ministry requested RO, Lucknow to submit additional information which includes the date when the permission/approval was sought by the User Agency, examination of the the site specificity of the project proposals, to ascertain whether the forest area proposed for diversion is bare minimum or not, to ascertain whether the temporary structures allowed in 2008 are still temporary and have not been converted to permanent structures and to submit the Site inspection Report of the proposal etc.
- xiv. The Regional office informed that report has been provided by Commandant, Sashastra Seema Bal/ Nodal Officer, 9th Battalion, Sashastra Seema Bal, Balrampur vide letter No. IV/PNR/1501/Forest Land Corres/09thBN/SSB/23/19639-41, dated 30.10.2024 informing that initially, NOC was given for setting up temporary Border Out Posts (BOPs) for 05 years with conditions. Thereafter, from time to time, 9th Battalion, Sashastra Seema Bal Balrampur has been done correspondence between the offices of 9th Corps, SSB, Balrampur and Forest Department for

permission for non-forestry use of a total of 7.57 hectares of forest land) and approval under VSESA, 1980. Due to new guidelines and changing rules in between, permission for non-forestry use of any land has not been obtained since 2013.

- xv. The Regional Office further informed that the BOPs are site specific, situated on the Indo-Nepal border. Since the area is predominantly forest on the Indian side of the border, BOPs of SSBs are bound to be situated within forest areas. All the BOPs are adjacent to the border. The area of the visited BOPs are found minimum (about 1 Ha each) so as to support the basic minimum requirement of the group of soldiers assigned. The requirements include temporary stay bunkers, toilets, kitchen, exercise place, Solar panel/ generator area and a boundary. The boundaries of the visited BOPs are iron sheet based temporarily. The stay/ bunkers are brick structures but without pillars and underground base. The roofs are iron sheet based. The toilets are temporary. In some places temporary alloy based sheets are used to make cabins. There was less use of forest based products. The structures are removable, hence temporary.
 - xvi. The Site Inspection of the proposal carried by Dr. Pranay Mishra, AIGF, Regional Office, Lucknow on 13.8.2024. As per SIR, the proposal involved violation of Forest (conservation) Act, 1980. The proposal is recommended in the National interest as it is related to the security of our country. DDGF, RO, Lucknow in his comments has stated that the proposal is of strategic importance, hence the site has been selected keeping all the considerations in view and hence there is no alternative to the proposal.
 - xvii. RO Lucknow has informed that the layout plan has been modified vide state nodal officer letter dated 07.05.2025 by including the 4 G mobile tower in them for which BSNL had earlier submitted separate proposal that were notified as strategic by MHA, Gol.
4. **Decision of Advisory Committee:** The Committee after thorough deliberation and discussion with DIGF (Central), RO, Lucknow and Nodal Officer, Govt. of Uttar Pradesh and after going through the facts of the proposal, recommended the proposal for granting 'in-principle' approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 7.57 ha of forest land in favour of Sashtia Seema Bal (SSB) for establishment of 08 Border Out Posts (BOPs) namely Bahrawa Naka, Khangra Naka, Patoli Naka, Siriya Naka, Sukli Naka, Gurung Naka, Khabri Naka, Gandhaila Naka in r/o 9th Bn Balrampur of SSB subject to the general, standard and following specific conditions:-
- i. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
 - ii. As per para 3.4 of Chapter 3 of Consolidate Guidelines issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023, the NPV shall be charged to the extent

- of ten times of the normal NPV payable in the case of National Parks and five times in case of Sanctuaries.
- iii. The State Government shall submit the action taken report against the officials concerned who are responsible for violation under Section 3A & 3B for allowing violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - iv. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued;
 - v. This in-principle approval is limited to establishment of Border Out posts and shall not be applicable for the establishment of the 4G mobile towers of BSNL or any other user agency. The State Government shall submit a separate proposal for establishment of mobile tower for approval as per the applicable rules.

