

Minutes of the Meeting of Advisory Committee meeting dated 17.07.2023**Agenda No. 1****F. No. 8-28/2022-FC**

Subject: Diversion of 73.94 ha forest land for construction of Kareghat Minor Irrigation Tank at Kareghat, Tal. Nawapur, District Nandurbar in the State of Maharashtra (Online No. FP/MH/IRRIG/61238/2020) – regarding.

1. The agenda item was considered by the AC in its meeting held on 17.07.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and guidelines relevant to the proposal and their significance.
3. The Principal Secretary(Forests), PCCF (HoFF), CWLW Maharashtra, Dy. DGF (Central), RO, Nagpur and Nodal Officer (FCA), Government of Maharashtra attended the meeting.
4. The Advisory Committee(AC) after thorough deliberation and discussion observed that:
 - i. The Government of Maharashtra vide their letter No. FLD-2022/CR-01/F-10 dated 12.09.2022 (received on PARIVESH portal on dated 17.10.2022) forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 73.94 ha forest land for construction of Kareghat Minor Irrigation Tank at Kareghat, Tal. Nawapur, District Nandurbar in the State of Maharashtra.
 - ii. The area proposed for diversion area is 73.94 ha and a total 28,924 no. of trees are marked for felling at FRL-4-meter Level.
 - iii. Compensatory Afforestation is proposed over 91.26 ha. non-forest land. The DCF, Dhule has given suitability certificate for 87.00 ha. and the remaining 4.26 ha. land for Compensatory afforestation is not suitable for plantation.
 - iv. The title of the proposal mentions that it is a minor irrigation project, however, the Nodal Officer, FCA, Government of Maharashtra informed that the proposal is both for drinking water and Irrigation purposes.
 - v. As per the administrative boundary provided by the Survey of India and available on the DSS web- portal, part of area proposed for diversion appeared to be within the state of Gujarat. However, the State Govt. has later provided two sketches showing the forest land proposed for diversion and has reported that the Kareghat Dam and Nalla diversion is within Maharashtra State Boundary and there is no encroachment in Gujarat State.
 - vi. The AC further observed that the catchment of the river on which the dam is proposed lies in the state of Gujarat and after leaving the State of Maharashtra

- the river again enters the state of Gujarat on the other side. The comments of the State of Gujarat are therefore essential in the matter.
- vii. The State Govt. has recommended the proposal subject to a condition that the CF Dhule and DCF Nandurbar shall ensure that the proposed area is outside the confines of Kareghat Conservation Reserve. However, the DCF, Nandurbar in its Site Inspection Report dated 21.05.2021 mentioned that Nandurbar forest division has proposed some area to be declared as Kareghat Conservation reserve as per WPA, 1972. So this project area will be part of above mentioned conservation reserve if proposal for the same attains finality
 - viii. The Nodal Officer, FCA, Government of Maharashtra clarified that the proposal for declaration of Kareghat Conservation reserve is under consideration at State Government level and the proposed area will not be a part of the proposed Kareghat Conservation Reserve.
 - ix. The State Govt. vide letter dated 12.09.2022 has informed that the total Non-forest land involved in the project is 77.54 ha and later vide letter dated 13.12.2022 informed that the non-forest area 3.60 ha involved in the project for canal only. Moreover, the State Government vide letter dated 10.04.2023 has submitted an Index Map of the project site in hard copy wherein it has been reported that the 3.60 ha non forest area is involved in the project. However, the user agency in online Part-I has mentioned that the requirement of non-forest land is nill.
 - x. In this regard, the State has informed that the Irrigation Department has decided to use Piped Distribution Network (PDN), an underground pipe line network instead of Canal system as it overcomes the lacunas of the flow irrigation system viz land acquisition, lavish use of water from the farmers in the upper reaches of the canal. This PDN system will also serve the drinking water purpose to this water scarce area. Therefore, in the present project there is no requirement of the Non-forest area.
 - xi. The Nodal Officer clarified that the further distribution of the water from the main channel shall be done by the concerned users/public through their private lands and therefore the area requirement for public distribution has not been included in the proposal, and keeping above in view the forest land will not be required for the distribution of water.
 - xii. The project will benefit three (3) villages namely Khokarpada, Kareghat, Lakkadkot in Nandurbar District. The project which is for irrigation purposes will increase the yield potential of the area and have an impact on Cost Benefit Ratio as well. The details about the command area, irrigation potential, present cropping pattern and the likely impact of the project on cropping pattern in future is essential for evaluating the socio-economic benefits of the project.
 - xiii. Advisory Committee deliberated the issue of comments or views of the state of Gujarat. Since the project area falls at the border of State of Gujarat and the stream is flowing from Gujarat to Maharashtra as informed by the Nodal Officer Maharashtra, therefore comments of State of Gujarat should be taken.
 - xiv. The proposed dam/tank is being constituted to benefit only 03 villages, however an area of 73.94 ha for the same is being proposed. The State should

be requested to clarify the details of command area, irrigation potential and present cropping pattern to assess the project.

- 5. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Principal Secretary(Forests), PCCF (HoFF), Nodal Officer, FCA, Government of Maharashtra. After going through the facts of the proposal and submissions made by the Nodal Officer(FCA), Government of Maharashtra and DDG(C) Nagpur the Committee deferred the proposal for diversion of 73.94 ha forest land for construction of Kareghat Minor Irrigation Tank and sought the following details:
- i. The details about the command area, irrigation potential, present cropping pattern, total population of the villages to be benefitted and the likely impact of the project on cropping pattern in future is essential for evaluating the socio-economic benefits of the project. The State shall submit a detailed report on these aspects.
 - ii. The project which is for irrigation purposes will increase the yield potential of the area and have an impact on Cost Benefit ratio as well. The state shall take the same into account and submit a revised cost benefit analysis on the prescribed format.
 - iii. Since the proposed area is bordering the State of Gujarat, and the project may have impact on the areas downstream, therefore the State of Maharashtra shall seek the comments/NOC from the state of Gujarat in this regard.

Agenda No 2

F. No. 8-14/2020-FC

Subject: Proposal for diversion of 354.258 ha of forest land/revenue forest land (314.743 ha of forest land + 39.515 ha of revenue forest land = 354.258 ha forest land) for Jhiria West Opencast Coal Mining in favour of M/s. South Eastern Coal Fields Limited, Anuppur District State of Madhya Pradesh (Online No.FP/MP/MIN/39881/2019) - regarding.

1. The agenda item was considered by the AC in its meeting held on 17.07.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (C), Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting.
4. The Advisory Committee(AC) after detailed deliberation and discussion observed that:

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- i. The Government of Madhya Pradesh vide their letter No. FP/MP/MIN/39881/2019/2571 dated 17.08.2020 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of Section-2 of the Forest (Conservation) Act, 1980 for diversion of 354.258 ha of forest land/revenue forest land (314.743 ha of forest land + 39.515 ha of revenue forest land = 354.258 ha forest land) for Jhiria West Opencast Coal Mining in favour of M/s. South Eastern Coal Fields Limited, Anuppur District State of Madhya Pradesh.
- ii. The Regional Office, Bhopal vide their letter dated 29.12.2022 has submitted the Site Inspection Report of the instant proposal along with the recommendation of Dy. DGF (Central), RO, Bhopal.
- iii. The proposed diversion area is 354.258 ha which involves 282.092 ha Reserved Forest land, 32.651 ha Protected Forest land and 18,580 no. of trees are marked for felling.
- iv. As per the site inspection report carried out by the concerned CCF it has been mentioned that 7.143 ha forest land located in various compartments will not be used for mining and the same be kept as mining safety zone.
- v. The State has informed that as per the provisions of Coal Mine Regulations 2017, a safety zone of 100 meters all around the mining area is proposed and the 7.143 ha area recommended by the CCF for safety zone is also a part of it. The total area of safety zone is 92.175 ha out of which 70.618 ha is forest land and balance 21.557 ha area is Non-forest/Revenue land.
- vi. The Compensatory Afforestation has been proposed in 16 patches. The Regional Office has conducted the inspection of the 04 patches only. In some of these patches heavy biotic pressure has been observed and therefore special measures like chain link fencing in addition to the watchers have been recommended. Further, in case of one patch namely RF Comp No 430, which is 50.0 ha, it has been mentioned that the area adjacent to the proposed CA area is better suited for plantation. Therefore, the DFO and staff have been advised to revise the CA area and the KML file so that the area selected is suitable for planting 1000 plants/ha.
- vii. The Nodal Officer, FCA, Government of Madhya Pradesh informed that the Compensatory Afforestation has been proposed over a degraded forest land of 810 ha. in Shahdol Forest Division, Madhya Pradesh. Out of the said 810 ha the CA scheme has been prepared for 710 ha which is suitable for plantation, however the entire 810 ha would be fenced. Thus the additional area provided would take care of the rocky outcrops and other areas which are not fit for planting and therefore 1000/plants per hectare over 710 ha CA area will be accommodated.
- viii. During DSS analysis, pre planting activities were visible in some of the CA patches. In this regard, the Regional Office has mentioned in the SIR, that in the DSS analysis certain old plantation impressions are visible, the same were verified on the ground and it was found that they are nothing but old staggered trenches. The same would be beneficial for the proposed CA plantation. It has also been mentioned that in 2013-14 certain staggered contour trenching work

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was taken up, which has almost completely silted and the area is very much suitable for taking up of CA plantation.

- ix. The Dy. DGF (Central), RO, Bhopal who has also conducted Site Inspection for the proposed forest land in its site inspection report has mentioned that during the visit it was learnt from the SECL officials that the overburden would not be transported out of the proposed mining area, but the same would be utilized to reclaim the mined out area.
- x. The Dy. DGF (Central), RO, Bhopal informed the AC that there is no stream/ river/ nala flowing across the proposed area for diversion, hence the hydrology of the area in the lower region won't be affected much due to the proposed open cast mining in the area.
- xi. The State Govt. was requested to clarify whether the components like external dumps, Belt, CHP & Sliding are proposed over forest or non-forest land. In this regard the State Government has intimated that as per the mining plan it is proposed to use the facilities of other projects of the management for said purposes.
- xii. The committee deliberated on the issue of dumping of overburden in other mined out area or portion thereof and asked to provide the details of mines in which the overburden dump will be kept, along with compliance of conditions imposed for those mines under FCA.

5. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Nodal Officer (FCA), Madhya Pradesh and Dy. DGF (C), Bhopal. After going through the facts of the proposal and submissions made by the Dy. DGF (C), Bhopal, the Committee deferred the proposal for diversion of 354.258 ha of forest land for Jhiria West Opencast Coal Mining and sought the following details:

- i. The State shall provide the details of other projects of the user agency which are proposed to be used for over burden dumps, Belt, CHP & Sliding etc. The details of forest land diversion in these projects along with the status of compliance of the stipulated conditions under FCA shall also be provided.
- ii. The State shall revisit the Compensatory Afforestation areas keeping in view the observations raised by the Regional Office in Site Inspection Report and take corrective measures accordingly.

Agenda No 3

F. No. 8-20/2022-FC

Subject: Diversion of 181.39 ha (182.16 ha as per online proposal) forest land for the construction of Apchand Medium Irrigation Project in favour of Water Resource Division under Sagar District of Madhya Pradesh State (Online No. FP/MP/IRRIG/43200/2019) - regarding.

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1. The agenda item was considered by the AC in its meeting held on 17.07.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting.
4. After detailed deliberation and discussion on the proposal, AC observed that:
 - i. The Government of Madhya Pradesh vide their letter No. F3/101/2021/10-11/12/2938 dated 23.08.2022 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 181.39 ha (182.16 ha as per online proposal) forest land for the construction of Apchand Medium Irrigation Project in favour of Water Resource Division under Sagar District of Madhya Pradesh State.
 - ii. The Apchand Medium Irrigation Project proposed dam site is located across river Gadheri near Village Apchand, Tehsil-Sagar, District Sagar of Madhya Pradesh.
 - iii. The total land involved in the instant proposal is 597.55 ha. Out of 597.55 ha land, 182.16 ha is Forest land, 53.36 ha is Government land and 362.02 ha is Non-forest/ Private land.
 - iv. The Component-wise breakup of proposed forest land are as under:

Sr. No.	Details of the proposed activity	Forest Land involved(in ha.)
1.	Dam Sheet	2.26
2.	Saddle	0.14
3.	Approach Road	0.56
4.	Submergence	179.2
Total		182.16

- v. The present proposal is for irrigation purpose. The user agency has submitted the proposal for diversion of 182.16 ha, however the State Government has recommended only 181.39 ha for diversion.
- vi. The proposal is for 181.39 ha which involves 96.1 ha Reserved Forest land, 85.29 ha Protected Forest land and the density of the proposed area is 0.3 having Eco class 3.A total of 241 trees are marked for felling at FRL-4 meters level.
- vii. The State Government has submitted the approved copy of Catchment Area Treatment plan as prescribed under the Chapter-9 Para 9.2 (vi) of Comprehensive guideline Handbook, 2019.

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- viii. The Dy. DGF (Central), RO, Bhopal who has conducted the Site Inspection for this proposal informed that the Apchand village comprising of 88 families would be rehabilitated in the nearby area and the rehabilitation plan has been approved by Commissioner, Sagar Division, Madhya Pradesh.
- ix. The Nodal Officer, FCA, Government of Madhya Pradesh also informed that the Compensatory Afforestation has been proposed over an area of 182.16 ha Non-forest land located in Villages Goraiya (Area = 54.59 ha) and Rampura (Madaj) (Area = 127.57 ha), District - Sagar, Madhya Pradesh.
- x. It has been informed that the CA scheme for proposed area of 54.59 ha has been prepared. However, the remaining proposed area of 127.57 ha is falling in Naoradehi Wildlife Sanctuary and the said area will not be planted and will be kept for grasslands. Therefore, for taking up plantation of 1,27,570 plants in suitable degraded forest land having an extent of 130 ha has been identified at four locations in Sagar Forest Division.
- xi. The District Collector Sagar vide order dated 12/11/2021 has sent the proposal for allotment of 70.430 ha Revenue land at Goraiya in favour of the DFO, South Forest Division, Sagar District against the Apchand Medium Irrigation Project. State Government has proposed that 54.624 ha is to be used for CA in the instant proposal. Out of the total area of 70.430 ha, this 54.59 ha will be used in the instant project, and the remaining 15.84 ha would be used against some other proposal.
- xii. It has been informed that 5700 farmers would be benefited in about 20 villages of Sagar district. The distribution of water from the reservoir would be by pipe canal and by gravity.
- xiii. As per the report submitted by the RO Bhopal, there are 04 plantations having an area of 53.60 ha carried out with the funds from NPV which would be getting partially submerged into the submergence area of the project. The State Govt. reported that the plantations have been carried out in 34.78 ha forest land in different years and total 29187 plants will be affected due to the instant project, which will be compensated by the User Agency.
- xiv. The AC observed that the main purpose of the project is irrigation of the areas having medium to low rainfall in the Region. This would bring a positive impact on income level of the farmers, recharge the ground water table and hence improve the drinking water condition of the local people and would benefit the local flora & fauna.
- xv. The AC observed that the out of total proposed CA on NFL an area of 127.57 ha is falling in Naoradehi Wildlife Sanctuary which will be maintained as grassland. This area will further facilitate the increase in population of wild animals and help in reducing the biotic pressure in and around the area.

5. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Nodal Officer (FCA), Madhya Pradesh and Dy. DGF (C), Bhopal. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Bhopal, the Committee recommended the proposal for diversion of 181.39 ha forest land for the construction of Apchand Medium Irrigation Project with general, standard and following specific conditions:

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- i. The user agency has submitted the proposal for diversion of 182.16 ha, however the State Government has recommended only 181.39 ha for diversion. The revised component wise breakup and layout of the 181.39 ha forest land shall be submitted prior to Stage-II approval.
- ii. The plantations affected by the project shall be carried out by the State Government at other suitable locations at the cost of the user agency. A detailed scheme in this regard shall be submitted by the State Government, with the money deposited, KML files and site suitability certificate given by the Nodal officer along with the compliance report of Stage-1.

Agenda No. 4

File no. 8-18/2023-FC

Subject: Proposal for diversion of 96 ha. of forest land in favour of Secretary, Krishi Upaj Mandi Samity, Anantpura Kota for Extention of Bhamashah Krishi Upaj Mandi Samiti, District Kota, Rajasthan (Online Proposal No. : FP/RJ/Others/20036/2016)– regarding.

1. The Government of Rajasthan vide their letter no. P.1 (29) VAN/ 2023 dated 09.05.2023 has submitted the above subject proposal for seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. The said proposal has been considered by Advisory Committee (AC) in its meeting held on 17.07.2023.
3. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the Advisory Committee for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
4. After detailed deliberation and discussion, the AC observed that:

The proposal was examined and the Ministry vide letter dated 19.06.2023 has sought certain essential details from the State Government, which are yet awaited. Moreover, the proposal involves violation of FCA and waiving of condition imposed in a proposal of NHAI in light of the orders of the Supreme Court.

5. **Decision of the Advisory Committee:** The Committee noted that the State Government has not yet submitted the reply on the observation made by this Ministry on 19.06.2023. The State Govt should ensure strict compliance of conditions imposed in related FCA diversion cases and also the orders of Hon'ble Supreme Court. In view of this, the Advisory Committee deferred the instant proposal for discussion with the direction that this proposal be listed on receipt of satisfactory reply from State Government on the observations of the Ministry. The AC also desired that the Nodal Officer (FCA), Govt. of Rajasthan should be present in person in the AC meeting whenever the proposal is listed for discussion.

Agenda No 5**F. No. 8-29/2022-FC**

Subject: Diversion of 63.540 ha forest land for development of Green Filed Airport at village Vihirgaon and Murti, Taluka Rajura of District Chandrapur in the State of Maharashtra (Online No. FP/MH/Others/42471/2019) - regarding.

1. The agenda item was considered by the AC in its meeting held on 17.07.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Principal Secretary(Forests), PCCF (HoFF), CWLW Maharashtra, Dy. DGF (Central), RO, Nagpur and Nodal Officer (FCA), Government of Maharashtra attended the meeting.
4. After detailed deliberation and discussion on the proposal, the AC observed that:
 - i. The Government of Maharashtra vide their letter No. FLD-2022/C.R-272/F-10 dated 18.10.2022 forwarded a proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 63.540 ha forest land for development of Green Filed Airport at village Vihirgaon and Murti, Taluka Rajura of District Chandrapur in the State of Maharashtra.
 - ii. The user agency initially applied for diversion of 75.24 ha forest land. However, the State Government has recommended only 63.540 ha forest land for diversion. The area proposed for diversion is 63.540 ha out of which 25.27 ha is Protected Forest land and 38.27 ha is Reserved Forest land and total number of trees to be marked for felling is 3,392.
 - iii. The proposed forest area is not part of any National park, Wildlife Sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. But the project area falls within grid No. 248 of (C.No 173,200 & 593) as per WII report on Tiger Corridors of Eastern Vidharbha Landscape.
 - iv. The user agency has provided the copy of undertaking to adhere to and bear the cost of all the mitigation measures suggested by WII, Dehradun.
 - v. The proposed airport site is at a distance of 8.35 km from the boundary of Kanhargaon wildlife Sanctuary and the proposal for final notification of ESZ for Kanhargaon wildlife Sanctuary is in Draft stage.
 - vi. The CWLW had mentioned that " in view of the benefits that seem to be accruing due to the project for local population in terms of the number of employment opportunities, the trade of between the protection of the corridor to be disrupted if the project comes through and the benefits proposed, weighs heavily in favour of protection of the corridor". The revised comments recommending the project proposal were submitted later.