Agenda No. 15

File No.: FP/UP/Def/47140/20208B/UP/10/23/2022/FC

Sub:- Establishment of 08 Border Out Posts (BOPs) Namely Dagmara, Gujjargouri, Bachkai Naka, Raniyapur, Bhawa Naka, Bhasai Naka, Sonpathri, Gambhira Naka) of Sashastra Seema Bal (SSB) in the Nepal border for security of Indian Border. (Proposal No. FP/UP/DEF/47140/2020)

1. The agenda for the above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 24.06.2025. The corresponding agenda note may be seen at www.parivesh.nic.in. The Nodal Officer, Govt. of Uttar Pradesh and DIGF (Central), Regional Office, MoEF&CC, Chandigarh in charge of Lucknow, Regional Office attended 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. The Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee after thorough deliberation and discussion observed that:
 - i. The proposal submitted by the State Government of Uttar Pradesh to Regional Office, Lucknow and as the proposal involved violation of Van (Sanrakshan Evam Samavardhan) Adhiniyam, 1980, the Regional Office, Lucknow forwarded the proposal to the Ministry for perusal and further necessary action.
 - ii. The total forest area under the proposal is 7.11 ha of forest land which is located in the Shraswati District, Uttar Pradesh.
 - iii. The proposed forest area is protected forest with canopy density of 0.4 (Eco Class-3) and 29 trees have been proposed to be felled.
 - iv. The proposal was examined in the Regional Office, Lucknow and Regional Office vide EDS dated 04.03.2022 has sought additional information from

the State Government which include justification for existing building visible as per Google Earth Imageries, calculation of NPV, Penal NPV etc. The State Government vide reply dated 19.04.2022 has informed that the SSB was granted permission to set up temporary border outposts for 05 years for the security of Indo-Nepal border. On the basis of the permission received, the SSB has constructed a temporary structure (prefabricated wall and brick wall with GI sheet roof over it) at the border outpost, which is a temporary structure. The State Government has also submitted the calculation of NPV and Penal NPV.

- v. The above proposal was discussed in 9th REC meeting and as per decision of REC additional information were sought from by Regional Office from State Government vide EDS dated 13.09.2023 which include standard design of the outpost, layout plan of each BOP, number of trees present at the location and number of trees to be felled and inspection report by DFO alongwith justification of area requirement and area approved for each post. The State Government vide letter dated 31.10.2023 informed that there is no alternate land available in lieu of forest land and requirement of forest land is minimum. As per inspection report of DFO, 29 trees have been proposed to be felled. The State Government has also submitted standard design and layout plans for each BOP.
- vi. The above proposal was discussed in 11th REC meeting and as per decision of REC additional information were sought from by Regional Office from State Government vide EDS dated 23.11.2023 which include to indicate if any authority has passed orders in contraventions of FCA 1980 Undertaking of User Agency that only 29 trees shall be felled. . The State Government vide letter dated 07.02.2024 informed that Sashastra Seema Bal (SSB) was granted permission for setting up temporary BOP in forest area for five years vide Government of Uttar Pradesh Order No. 3546/14-2-2008 dated 23.08.2008. After the expiry of the temporary permission, the Sashastra Seema Bal has not obtained permission for extension of the period. Accordingly, while submitting the subject proposal online, the above was considered a violation. Considering the above as a violation, a notice was issued to the Sashastra Seema Bal. However, no order has been passed by Sohelwa Wildlife Division, Balrampur against any authority of Sashastra Seema Bal for violation of Van (Sanrakshan Evam Samavardhan) Adhiniyam, 1980. The State Government has also submitted an Undertaking by the User Agency regarding felling of only 29 trees.
- vii. The proposal was discussed in the REC meeting held 15.02.2024. The REC recommended the proposal for sending it to the ministry for approval with following additional conditions:-
 - a. Since the BOP's were established earlier as per the order of the Ministry of Environment, Forests & Climate Change, New Delhi vide letter no. 1-17/2005-P.T., Dated 02.08.2005 & State Govt. vide letter no. 3546/14-2-2008, Dated 23.08.2008 and for a period of 5 years up to 23.08.2013. The User Agency, subsequent to the completion of approval period submitted a proposal for approval/regularization under FC Act. The delay in processing/decision at State Govt. level, caused categorization of

proposal as violation case, for which user agency is not to be considered responsible for violation. Violation may be ignored/condoned since no authority has passed orders in contraventions of Van Sanrakshan Evam Samvardhan Adhiniyam, (VSESA), 1980.