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- vii. The proposal was placed before the Advisory Committee (AC) Meeting held on dated 09.12.2022 wherein the AC deferred the proposal and desired the following information:
- a) The State Government shall examine the financial viability of the project and submit a detailed analysis/report in this regard.
 - b) The construction of a Greenfield airport is a non-site specific activity and the proposed site is surrounded by Non-forest land. The State Government shall therefore explore other options of using non-forest land instead of using Forest land for the project. The State shall also explore the possibility of expanding the already existing Chandrapur (Morwa) Airport. In this regard the State Govt. shall provide a detailed presentation along with DGCA and MADC before the FAC.
 - c) Keeping in view the ecological importance of the area, the Ministry shall seek detailed comments from WII, Dehradun and NTCA on the instant proposal for the construction of Greenfield airport.
- viii. The Nodal Officer, FCA, Government of Maharashtra informed that the proposed Greenfield Airport is located just on the periphery of the Left Wing Effected (LWE) insurgency areas of Chandrapur and Gadchiroli districts which will help in effective curbing of insurgency and will ensure confidence building amongst the industrial houses to set up large mineral based industries in this socioeconomically backward area.
- ix. The Nodal Officer, FCA, Government of Maharashtra also informed that the indirect benefits the State is going to accrue through increased revenue from mineral (Limestone, Iron Ore, Coal & Laterite) based industries, defence industries, tourism will help in socio-economic upliftment of the backward population of the area.
- x. The Nodal Officer, FCA, Government of Maharashtra further informed that as the Chandrapur district having 67% of forest lands the availability of site with lower forest land is only Murti/Vihirgaon site.
- xi. The Vice Chairman, MADC informed that the newly proposed Greenfield Airport will facilitate movement of bigger aircrafts, including ATR-72 & Airbus A320 (2nd phase) chartered flights & cargo flights.
- xii. The Vice Chairman, MADC also informed that the chimneys (height 274 m) of Dhariwal Power Plant are obstacles to landing and takeoff, in case of Morwa Airport. Moreover the Morwa airport is surrounded by residential and industrial colonies and non-availability of sufficient land adjoining to it makes Morwa airport unsuitable for expansion.
- xiii. The NTCA vide their letter no. 7-41/2022-NTCA dated 09.06.2023 submitted their comments wherein it has been reported that the area is sensitive for human-tiger conflict and the proposal is not recommended for approval.
- xiv. The proposed area is part of a Tiger corridor. A report regarding construction of Airport has been prepared by Wildlife Institute of India wherein the first recommendation is that "given the wildlife value of the area and its importance of connecting corridors, the present site may or shall not be considered for the construction of the proposed Greenfield airport". Further,

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mitigation measures have been suggested in case there is no alternative and decision is taken to continue with the construction of the Airport.

- xv. The WII, Dehradun through their letter No. WII/AE&CB/BH/2019/01 dated 03.06.2023 has submitted comments in the extant proposal wherein it has been mentioned that "Details of the required mitigation measures are provided in the report WII (2020). In case approval for the development of GAMV is considered and the user agency agrees to undertake suggested mitigation measures as given in report WII (2020) and others, we believe that these measures may strengthen and enhance overall landscape connectivity within the Eastern Vidarbha Landscape (EVL) in Maharashtra and Kawal Tiger Reserve (KTR), Telangana."
- xvi. Committee also discussed about the availability of nearby airports and availability of non-forest area in the landscape

- 5. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation on the matter. After going through the facts of the proposal and submissions made by the State Govt. authorities, MADC authorities, the recommendations of NTCA and Wildlife Institute of India, the Committee decided that the area proposed for diversion is an important wildlife habitat and construction of the airport will further increase the biotic interference in the region. Accordingly, the Committee decided that the proposal cannot be acceded to in its present proposition and the proposal is recommended for rejection.

Agenda No.6

F. No. 8-06/2020-FC

Sub: Proposal for Regularization of 1970.041 ha. of forest land under Section- 2 of forest (Conservation) Act, 1980 in Pathanamthitta District of Kerala. -regarding.

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 17.07.2023. The corresponding details of the agenda may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The DDG(C), RO Bangalore and Nodal Officer FCA, Government of Kerala also attended the meeting and were present during the discussion of the above mentioned proposal.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed that:
 - i. The Government of Kerala on 02/04/2020 forwarded the instant proposal.

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- ii. The proposal is for diversion of 1970.041 ha. of forest land for regularization of pre 01/01/1977 encroachment of the Pathanamthitta District.
- iii. As per the information received from the State, the area does not come under any protected area and even it does not contain any historical monument, religious, archaeological or defense establishment. The areas occupied by the encroachers are of pre 01.01.1977 occupation and are fully developed as human habitation at present.
- iv. The forest land to be diverted/ regularized shall be assigned to the individual applicants strictly in accordance with the provisions of Kerala Land assignment (Regularization of forest land prior to 01.01.1977) Special Rules, 1993 issued by the State Government. Ground verification and demarcation of area has already been completed in respect of 1970.041 ha. covering 6362 individual encroachers whose occupation has to be regularized. The special rules, 1993 stipulates that the maximum extent of land that may assigned to a family shall not exceed four acres.
- v. The State Govt. has forwarded this proposal for seeking approval under Section 2 of FCA, 1980 subject to the following conditions: -
 - a. The User Agency shall have to pay the CA levies, cost of Compensatory afforestation etc. as per the prevailing rates or as decided by Hon'ble Supreme Court of India.
 - b. The user Agency shall give undertaking to pay Compensatory levies as per [guidelines](#) issued by Govt. of India.
 - c. The User Agency shall give an undertaking to pay additional Net Present Value if required.
 - d. The boundary of the diverted forest land shall be suitably demarcated on ground at the cost of User Agency, as per the directions from DFO concerned.
 - e. The forest land shall not be used for any purposes other than that specified in the proposal.
 - f. The forest land proposed for regularization shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
 - g. Violation of any of these conditions will amount to violation of FCA, 1980.
 - h. Any other conditions that MoEF&CC may stipulate from time to time in the interest of conservation, protection and development of Forests & Wildlife.
- vi. It was also informed that the area was under cultivation for more than 40 years, in most of the places soil conservation measures have already been taken up by the encroachers, wherever it is necessary, soil conservation activities will be taken up by the Soil Conservation Dept. and Agriculture Dept. of the State Govt.
- vii. The State Govt. informed that this Ministry on 23.03.1993 and 31.01.1995 accorded Stage-I and Stage-II approval for diversion of 28588.159 ha of forest land in Idukki, Pathanamthitta, Trissur, Ernakulam and Kollam districts for regularization of pre- 1.1.1977 encroachments in Kerala.
- viii. The District Collector Pathanamthitta has submitted the completion certificate of Joint Verification.

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- ix. The State Govt. also informed that there is an order dated 20.03.2009 of Hon'ble Supreme Court of India in Nature Lovers Movement vs State Of Kerala & Ors states in its last para that
".....As and when the State Government decides to assign 10,000 hectares of forest land to unauthorised occupants/encroachers, it shall do so only after obtaining prior approval of the Central Government and the latter shall take appropriate decision keeping in view the object of the 1980 Act and the guidelines framed for regularization of encroachments on forest land. "
 - x. Out of 10,000 hectares of forest land as per the on Hon'ble Supreme Court order dt 20.03.2009 the State Govt. has now submitted a proposal for regularization of 1970.041 ha. of forest land under Section 2 of forest (Conservation) Act, 1980 in Pathanamthitta District of Kerala.
 - xi. To account for loss of 'land by land' as per para 2(i) of Hand Book, 1994 ha forming part of 3200 Ha erstwhile revenue lands which was notified as Kurinjimala Sanctuary in 2006 is provided. The 3200 Ha includes NFL for 110.50 ha diversion at Nilakkal, Ranni Division and 12.675 ha diversion at Sannidhanam, Sabarimala, PTR.
 - xii. The NFL is very important area from conservation point of view, but not suitable for CA plantation because it has to be conserved as Montane Shola-Grassland ecosystem.
 - xiii. The State has also identified Degraded Forest Land for carrying out plantations to ensure plantation of 1000 plants per hectare.
 - xiv. The State Govt. has informed that with respect to the high density in the identified DFL for CA it was informed that since Kerala has tropical rain forest the under growth of the forest is very high there are very less degraded forest land in Kerala whose density will be less than 40%. Further it was also stated that the area identified for CA (DFL) the density is high due to growth of unwanted vegetation (weeds and climbers). It was also stated that cost of CA proposed is inclusive of the cost of removal of weeds and climbers (unwanted vegetation). The CA Scheme proposed is therefore adequate.
 - xv. Since there was no clarity, several meetings were held with Nodal Officer (FCA), 1980. In the last meeting held under the chairmanship of ADG(FC) on 26.07.2022, it was decided in the meeting that the State may submit -
 - a. Any concrete proof like remote sensing maps, Government Documents etc. that proves that the area proposed for regularization is under encroachment prior to 1977.
 - b. The vegetation/ crop composition of the 83 DFL CA sited identified in Konni, Punalur and Ranni Divisions.
 - c. The valid reason why the proposal was not submitted earlier with the other proposals for regularization during 1993.
 - d. Further it was also decided that the decision of accepting the land whose status is Wildlife Sanctuary for the purpose of CA land has to be deliberated in FAC meeting and the decision will be taken after that.
5. AC observed that the State Govt. was not able to provide any concrete proof like remote sensing maps, Government Documents etc. that proves that the area proposed for regularization is under encroachment prior to 1977. It was informed by the Nodal officer

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that the Remote sensing images for the period prior to 01.01.1977 is not available with Indian Organizations in Space Research such as ISRO, NRSA etc. The images from landsat is of very poor resolution and would not serve any purpose. In this regard AC deliberated that if remote sensing images are not available the State Govt. shall submit other relevant Government Documents which proves that the encroachment prior to 1977.

6. AC also deliberated that without any concrete proof it cannot be ascertained that the encroachment is prior to 1977. Further it was also deliberated upon that the State Govt. shall check the details of the land in Working Plan documents whether any encroachments have been mentioned and also the details of Forest offence report if any on the encroachments done.
7. AC also observed that the Ministry during 1995 accorded approval for diversion of 28588.159 ha of forest land in Idukki, Pathanamthitta, Trissur, Ernakulam and Kollam districts for regularization of pre- 1.1.1977 encroachments in Kerala and then why the State govt. has excluded this area at that time. The State Govt. shall come up with a valid justification in this regard.
8. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with Nodal officer (FCA), Govt. of Karnataka and DDG(C), RO Bangalore. After going through the facts of the proposal and submissions made by the Nodal Officer (FCA), the Committee deferred the proposal and requested the State Govt. to submit the following: -
 - i. Any concrete proof like remote sensing maps, Government Documents etc. that proves that the area proposed for regularization is under encroachment prior to 1977.
 - ii. The State Govt. shall check the details of the encroachments in Working Plan documents whether any encroachments have been mentioned and also the details of Forest Offence Report if any on the encroachments done. The relevant copies may be forwarded to this Ministry.
 - iii. The State Govt. shall provide the details of efforts/action taken to remove the encroachments.
 - iv. State Govt. shall provide proper justification why this proposal was not submitted with the earlier proposal for diversion of forest land which was granted approval in 1993-1995. Moreover, State Govt. shall analyze the case file of the earlier proposal which was approved by the Central Govt vide letter dated 30.01.1995 and submit a well-reasoned justification for excluding this area in the said proposal.
 - v. The State Govt. shall submit the details of Joint Verification Report (JVR) along with the requisite details like proceedings, criteria followed etc.

Agenda No. 7

File No. 8-109/2005-FC (Vol. I)

Sub: Proposal for diversion of 17.994 ha of forest land in Upperlakesaram RF of Manthani Range of Peddapalli Forest division for grant of Mining lease for surface use (From underground rights to Surface rights) of Ramagundam Open Cast mine by in Peddapalli District in favour of M/s. Singareni Collieries Company Limited. -regarding (Online proposal No. FP/TG/MIN/47657/2020).

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1. The above stated Agenda item was considered by Advisory Committee (AC) in its meeting on 17.07.2023. The corresponding details of the agenda may be seen at www.parivesh.nic.in.
2. The IGF (C), Sub-office, Hyderabad and Nodal Officer FCA, Government of Telangana were present in the meeting.
3. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed that:
 - i. The present proposal is for conversion of UG rights to Surface rights. The density of the proposed forest land is 0.1 and Eco-Class-3. The total number of trees/poles to be affected due the proposal is 5589.
 - ii. An area measuring 412.4 ha was accepted as CA land by Forest Department (by mistake of facts that it is non RF land of 412.4 Ha) for Manuguru OCP-II in erstwhile Khammam District (present Bhadrachalam District) during 1987-88, and which was already under the possession of SCCL and the same was notified as protected Forest land vide GO Ms.No.270, dt.29.07.1989.
 - iii. Later, it was noticed that the Coal deposits are available in the said land of 412.40 Ha, which was handed over to Forest Department for the purpose of CA. Hence, SCCL submitted proposals for diversion of the above land.
 - iv. Accordingly, the MoEF, GoI vide Lr.No. 8-109/2005-FC, dt.02.05.2008 has accorded final approval for diversion of 412.40 Ha of forest land in Adiyala RF for underground mining involving 247.00 Ha for surface use.
 - v. Thereafter, again MoEF, GoI vide letter No.8-109/2005-FC (vol), dtd.01.08.2013 granted final approval for diversion of 147.42 Ha (part of 165.40 Ha Forest land diverted for Underground rights) for surface use. As such, out of 412.40 Ha, an area of 394.42 Ha (247.00 Ha + 147.42 Ha) of Forest land was diverted for surface rights in 2 phases as mentioned above.
 - vi. The area proposed for diversion is balance Forest land of 17.98 Ha (412.40 Ha – 394.42 Ha) from Underground rights to surface rights for mining purpose. As per the DGPS survey, the extent of Forest land was confirmed as 17.994 Ha in compartment No.488, 488/1 of Upperlakesaram RF. This area is falling in two mining leases and their validity as informed by State Govt. is as below:

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Sl. No	Name of the ML	Extent covered in (17.994 Ha)	Go No. Date Under MMDR Act	Valid Upto
1	South Godavari Mining Lease	17.194	GO-MS No.2, 12.01.2015	31.12.2034

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2	Pandulapalli Mining Lease	0.800	GOMS No.12, 26.05.2022	18.07.2041
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- vii. As per this Ministry's approval letter dt 02.05.2008 vide which approval was granted for 247.00 Ha for surface use, condition no. 2(d) was that the CA land identified shall be notified has RF/PF with in a period of six months. The State Govt. till date has not declared the part of NFL identified for CA purpose i.e. 62.62 ha. (Which is part of the 247.00 ha surface rights) in the Mulugu Division, 30.330 ha. (Which is part of 70 ha) in the wanaparthi Division and 71.53 ha in the Peddapally Division under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act. In this regard, the Nodal Officer, Govt. of Telangana shall be requested to offer comments for non-compliance of the condition.
 - viii. The KML files of the previous CA areas identified with respect to this Ministry's approval letters F.No.8-109/2005-FC dated 02.05.2008 (247.00 ha) and letter F.No.8-109/2005-FC (Vol.) dated 01.08.2013 (147.42 Ha) were uploaded by the State Govt. on the parivesh portal but the same are not correct and complete. Further from the reply submitted does not bring any clarity on the details of CA land.
 - ix. The KML files of the identified rehabilitated overburden dumps (non-RF) at JKOC-II Yellandu for the purpose of CA along with DGPS map and Topo-sheet have not been provided.
 - x. As per the decision taken in FAC held on 17.02.2021 it was decided that in the future forest diversion proposals in the coal mining projects of the User Agency (those which have not been forwarded to the Central Government by the State Governments as yet) shall have CA undertaken on areas outside notified forests. CA on degraded notified forests in these cases shall be considered only in exceptional circumstances. It is mentioned that the area proposed for CA is non-RF, However, it is not clear whether the same is outside the notified forest or not.
5. AC observed that the compliance of CA land to be notified/declared as RF/PF with in the 6 month of issue of Stage-II approval wrt F.No.8-109/2005-FC dated 02.05.2008 (247.00 ha) and letter F.No.8-109/2005-FC (Vol.) dated 01.08.2013 (147.42 Ha) was not completed by the State Govt. Further AC deliberated that Compensatory afforestation (CA) is one of the most important requirement/condition for prior approval of the Central Government for diversion of forest land for non-forest purposes and the State Govt. has not complied the compliance in this regard.
 6. The AC also observed that the mining plan details have not been submitted. Further the revised Mining plan for conversion of UG to Surface right is also not submitted by the State.
 7. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with Nodal officer (FCA), Govt. of Telangana and IGF (C), Sub-office Hyderabad. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee observed that the proposal submitted is incomplete

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and therefore cannot be acceded to in present proposition and recommended for rejection. The User agency will however be at liberty to submit the complete proposal denovo. Moreover, the State Govt. will notify the CA land in other proposals as RF/PF in time bound manner.

Agenda No. 8

F. No. 8-29/2021-FC

Sub: Proposal for diversion of 160.4 ha. of forest land in Sy. No.138 and 146 of Karlakatti Village, Sy. No.128,129 and 130 of Chakrageri Village and Sy. No.3 and 4 of Kagihal Village, Savadatti (Saundatti) Taluk, Belagavi District (Ghataprabha Division Gokak) for construction of Standalone Pumped Storage Component of Saundatti Integrated Renewable Energy Project (IREP) in favour of the M/s. Greenko Solar Energy Private Limited, Bangaluru, Karnataka State (Proposal for accepting the change of CA land).

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 17.07.2023. The corresponding agenda note is available at www.parivesh.nic.in. Nodal Officer (FCA), Government of Karnataka and DDG(C), Bangalore were also present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The AC after thorough deliberation and discussion observed that:
 - a. The instant proposal has been accorded Stage-I/In-Principle approval on 12.07.2021 with the certain conditions.
 - b. The proposal under consideration is for accepting the revised CA land.
 - c. The UA previously identified 160.4 ha of non-forest land for compensatory afforestation in Dhabaka village (381.18 acres or 154.26 ha) and Chimgaon village (17.00 acres or 6.68 ha) in Bidar district of Karnataka. However, only a part of the CA land (88.9ha) identified has been acquired and remaining CA land as per User Agency could not be acquired due to non-availability of landowners, migration, lacunae in title and other legal issues.
 - d. Therefore, the UA revised the portion of earlier identified CA land to an extent to 71.5 ha.
 - e. Now, the UA has identified a new NFL CA land of 78.1 ha in two parcels of 32.15 ha and 45.95 ha. The newly proposed area is in Sy. Nos. 1/5, 1/7 & 1/9 of Kundacheri village (45.95 ha.) and Sy Nos. 84/2 & 84/7 of Sannapulikutu village (32.15 ha) of Kodagu District.
 - f. The RO, Bangalore on 05.04.2023 forwarded its SIR of the CA areas newly identified and the recommendation of Govt. of Karnataka submitted vide letter dt 17.03.2023.