- b. Five-time penal NPV with 12% simple interest may be imposed as a penalty of violation.
- viii. The Compensatory Afforestation has been proposed in 15.14 ha in Comp 1 under Tenduwanagar Comp 1 in Barhwa Range Sainthal forest block under Sohelwa Wildlife Forest Division, Balrampur. CA land is in one patch.
- ix. As per DSS analysis report, the proposed forest area for diversion falls under Shravasti district of Uttar Pradesh State and also proposed forest diversion sites are located along the international Indo-Nepal border. The calculated area of Shape file/ KML file of Forest land proposed for diversion is found 7.1117 ha (GIS software calculated). As per the DSS, the proposed forest diversion sites are located within Sohelwa Wildlife Sanctuary. The instant proposal falls under Inviolable or In high conservation zone (HCV) category as per the DSS Rule-1 because the proposed forest land is having the presence of Very Dense Forest (VDF) and also the proposed forest land is falling in Sohelwa Wildlife Sanctuary. Hence, Inviolable. The State Govt. has proposed Compensatory afforestation (CA) over forest land and the proposed CA site is located within the Sohelwa Wildlife Sanctuary, Balrampur District of Uttar Pradesh State.
- x. The proposal was examined in the Ministry. The Ministry has sought certain additional information from RO, Lucknow which include copies of Order of the MoEF&CC, New Delhi vide letter no. 1-17/2005-P.T., Dated 02.08.2005 & State Govt. letter no. 3546/14-2-2008, Dated 23.08.2008, clarification regarding recommendation of REC dated 15.2.2024 which appear contradictory, i.e. recommended imposing penalty and condonation of violation at same time etc..
- xi. RO, Lucknow has submitted the copies of Order of the MoEF&CC, New Delhi vide letter no. 1-17/2005-P.T., Dated 02.08.2005 & State Govt. letter no. 3546/14-2-2008. RO, Lucknow has further informed that during the discussion in FRCM on 21.06.2024, the officials of SSB had informed that since the BOP's were established earlier as per the order of the Ministry of Environment, Forests & Climate Change, New Delhi vide letter no. 1-17/2005-P.T., dated 02.08.2005 & State Govt. letter no. 3546/14-2-2008, dated 23.08.2008 for a period of 5 years up to 23.08.2013, the User Agency, subsequent to the completion of approval period again submitted proposal for diversion under FC Act. The delay in processing/decision at State Govt. level, caused categorization of proposal as violation case, for which user agency is not to be considered responsible.

RO, Lucknow has further stated that as per para 1.16 (v) of VSESA, 1980, "If the violation is not attributable to the user agency, no penalty shall be imposed on the user agency." Thus, it was decided by REC that Violation may be ignored/condoned since no authority has passed orders in contravention of Van (Sanrakshan Evam Samvardhan), Adhiniyam, 1980

and Five-time penal NPV with 12% simple interest may be imposed as a penalty of violation, which is proposed in accordance with provisions of the act and rules.

- xii. The reply submitted by the Regional Office, Lucknow was examined in the Ministry. The Ministry requested RO, Lucknow to submit additional information which includes the date when the permission/approval was sought by the User Agency, examination of the the site specificity of the project proposals, to ascertain whether the forest area proposed for diversion is bare minimum or not, to ascertain whether the temporary structures allowed in 2008 are still temporary and have not been converted to permanent structures and to submit the Site inspection Report of the proposal etc.
- xiii. The Regional office informed that report has been provided by Commandant, Sashastra Seema Bal/ Nodal Officer, 9th Battalion, Sashastra Seema Bal, Balrampur vide letter No. IV/PNR/1501/Forest Land Corres/09thBN/SSB/23/19639-41, dated 30.10.2024 informing that initially, NOC was given for setting up temporary Border Out Posts (BOPs) for 05 years with conditions. Thereafter, from time to time, 9th Battalion, Sashastra Seema Bal Balrampur has been done correspondence between the offices of 9th Corps, SSB, Balrampur and Forest Department for permission for non-forestry use of a total of 7.11 hectares of forest land) and approval under VSESA, 1980. Due to new guidelines and changing rules in between, permission for non-forestry use of any land has not been obtained since 2013.
- xiv. The Regional Office further informed that the BOPs are site specific, situated on the Indo-Nepal border. Since the area is predominantly forest on the Indian side of the border, BOPs of SSBs are bound to be situated within forest areas. All the BOPs are adjacent to the border. The area of the visited BOPs are found minimum (about 1 Ha each) so as to support the basic minimum requirement of the group of soldiers assigned. The requirements include temporary stay bunkers, toilets, kitchen, exercise place, Solar panel/ generator area and a boundary. The boundaries of the visited BOPs are iron sheet based temporarily. The stay/ bunkers are brick structures but without pillars and underground base. The roofs are iron sheet based. The toilets are temporary. In some places temporary alloy based sheets are used to make cabins. There was less use of forest based products. The structures are removable, hence temporary.
- xv. The Site Inspection of the proposal carried by Dr. Pranay Mishra, AIGF, Regional Office, Lucknow on 14.8.2024. As per SIR, the proposal involved violation of Forest (conservation) Act, 1980. The proposal is recommended in the National interest as it is related to the security of our country. DDGF, RO, Lucknow in his comments has stated that the proposal is of strategic importance, hence the site has been selected keeping all the considerations in view and hence there is no alternative to the proposal.
- xvi. RO Lucknow has informed that the layout plan has been modified vide state nodal officer letter 3261/11-सी-FP/UP/DEF/47140/2020 dated 07.05.2025 by including the 4 G mobile tower in them for which BSNL had earlier submitted separate proposal that were notified as strategic by MHA, GoI.