- g. After analysis of the site inspection report submitted by the RO Bangalore for the newly identified CA land following were noted and the same were sought from the State Govt. Further the RO Bangalore was also requested to submit its specific recommendation.
- a. In the Site Inspection Report w.r.t the area 45.95 ha in village Kundacheri it was mentioned that the private area with Sy.No.1/10 measuring 204.42 acres belonging to Smt. Nagaratnam's husband, K.H.Muniyappa (mentioned as N L Shruthi w/o M. Narasimhamurthy in RTC) is next to the proposed areas and shares a common boundary with Sy.No.1/9. Also RFO, Bhagamandala, vide letter no.81/V.A.A/B.V/2020-21 dated 5/6/2020 has mentioned boundary issues in Sy. No 1/10. Discussion with the field staff of Kodagu revealed that the owner of Sy.No 1/10 has requested for a joint survey of his area boundary. Hence, boundary discrepancies between Sy.No 1/10 and Sy.No.1/9 exists and needs to be sorted out. In this regard the State Govt. may be requested to offer its comments.
 - b. In the Site Inspection Report w.r.t the area 45.95 ha in village Kundacheri it was mentioned that the RTC of Survey No. 1/5, 1/7 and 1/9, encumbrances in the form of loan taken by the owners from Vijaya Bank, Gonikoppa was noted in all the three RTC's. In this regard the State Govt. may be requested to offer its comments.
 - c. In the Site Inspection Report w.r.t the area 45.95 ha in village Kundacheri it was mentioned that Revenue records (Village FOR 19), Jamabandhi of 1911, shows that tenural classification of the Sy.No 1/7, 1/9 and 1/5 are "Redeemed Coffee area Malai". In all the three RTC's (valid from 16/8/2017), the land tenure is mentioned as "Redeemed Sagu Land." As the tenure system in Coorg is highly complicated, it is not clear if "Redeemed Sagu Land" can be alienated or not. Hence an irrevocable certificate may be obtained from the Government of Karnataka mentioning that "Redeemed Sagu Lands" can be alienated. In this regard the State Govt. may be requested to submit the required certificate.
 - d. In the Site Inspection Report w.r.t the area 32.15 ha in village Sannapulikutu it was mentioned that the RTC of Sy.no 84/2 and Sy.no 84/7, no encumbrances were found. In both the RTC's, the type of land tenure mentioned is "Redeemed Sagu Lands". As the tenure system in Coorg is highly complicated, it is not clear if "Redeemed Sagu Lands" can be alienated or not. Hence an irrevocable certificate may be obtained from the Government of Karnataka mentioning that "Redeemed Sagu Lands" can be alienated. In this regard the State Govt. may be requested to submit the required certificate.
 - e. In the Site Inspection Report w.r.t the area 32.15 ha in village Sannapulikutu it was mentioned that Geo-referenced map of the proposed site (Sy.no 84/2 and Sy.no 84/7) along with the latitude and longitude, duly attested by the DRFO cum Surveyor, RFO and ACF Bhagamandala is attached with the proposal. A certificate may be obtained from the User Agency and the Government of Karnataka, to ensure that there are no boundary disputes with

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adjacent land owners. In this regard the State Govt. may be requested to submit the required certificate.

- f. The State Govt. may be requested to submit the Certificate stating that CA land newly proposed is free from all encumbrances. Further a solid structure was observed on the high resolution google earth image in the newly identified CA land in Sannapulikutu Village. In this regard the State government is requested to offer its comments.
- g. The State Government may be requested to submit the KML files of the balance CA area i.e. 88.90 ha. out of 160 ha NFL earlier identified.
- h. In response to the above queries the State Govt. informed the following: -
 - a. The field officers have conducted the Joint Survey of 204.42 acres of land in Sy. No.1/10, Kundacheri village. The clarification pertaining to N.L. Shruthi W/o M. Narasimha Murthy in RTC is stated as follows. N.L. Shruthi is a daughter of M. Nagarathanmma and Sri K.H. Muniyappa. Further, a Joint Survey of Sy. No. 1/10 applied by its owner to the Survey Department Government of Karnataka on 28.02.2023 is to assess the extent on his land which is a routine procedure. Just because the land owner has applied for a boundary survey (Haddubast Survey), it cannot be concluded that boundary discrepancies exist with respect to Sy. No.1/9. Already the Boundary survey (Haddubast Survey) has been done officially (this can be verified in the Government website <https://bhoomojini.karnataka.gov.in>) by the owners of Sy.No.1/9, 1/7 and 1/5 to ascertain the extent of land and this report is submitted by this office to Government of Karnataka on 15-03-2023. It is found in the official website <https://bhoomojini.karnataka.gov.in> that the said application was submitted by owners of Sy. No.1/10 dated 28.02.2023.
 - b. The User Agency has given an undertaking to provide land free from all encumbrances before obtaining Stage II approval. Hence, the State govt. has requested that same may be accepted.
 - c. There is no restriction to alienate "Redeemed Sagu Land" in Coorg (Kodagu) district. In fact, the said land is already alienated to the present land owners in 1993 by the Previous owners. There is a direction from Court of Civil judge Virajpet, Kodagu (Coorg) to correct from Redeemed Sagu to forest in column 6 of the RTC (Record of Rights, Tenancy and Crops) in its Order Dated 3rd December 2021 in O.S 34/2013.
 - d. the Boundary survey (Haddubast Survey) in respect of Sy.No 84/2 (9.60 Acres/3.89 Ha) & 84/7 (69.85 Acres / 28.27 Ha) was conducted jointly by Range Forest officer, Bhagamandala and Survey Department, Madikeri (this can be verified in the Government website <https://bhoomojini.karnataka.gov.in>) to ascertain the extent of land.
 - e. The solid structure observed on high resolution google earth image in CA land in Sannapulikutu village is a labours residential building. This building will be utilized by forest Department after transfer of land by the User Agency.

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- f. the State Govt. informed that the user Agency has given an undertaking that the KML file of 88.90 ha land will submitted before obtaining stage-II approval.
- g. Further, RO Bangalore submitted its specific comments and it was informed that the Site No. I, Kundacheri (Sy.No 1/5, 1/7 &119, area of 45.95 ha.) cannot be considered for CA unless:
 - a. The difference in the site- boundary and status of the land in the SoI topo sheet and Working Plan map is rectified by the State Govt. and gives an undertaking to the effect that land is not forest land.
 - b. Intra-Boundary discrepancies between Sy.No.1I10 and Sy.No.1/9 is settled and the State Govt. gives an undertaking that there is no encumbrance in the form of any boundary dispute to the site proposed.
 - c. In accordance with the Forest Conservation Rules, 2003 rule 2.3 (vi), encumbrances in the form of loan taken by the land owners are settled and copy of the letter from each of the present owners of the land stating their willingness to sell the land to the User Agency is obtained.
 - d. An irrevocable certificate is obtained from the Government of Karnataka mentioning that "Redeemed Sagu Lands" can be alienated.

Site No. II, Sannapulikotu, (Sy.no 84/2 and Sy.no 84/7, area of 32.15 ha.) cannot be considered for CA unless:

- a. An irrevocable certificate is obtained from the Government of Karnataka mentioning that "Redeemed Sagu Lands" can be alienated.
 - b. In accordance with the Forest Conservation Rules, 2003 rule 2.3 (vi), copy of the letter from each of the present owners of the land stating their willingness to sell the land to the User Agency is obtained.
 - c. An undertaking is obtained from the State Govt. that there are no boundary disputes with the adjacent land owners or any other encumbrances such as structures.
4. The AC observed that order dated 3rd December 2021 passed by the Court of the Senior Civil Judge, Virajpet in O.S. No 34/2013 mentions that: -

The plaintiff/Company has filed this suit for declaration, declaring that the change made by the defendants in the revenue records from Redeemed Sagu to Reserve forest land is illegal and also the lands shown in schedule B have become Redeemed Land subsequent to lease grant and payment of timber value and cultivated with tea plants.

On the basis of the pleadings of the parties, the Hon'ble Court has framed the following Issues;

1. Whether the plaintiff Company proves that the change made by the defendants in the revenue records from "Redeemed Sagu" to Reserve forest land" is illegal?

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2. Whether the plaintiff Company proves that the Lands shown in schedule "B" have become "Redeemed Land" subsequent to the Lease grant and payment of timber value and cultivated with Tea plants as per the Rules framed under the Rules prevailing when the Lease was granted?

3. Whether the defendants prove that this court has no jurisdiction to try this suit?

The Court settled the Issue No.1 and 2 with "negative" answer inter alia for the following reasons:

The Court stated that "It is the burden of the plaintiff to prove that the changes made in the revenue records by the defendants from Redeemed Sagu to reserve forest land is illegal and it is also the burden to prove that the lands shown in schedule "B" have become redeemed land subsequent to the lease grant and payment of timber value and cultivated with tea plants as per the rules framed under the rules prevailing when the lease was granted." Court observed that that the suit properties were given for the cultivation of tea.

The Court stated that "Therefore, it has come to the conclusion that forest lands were leased as per the provisions in the statutory rules for specific purpose for rubber or tea cultivation. The lease itself does not change the nature or tenure of the land. The companies are only the lessees and the Government is the lessor and the title holder. Therefore, necessary action has to be taken to get the entries corrected in the land records in respect of the leased forest land and accordingly, the nature of land has to be corrected from Redeemed Sagu into forest in column No.6 of the RTC, the title has to be corrected from Company to Government in column No.9 of RTC and occupant has to be corrected from Company to Company as lessee in column No.11 of RTC. Accordingly, the revenue entry has been corrected by the defendants in this case in respect of suit properties." (para 28)

Court further held that "It is also observed in the order that leased reserve forest land is not de-reserved under the statutory provisions. Most of the leased area was notified as reserved forest much before leasing of the land to the original lessee under the relevant rules. The land continues to be reserve forest under the Provision of Sec.23 of Karnataka Forest Act. There is no statutory provision to convert the forest land into Sagu land without following the statutory procedure prescribed under the Forest Act." (para 28)

Court observed that "On perusal of Ex.P.43, 45, 68 to 70, it is clear that the leased lands were the forest lands and they were leased for the tea cultivation as per the lease agreement, which is mentioned in Ex.P.43 and 45. It is also clear that without order of Chief Commissioner of Coorg, the revenue entry has been made as Redeemed Sagu in column No.6 in RTC. There is also no notification in respect of this change of tenure. Without due procedure and without order of chief Commissioner or Government, the tenure of land cannot be changed as it is clearly mentioned in Ex.P.68 and Ex.D.1. Ex.D.1 is the proceedings of the Karnataka Government."

Court held that "I am of the opinion that; the suit properties are paisary forest lands. Therefore, the defendant's revenue officials have corrected the entries in revenue records and changed into reserve forest from Redeemed Sagu. It cannot be questioned by anybody. It is the domain power of the revenue officers and it is internal administration of the revenue authority. (para 32)

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Court concluded that as per Ex.P.68 and Ex.D.1, the leased lands should be paisary even after completion of lease. Because, they were paisary land and forest land at the time of lease also. (para 50)

Issue No. 3:

Court held that that this court has no jurisdiction to try this suit.

It added that “If the plaintiff is really aggrieved from the change of revenue entry as the reserve forest, he has to approach the appellate authority constituted under the Karnataka Land Revenue Act. Civil Court cannot direct the revenue authority to change the revenue entry.”

5. AC observed that in view of the above court order, the status of the NFL land identified for CA purpose needs to be examined again by the State government.
6. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with Nodal officer (FCA), Govt. of Karnataka and DDG(C) Bangalore. After going through the facts of the proposal, Court order and submissions made by the Nodal Officer, the Committee deferred the proposal seeking the following details:
 -
 - i. The State Government shall examine the legal status of Compensatory Afforestation areas keeping in view the order dated 3rd December 2021 passed by the Court of the Senior Civil Judge, Virajpet in O.S. No 34/2013 and submit a detailed report in this regard.
 - ii. The State Govt. shall ensure that the land identified for Compensatory Afforestation is non-forest land and submit a certificate clearly specifying that the land identified for the Compensatory Afforestation is Non-Forest land.
 - iii. The State shall ensure that the land identified for CA is free from all encumbrances and submit a certificate in this regard.

Agenda No 9

F. No. 8-37/2017-FC

Subject: Proposal for diversion of 426.763 ha of forest land in favour of Water Resources Department, Panna District for construction of Majhagaon Medium Irrigation Project Panna district in the State of Madhya Pradesh (Online no. FP/MP/IRRI/7121/2014) - regarding.

1. The agenda item was considered by the AC in its meeting held on 17.07.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting.

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4. After detailed deliberation and discussion, the Advisory Committee (AC) observed that:
- i. The Government of Maharashtra vide their letter No. F-3/45/2014/10-11/5/1049 dated 22.04.2017 submitted proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 426.763 ha of forest land in favour of Water Resources Department, Panna District for construction of Majhagaon Medium Irrigation Project Panna district in the State of Madhya Pradesh.
 - ii. The instant proposal was discussed in FAC in its meeting held on 23.02.2018 wherein the Committee recommended the proposal for Stage-I approval with certain specific conditions.
 - iii. The Ministry vide letter of even no. dated 03.05.2018 issued Stage-I/In-principle approval subject to certain conditions prescribed therein.
 - iv. The Government of Madhya Pradesh vide their letter no. F-3/45/2014/10-11/5/2758 Bhopal dated 28.08.2020 submitted a report on compliance of conditions stipulated in the Stage-I approval.
 - v. From the examination of the compliance report submitted by the State Government certain shortfalls were observed and the same were communicated to the State Government vide Ministry's letter of even no. dated 09.09.2020, dated 27.05.2021 and dated 22.11.2021
 - vi. In this reference, the State Government vide letter no. F-3/45/2014/10-11/5/2028 dated 08.06.2022 and letter no. F-3/45/2014/10-11/5/2313 dated 29.06.2022 requested for modification of condition no. (ii), (ix), (x), (xi), (xiv) and (xvi) imposed in Stage-I/In-principle approval.
 - vii. Thereafter the said request of State Govt. regarding modification of conditions imposed in Stage-I was considered by AC in its meeting held on 15.07.2022 wherein the AC observed that since the area under consideration was recorded as revenue land in the revenue record, therefore there may not be any wilful violation by the authorities concerned in granting permission to the Water Resources Department to work on this land. However, it cannot be denied that the work has been started in violation of the provisions of Forest (Conservation), Act 1980. Keeping this in view, the conditions imposed for penal CA and penal NPV in the Stage-I approval cannot be relaxed.
 - viii. Further in the meeting held on 15.07.2022 the AC recommended to delete the condition given at Sr no. (xvi) of the Stage-I approval dated 03.05.2018 which read as *"It has been reported that the District Collector, Panna, Madhya Pradesh has issued certificate dated 21.09.2015 for diversion of 426.763 ha of forest land in favour of Water Resources Department, Panna District for construction of Majhagaon Medium Irrigation project Panna district in the State of Madhya Pradesh without approval under FC Act. The matter should be investigated under section 3A/3B of the FC Act by the Regional office and reported along with the action taken report against erring officials (those involved in non-forestry use of forest land) already initiated by the State Government"* and modify the conditions at Sr no. (ii) and (xi) as under:

Condition No. (ii) The State Government shall ensure the safety and structural stability of the proposed dam and submit a certificate in this regard.

Condition No. (xi) The entire area proposed to be included in the submergence zone, including the non-forest land, shall be notified as PF/RF under IFA,1927 or State Specific laws prior to the issuing of Stage-II/ Final approval. The remaining conditions imposed in the Stage-1 approval shall remain unchanged.

- ix. In compliance to condition no. (x) of Stage-I approval i.e. *Penal NPV will be imposed as per the guideline of the ministry as applicable in this case* the State Government has informed that the land which was required for the dam is revenue land as per the revenue records. This land was leased to private persons and these persons were cultivating this land even before it was declared as a protected forest. However, as soon as the work was started by the Water Resources Department, it was stopped by the Forest Department. Breaking up of land in the instant case has taken place in an area of 2 ha for which the action has been taken as per the provisions of Indian Forest Act, 1927.
- x. The State has therefore submitted that since the condition no (xvi) of the Stage-1 approval has been already deleted. Keeping in view the para 1.21 of the Handbook of guidelines no penalty is applicable in the instant case.
- xi. The AC observed that it is a matter of fact that the work has been started in violation of the provisions of Forest (Conservation), Act 1980. Though a relaxation in this regard has been given by the Ministry with respect to the punitive action, however it was clearly stated that the conditions imposed for penal CA and penal NPV in the Stage-I approval cannot be relaxed.

5. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Nodal Officer (FCA), Madhya Pradesh and Dy. DGF (Central), RO, Bhopal. After going through the facts of the proposal and submissions made by the Nodal Officer (FCA), Madhya Pradesh and keeping in view the fact that the violation was done inadvertently and the work was stopped thereafter, the Committee decided that:

The penalty for violation shall be five (5) times the NPV over (2 ha) area which was broken without obtaining approval under FCA,1980. However, being the public utility project of the government, the penalty charged shall be 20 % of the penalty proposed as above.

Agenda No.10

F. No. 8-09/2023-FC

I/50047/2023

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

1. The agenda item was considered by the Advisory Committee (AC) in its meeting held on 17.07.2023. The corresponding agenda note is available at www.parivesh.nic.in. Nodal Officer (FCA), Government of Chhattisgarh and DDG(C), Nagpur were also present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The AC after thorough deliberation and discussion observed that:
 - i. The instant proposal was considered in AC meeting held on 12.06.2023.
 - ii. The entire lease boundary of Bhaskarpara Coal Mine is 932.000 ha out of which 515.581 is forest land.
 - iii. The proposal is for diversion 515.581 ha (201.806 ha for Underground mining and 313.77 ha for open cast mining) of forest land for Coal mining in Bhaskarpara Coal block under Surajpur District of Chhattisgarh State.
 - iv. The proposed forest land for diversion is in Surajpur Forest Division and comprises of Protected FL (113.246 ha), Orange FL (35.549 ha.) and Revenue FL (366.786 ha).
 - v. The density of the forest land proposed for diversion varies from 0.4 to 0.5 and is Eco Class-III.
 - vi. No forest area of the proposal forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc.
 - vii. No RET species of flora and fauna are found in the forest area proposed for diversion.
 - viii. Keeping in view of presence of wildlife in an around the area proposed for diversion, a Wildlife Management Plan of the area has been prepared by the User Agency and the same has been approved by CWLW, Govt. of Chhattisgarh vide letter dt 23.05.2022.
 - ix. Total of 12,742 trees are reported to be the affected trees in the project area. Out of which number of trees to be felled of girth below 60 cm. are 8031 nos, number of trees to be felled of girth above 60 cm are 4711 nos. Accounting to a total of total of 12,742 nos.
4. The instant proposal was considered in AC meeting held on 12.06.2023 and the following were deliberated :-
 - i. AC observed that as per the reply submitted by the State Govt., in the part of Revenue Forest Land proposed to be diverted there are settlements of approximately 51 families and the user agency has given an undertaking that