4. **Decision of Advisory Committee:** The Committee after thorough deliberation and discussion with DIGF (Central), RO, Lucknow and Nodal Officer, Govt. of Uttar Pradesh and after going through the facts of the proposal, recommended the proposal for granting 'in-principle' approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 7.11 ha of forest land in favour of Sashttra Seema Bal (SSB) for establishment of 08 Border Out Posts (BOPs) Namely Dagmara, Gujjargouri, Bachkai Naka, Raniyapur, Bhawa Naka, Bhasai Naka, Sonpathri, Gambhira Naka) of Sashttra Seema Bal (SSB) in the Nepal border for security of Indian Border subject to the general, standard and following specific conditions:-
- i. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum up to five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made.
 - ii. As per para 3.4 of Chapter 3 of Consolidate Guidelines issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023, the NPV shall be charged to the extent of ten times of the normal NPV payable in the case of National Parks and five times in case of Sanctuaries.
 - iii. The State Government shall submit the action taken report against the officials concerned who are responsible for violation under Section 3A & 3B for allowing violation of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
 - iv. The matter regarding imposition of penal CA is under consideration for the formulation of a uniform policy guideline in the matter. Keeping this in view, the imposition of penal CA (if any) shall be as per the said guideline, if issued.
 - vi. This in-principle approval is limited to establishment of Border Out posts and shall not be applicable for the establishment of the 4G mobile towers of BSNL or any other user agency. The State Government shall submit a separate proposal for establishment of mobile tower for approval as per the applicable rules.

Additional Agenda No. 1

(F. No. 8-69/2003-FC)

Sub: Proposal for diversion of 128.97 ha. of Reserved Forest for Open Cast Mining Project in Namchik-Namphuk Coal Fields in Changlang district of Arunachal Pradesh- regarding request for transfer of lease in respect of diversion of forest land for open cast coal mining in Namchik Namphuk Coal Mine in Changlang District of Arunachal Pradesh along with Stage-I and Stage-II approval granted in favour of M/s. Arunachal Pradesh Mineral Development & Trading Corporation Limited to M/s. Coal Pulz Private Limited (Online Proposal No. FP/AR/MIN/611/2003)- regarding.

1. The agenda item was considered by the AC in its meeting held on 24.06.2025. 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 and Guidelines relevant to the proposal and their significance.
3. The Advisory Committee noted that the instant proposal was considered in its earlier meeting held on 16.04.2025 and 26.05.2025, wherein the Committee noted the following:
 - i. Extant proposal is an old proposal for which in-principle approval was granted on 9.06.2004 and subsequently final approval for partial forest land of 39.02 ha was granted on 10.04.2006 by the Ministry.
 - ii. After the cancellation of the coal block, the same has been allotted to M/s Coal Pulz Private Limited and a request for transfer of approval from M/s APMDC to M/s Coal Pulz Private Limited has been received from the Ministry of Coal in accordance with the relevant guidelines of the Ministry. The new user agency has also paid the transfer fee of Rs. 10 lakh into the account of State CAMPA and submitted necessary undertakings to abide by the conditions stipulated in the approvals granted by the Ministry.
 - iii. The State Government has reported the compliance of conditions stipulated in the approvals dated 9.06.2004 and 10.04.2006 and the same was found satisfactory. Regional Office has also confirmed the satisfactory compliance of all conditions stipulated in the final approval dated 10.04.2006.
 - iv. The State Government has also informed that complete compensatory levies towards the cost of CA scheme and NPV have been realized from the user agency for the entire 128.97 ha of forest land. Cost of NPV has been realised as per the revised rates of NPV.
 - v. A Biodiversity Management Plan involving financial outlay of 47 lakh has been prepared for its implantation in the area. Cost of the Plan has been deposited into the account of CAMPA.
 - vi. Change in the land use appears to be effected on account of inclusion of 4.68 ha of safety zone area which was part of the diversion proposal but not included in the approval for diversion. As per Guidelines dated 26.12.2024, change in the land use as per approved Mining Plan can be undertaken by the user agency.
 - vii. As regards to diversion of safety zone, it was observed that Ministry has issued guidelines on 17.01.2025 and 7.04.2008 wherein it was clarified that cases of safety zone diversion where NPV and cost of CA has already been realized from the user agency need not be submitted for approval unless they are proposed for mining. In the instant case, the cost of NPV of the safety zone has not been realized from the user agency. Accordingly, the user agency needs to submit a separate proposal for diversion of the safety zone in accordance with the relevant guidelines issued by the Ministry.