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- these families/people will also be resettled and will be included in part of R&R plan.
- ii. AC observed that it has been informed by the State that the Mining plan of the instant proposal is approved by the Ministry of Coal and in this Mining Plan there is no provision to convert the UG mines to OC mines in future. In this regard, AC observed that the same needs to be ensured.
 - iii. AC observed that there are solid structures in the Mudpar, Dumarkholi, Magaji, Sauni villages identified for CA land. In this regard the State Govt. informed that the User Agency has submitted the undertaking that the area for compensatory afforestation (CA) land in village Mudpar, Dumarkholi, Magaji, Sawni are temporarily encroached by the villagers which shall be removed and the subject land will be handed over to Forest Department, free from all encumbrances at the time of handing over of the possession of the land.
 - iv. AC observed that the forest area earmarked for underground mining and to be kept as undisturbed should be demarcated and protected. Further, it was also deliberated that in the undisturbed forest areas canopy density may be improved by carrying out gap plantations to increase the productivity and enhance biodiversity.
5. Accordingly, on 12.06.2023, the Committee sought following clarification for further perusal of the instant proposal:
- i. As in the part of Revenue Forest Land proposed to be diverted there are settlements of approximately 51 families and the user agency has given an undertaking that these families/people will also be resettled and will be included in part of R&R plan. The IRO Raipur, shall examine if the R&R Plan submitted includes these families or not and if there is any requirement of settlement of rights for these people. The report is to be submitted in two weeks' time.
6. IGF(C), Sub-office, Raipur vide letter dt 30.06.2023 informed the following as desired by AC on 12.06.2023: -
- i. The diversion proposal envisages for displacement of 51 families from the village located in the PF-1620 (Village name: Kudharipara, Panchayat: Dhanseri) owing to the fact that the area falls in OC mine. The MoEF&CC, New Delhi had raised EDS vide its reference No.8-09/2023-FC dt 29-03-2023, seeking clarification on settlement, cultivated land and roads in approximately 28 ha area as found from high resolution satellite imagery. In the reply submitted vide letter No.-F5-01/2023/10-2 dt. 09/05/2023 by the Government of Chhattisgarh, it clarified the matter regarding the 51 families residing in the forest land, their settlement and related issues.
 - ii. M/s Prakash Industries Ltd. has furnished the undertaking that it will implement the rehabilitation & resettlement Action Plan for the benefit of the project affected families and persons. The rehabilitation & resettlement Action Plan has been prepared in the lines of the Central RFCT/ LARR act 2013 and Chhattisgarh right to fair compensation and transparency in land acquisition, rehabilitation and resettlement Rules, 2018. Copy of the R&R Plan has been attached in the Annexure-XIX of the proposal submitted by the agency. As per practice, after Stage-I approval, actual claim of the individual families will be

determined in consonance with the relevant provisions through the Competent Revenue Authorities.

- iii. The R & R plan gives the details of various compensation to be paid, such as loss of land, house site. cattle shed/petty shops: transportation cost for displaced families. one time grant to artisans/small traders, choice of annuity or employment, economic opportunities, subsistence grant for displaced families for one year and one-time settlement allowance (Page No.-6 to Page 15 of the R & R plan), Further, Social Impact Assessment Study (SIAS) of the project affected area has also been conducted by the Project Proponent.
 - iv. As per the proposal, M/s Prakash Industries Ltd. (PIL) intends to take surface right of the land as per Surface Right Act under section 247 read with Chhattisgarh RFCT/LARR Rules 2018, which facilitates to take Surface Right (All Right) of the land for its Mining Purpose by paying Fair Compensation of land i.e. equal amount of Land Acquisition and in such system, the owner of the land remains the owner of that land even after post mining of the mineral on the land for which surface right is granted by the competent authority. Once mining activities in that land is over, the land can be utilized by the Farmers & ownership will remain unchanged. The benefits under surface right act under section 247, of land compensation as per schedule-I, II and III will be provided to Project Affected Families by the Project Proponent.
7. AC observed that 51 families displaced from the village located in the PF-1620 (Village name: Kudharipara, Panchayat: Dhanseri) owing to the fact that the area falls in OC mine will be rehabilitated as the R&R plan submitted by the State Govt. along with the proposal. Further, after Stage-I approval, actual claim of the individual families will be determined in consonance with the relevant provisions through the Competent Revenue Authorities.
8. AC also observed that The R & R plan gives the details of various compensation to be paid, such as loss of land, house site. cattle shed/petty shops: transportation cost for displaced families. one time grant to artisans/small traders, choice of annuity or employment, economic opportunities, subsistence grant for displaced families for one year and one time settlement allowance. Further, Social Impact Assessment Study (SIAS) of the project affected area has also been conducted by the Project Proponent.
9. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with Nodal officer (FCA), Govt. of Chhattisgarh and DDG(C) Nagpur. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended the proposal for Stage-I/in-principle approval with general, standard and following specific conditions:
 - i. As in the part of Revenue Forest Land proposed to be diverted there are settlements of approximately 51 families and the user agency has given an undertaking that these families/people will also be resettled and will be included in part of R&R plan. The State Govt. shall implement the R&R Plan and submit an undertaking in this regard.
 - ii. The State Govt. shall submit an undertaking stating that in future the underground mining will not be converted to open cast mining with regard

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to the instant proposal and any such proposal shall not be considered in future.

- iii. The forest area earmarked for underground mining and to be kept as un-disturbed needs to be demarcated and appropriately protected by the user agency under the super vision of State Forest Department. The area shall be demarcated and protection plan in this regard shall be prepared.
- iv. State Govt. shall identify the areas for gap plantations in the forest area earmarked for underground mining and to be kept as un-disturbed. The State Govt. shall submit a detailed scheme in this regard.

Agenda No. 11

File No. 8-31/2022-FC

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

1. The agenda item was considered by the Advisory Committee in the meeting held on 17.07.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting.
2. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the FAC for examination and analysis. The Committee was also apprised of the provisions of other Acts & Rules relevant to the proposal and their significance.
3. The Advisory Committee(AC) after through deliberation and discussion observed that:
 - i. The Ministry recently has granted approval under Section 2 (iii) of the Forest (Conservation) Act, 1980 for grant of lease in favour of M/s Bhusan Power & Steel Limited for non-forestry use of 112.621 ha of Forest land (including 1.808 ha earmarked for Safety Zone) in village Baldihi under Koira Tahasil and Koira Range of Bonai Forest Division of Sundargarh District within the block area of 139.223 ha in respect of Netrabandha Pahar iron Ore Block in Odisha State.
 - ii. Government of Odisha vide their letter dated 09.11.2022 submitted the proposal under section-2 (ii) of the Forest (Conservation) Act, 1980 also.
 - iii. The mining lease of Netrabandh Pahar Block iron Ore Mines has been e-auctioned in favour of Bhusan Power & Steel Ltd on 19.05.2017 and the letter of intent (LoI) has issued to Bhusan Power & Steel Ltd by Govt. of Odisha, Department of Steel and Mines on 24.06.2017 for 50 years.

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- iv. The Govt. of Odisha, Department of Steel & Mines further modified the letter of intent vide letter No.6285/SM dated 27.07.2017 by revising area of allotment as 139.223 ha instead of 139 ha.
- v. The block is comprised of 139.223 ha of land and within the Baldihi village in Koira Tahasil of Sundargarh District. The total area (as per DGPS) over 139.223 ha consists of 48.346 ha PRF, 19.532 ha of Revenue Forest, 44.743 ha of DLC Forest and 26.602 ha of Non-forest land.
- vi. An area of 1.808 ha is the Safety Zone area which is within the applied area for Forest Diversion.
- vii. The non-forest Revenue land over 110.813 ha has been identified in village Jhurmur & Jaidega of Biramitrapur Tahasil in Sundargarh district for the purpose of Compensatory afforestation against the diversion of 110.813 ha (112.621 ha-1.808 ha Safety Zone) of forest land.
- viii. The Mining plan including Progressive Mine closure plan has been approved by the Regional Controller of Mines, Office of the Regional Controller of Mines, BBSR(IBM) over an area of 139.223 ha in respect of Netrabandha Pahar iron Ore Block.
- ix. The project does not involve displacement of any human habitation in Bonai Forest Division.
- x. A Comprehensive Wildlife Management Plan covering the entire forest area for Wildlife Management of Bonai & Keonjhar Forest Division has already been prepared. The user agency has furnished undertaking to bear the cost of Comprehensive Wildlife Management Plan.
- xi. Since the applied area for diversion is characterized by the movement of elephants, a Site-Specific Wildlife Conservation Plan is suggested to be prepared and implemented after getting the same approved by the PCCF (WL) & CWLW, Odisha. The user agency has furnished an undertaking to bear the cost of the SSWLCP Plan.
- xii. The applied area is under Tropical Moist Deciduous Forest of Eco-Value Class-I and the density of vegetation is 0.5. The applied area is not highly vulnerable to erosion and does not form part of seriously eroded area.
- xiii. The number of trees enumerated/to be actually felled is 31083.
- xiv. As reported, applied area does not form a part of any National Park / Wildlife Sanctuary I Biosphere Reserve I Tiger Reserve etc. There is no Archeological / Heritage / Defence establishment, or any other important monuments located in the area.
- xv. It has been informed that despite the said iron Ore Block has been allotted to M/s BPSL in June, 2017, minimal progress has been made in terms of obtaining statutory approvals and clearances such as the EC/FC/Land Acquisition, the clearance for the forest diversion proposal, the issuance of the terms of reference, etc. primarily because of the following reasons:
 - a. Corporate Insolvency Resolution Process (CIRP) was initiated in respect of BPSL vide the Order passed by the Hon'ble National Company Law Tribunal, New Delhi (NCLT) dated 26.07.2017.
 - b. The CIRP resulted in approval of the resolution plan dated 03.10.2018 as amended by addendum letter dated 10.10.2018 of JSW