- viii. As regards compensatory afforestation, CA has already raised over 39.02 ha of non-forest land which has been notified by the State Government. A certificate certifying the non-availability of non-forest land in the State has been issued by the Chief Secretary of the State on 19.12.2014. During the intervening period, the Ministry has also issued guidelines allowing CA over degraded forest land/Unclassed forest land in the States where non-forest land is not available. The State Government has justified the CA proposal in the unclassified forest land.
4. Committee in its meeting held on 26.05.2025 had recommended the following:
- i. A fresh certificate of non-availability of the non-forest land in the State may be submitted by the State for further consideration of the proposal.
 - ii. Proposal received from the Ministry of Coal for transfer of In-principle and final approvals granted on 9.04.2004 and 10.04.2006 respectively to a new user agency, which has been submitted in accordance with the relevant guidelines of the Ministry along with requisite documents may be considered by the Ministry for approval.
5. In pursuance to above recommendation of the AC, the in-principle/Stage-I approval and final/Stage-II approvals granted on 9.04.2004 and 10.04.2006, respectively have been transferred from M/s APMDC to M/s Coal Pulz Private Limited by the Ministry on 23.06.2025.
6. The State Government of Arunachal Pradesh, vide their letter dated 20.06.2025 submitted a fresh certificate issued by the Chief Secretary of the State on 20.06.2025 certifying the non-availability of the non-forest land in the State. Said certificate has been issued in accordance with the provisions of the Rule 13(4)(a) of the Van (Sanrakshan Evam Samvardhan) Rules, 2023.
7. **Decision of the Advisory Committee:** The Committee after detailed deliberations and taking stock of the past developments, compliances reported by the State Government and Regional Office of the Ministry recommended the balance area of 89.95 ha, out of total 128.97 ha of forest land, for grant of final/Stage-II approval by the Ministry subject to following conditions:
- (i) The user agency shall abide by all conditions stipulated in the approvals granted on 9.04.2004 and 10.04.2006, respectively.
 - (ii) Compensatory afforestation shall be raised over 180 ha of village/unclassified degraded forest land identified at Pakiapu VFR (90 ha) & Krema-Pao VFR (90 ha) from the funds already realized from the user agency.
 - (iii) Before handing over the forest land to the user agency, the village forests/Unclassed forest land proposed for CA shall be notified as Protected Forest land under the Indian Forest Act, 1927 of local Acts, if the same was not notified earlier.
 - (iv) Provisions of the Bio-diversity Management Plan, prepared by the State government shall be implemented by the State Forest Department as per the guidelines issued for implementation of Wildlife management plan under the VSES 1980. Further the amount for Bio-diversity management

plan should be deposited in CAMPA at the time of submission of compliance of Stage-II.

- (v) The user agency shall submit a separate proposal for diversion of 4.63 ha of forest land involved in the mining lease for the prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in accordance with the relevant guidelines issued by the Ministry in this regard.

(Confirmed through e-mail)

Pro. KR Sree Harsha
(non-official Member)

(Confirmed through e-mail)

Shri Nityanand Srivastava
(non-official Member)

(Confirmed through e-mail)

Shri Manoj Pant
(non-official Member)

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Dr. Mehraj AS
Deputy Commissioner (NRM)
(Member)

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Shri Anjan Kumar Mohanty
Additional Director General of
Forests (FC)
(Member)

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Shri Ramesh Kumar Pandey
Additional Director General of Forests
(WL)
(Member)

(Confirmed)

Shri R. Raghu Prasad
Inspector General of Forests
(Member Secretary)

(Approved)

Shri Sushil Kumar Awasthi
(Director General of Forests and Special Secretary)
(Chairperson)