- Steel Limited, which was the Resolution Applicant on 16.10.2018. Pursuant thereto, the resolution plan was filed before the NCLT for its approval and was accorded the same under Section 31 of the code vide order passed by it on 05.09.2019.
- c. Through the NCLT Order was challenged before the Hon'ble NCLT, the Hon'ble NCLT vide its judgement dated 17.02.2020 disposed of the said challenges and approved the Resolution plan after making certain modification in the NCLT Order.
 - d. The NCLT Order approving the resolution plan was further challenged before the Hon'ble Supreme Court. Since the Hon'ble Supreme Court did not grant a stay on the implementation of the resolution plan, the M/s JSW Steel Ltd. has started the implementation of the Resolution Plan w.e.f. 26.03.2021.
- xvi. The PCCF & (HoFF), Odisha has reported that during verification of the land schedule allotted for the said mining lease area, it is found that the total area (as per the DGPS) over 139.223 ha consists of 48.346 ha PRF, 19.532 ha of Revenue Forest, 44.743 ha DLC forest and 26.602 ha of non-forest land.
- xvii. The CWLW has submitted their specific comments in respect of this proposal through CF (Ecotourism) letter dated 01.02.2023. The views/recommendations of the PCCF(WL) & CWLW is furnished herein under;
- a. Area around the mining lease is characterized by presence of variety of wildlife including movement of elephants. To address the impact of project activities on such wildlife and its habitat; and, to mitigate the said impact, there is a requirement for implementation of the Site-Specific/Wildlife Conservation Plan (SSWLCP) by, prescribing specific interventions for protection of forests, prevention of forest fire, habitat management, mitigation of human-elephant conflict, public awareness, community participation, Eco-development activities, immunization of domestic livestock etc. in the Zone of Impact. In fact, such plan with the objective to minimize the adverse impact of the project on elephant and other wildlife, has-been prepared by the DFO Bonai Forest Division in compliance to Standard ToR No.18.of Letter No. of IA- J-11015/51/2021-IA-II(M), dt 04.08.2021 of MoEF&CC IA Division for mitigative measures for Schedule-1 fauna including the flagship species Asiatic Elephant. The said SSWLCP has also been approved by the PCCF(WL)&CWLW, Odisha with financial outlay of ₹549.33 lakh only prescribing-specific interventions over a period of five years for-protection and management of wildlife in Bonai and Keonjhar Divisions to be carried-out by the State Forest Department. Besides, the Project Proponent has also-been mandated Under-the said plan to carry out fire prevention measures, immunization of domestic livestock and; public awareness programme etc. in the project- area. With mitigative measures as proposed and, reflected at Chapter-V of the said-Plan, the project when undertaken will certainly address the impact of the project-on the wildlife including elephants.

- xviii. It is pertinent to mention that when the proposal under section 2 (iii) was considered by the Advisory Committee in its meeting held on 01.08.2022, the AC deferred the proposal and decided that a team of officers from MoEF&CC and Wildlife Institute of India may visit the area and submit report on the following:
- a. Status of elephant distribution and movement in the area;
 - b. Holistic assessment of likely impact of the mining leases operational and proposed to be granted in the area on the elephant habitat and movements; and
 - c. Mitigation measures, if any, required to be undertaken for the conservation and protection of elephants in the area.
- xix. The Subcommittee as constituted above submitted their report in respect of the proposal submitted under Section 2 (iii) and the Important observations made by the Committee are as under:
- a. The area is one of the prime elephant habitats as elephant keep on moving from one part of the habitat to other. The district shares its boundaries with Jharkhand and Chhattisgarh. Therefore, elephant population found in this area is part of the larger elephant population moving across three states namely, Odisha, Jharkhand and Chhattisgarh. Any adverse impact on this population will result in more dispersal into human habitation and human-elephant conflict not only Odisha but across all the three states.
 - b. There are 26 mines which are functional in Bonai Division, 50 are non-working mines and there are 72 proposals at different stages (Pipeline and Stage-I). The mining areas have negative impact both on elephants and other wildlife and their movement. The instances of man animal conflict are on rise in spite of marginal decline in the elephant population. Cases reported include human kill, human injury, cattle kill, house damage & crop damage by wild animals while retaliatory killing of wild animals are also being reported. During the 6-year period of 2004-05 to 2009-10 there was a total of 352 cases of human death, 132 cases of human injury, 3863 cases of house damage and 21768 acres of crop damage due to elephant depredation, and 75 human death cases and 671 human injury cases due to other animals like bear, crocodile, wild pig, wolf and gaur. On the other hand, 331 elephant death cases were also reported during the same period, which include 55 deaths due to poaching for ivory, 96 cases due to accidents (mainly electrocution), 49 natural deaths 82 due to diseases and 49 for unknown reason.
 - c. Total number of humans killed during the 6-year period of 1998-99 to 2003-04 due to elephant attack was reported to be 228, wherein Keonjhar district alone reported 93 numbers followed by Sambalpur & Sundargarh that reported 28 & 23 respectively. Only five forest divisions of Keonjhar and the adjoining Sambalpur, Sundargarh, Bamra and Bonai account for 57.8% of the total depredation instances due to elephants in the state of Odisha.

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- d. Any additional mining lease in the area shall impact the movement of elephants not only in the Sundargarh district but also in the adjoining states of Jharkhand and Chhattisgarh.
- xx. Committee observed that report of the team has also suggested mitigation measures required to be undertaken for the conserve action and protection of elephants as under:
 - a. Most of the mining areas are point locations with area ranging from 0.5 – 3 sq. km. Once the mining commences, most of the ore evacuation happens through road. The heavy movement of ore laden trucks hinders free movement of elephants across the landscape. Thus, the impact of mining extends much beyond the actual mining lease area. To facilitate free movement of elephants, the transportation of ore may be through conveyor belts or slurry pipelines.
 - b. Cumulative impact of these mines at landscape level, including adverse impact caused by road transportation also needs to study. Once the mitigation measures are implemented, the possible reduction of the impacts on the larger landscape may be evaluated for further decision making.
 - c. A 50-year perspective plan at Elephant Landscape level may be prepared by the State Wildlife Department, keeping in view the impact of ongoing mining and future mining plans in the area.
 - d. The status of 50 non-functional mines may be examined to ascertain why these mines are non-functional in the first place. Attempts should be made to revive these mines or these mines (if established over forest areas) should be handed back to the forest department if no mining is envisaged. The FC approvals for new mining permissions should duly take into consideration the reasons for 50 mines being non-functional/non-productive.
- xxi. The AC in the meeting held on 09.12.2022 decided that a copy of Committee Report may be provided to the State Government and Regional Office of the MoEF&CC at Bhubaneswar to carry out a holistic and joint analysis of the observations and recommendations made in the report in context to the entire landscape. Specific and generic comments, as mentioned below, will be submitted to the Ministry for further consideration:
 - a. Efficacy of individual Site Specific Plans prepared for the various mining leases need to be ascertain in terms of their ability to address the issues related to elephant habitat and movement across the entire landscape or if there is requirement to have a broader Management Plan for the entire landscape based on the recommendations made in the report.
 - b. Keeping in view the larger landscape involving the elephant movement and recommendation made in the report of the team of MoEF&CC and WII officials, comments should be furnished on the likely impacts of the various mining leases which are currently operational, closed or proposed in the area on the wildlife in general and elephant habitat, their

movement, protection and conservation of elephant corridors, after detailed scrutiny and analysis of the existing field information.

- xxii. In reply to the observations of the AC the State Govt. has informed that:
- a. A meeting was held on 13.02.2023 under the Chairmanship of PCCF (HoFF), Odisha for holistic & joint analysis of the observation and recommendation made in the report of the team of MoEF&CC and WII officials in context to entire landscape along with detailed deliberation of the recommendation of the sub-committee with due weightage to the measures envisaged in the report. The Regional Officer, IRO Bhubneshwar was also present in the meeting.
 - b. With reference to the efficacy of individual site specific plans to address issues related to entire elephant landscape, it was observed that the Site Specific Wildlife Conservation Plan (SSWLCP) prepared for individual mining as per approved guidelines of State Govt. prescribes specific interventions for protection of Forest and Wildlife, prevention of forest fire, Habitat Management, Mitigation of Human-Elephant Conflict, Public Awareness, Community Participation, Eco-Development activities, Immunization of domestic live-stock and surveillance of health of wildlife in the Zone of Impact around 10 kms radial distance of the project site. Besides the project proponent has also been mandated under the said plan to carry out fire prevention measures, public awareness and mitigation of "Human Elephant interface in the Project area. The mitigative measures as per SSWLCP address the impact of the project on wildlife including elephants in and around the project area. It is pertinent to state that the recommendations as per final report of the study conducted by CSIR-NERRI on Carrying Capacity vis-a-vis pollution in these areas and the Suggested Ore Transportation Mode (SOTM) will be implemented. This is likely to facilitate unhindered movement of elephants.
 - c. The comprehensive Action Plan (CAP) for conservation of elephants and mitigation of Human-Elephant Conflict in Odisha prepared in consultation with Experts, Field Level Functionaries and NGOs as per the direction of the Hon'ble High Court, Orissa in Writ Petition (Civil) PIL No. 14706/2022 has already been approved by the High Power Committee (HPC) under the Chairmanship of Chief Secretary, Odisha. Action Points under 10 Pillars strategy have been envisaged in the CAP with Short Term, Medium Term and Long Term mitigative measures. The Action Plan will act as a perspective plan for elephant management in the state in the years to come.
 - d. To address the issue of interstate movement of elephants in the larger landscape comprising of Odisha, Jharkhand, Chhattisgarh and South Western part of West Bengal; MoEF & CC (Project Elephant Division) may assign reputed organization/ institution to prepare Comprehensive Elephant Management Plan for the said Region.
 - e. There are some factual errors with respect to non-working mines and no. of proposals in pipeline and Stage-I. The Director of Mines, Odisha after

examining the proposal submitted by the field officials has submitted a report. As such, the land pertaining to any of the non-functional mining leases does not have any scope of being surrendered because of reasons mentioned therein by Director of Mines, Govt. of Odisha.

- xxiii. The Sub-committee in its report has also mentioned that considering the present situation of mining in the area and rise in human elephant conflict the committee is of the opinion that the possibility of mitigating the impact is not foreseen.
 - xxiv. The report of the Director Mines as referred to by the State government does not address the issue of impact of 26-functional, 50 non-functional and 72 mines in various stages of approval on the larger landscape.
4. The above facts were again considered in the Advisory Committee meeting held on 24.03.2023. Wherein the Committee deferred the proposal for want of the additional information from the State Government and comments from the Project Elephant Division.
- i. The reply of the State Government 29.05.2023 was discussed in the meeting and observed that the Site-Specific Wildlife Conservation Plan (SSWLCP) prepared for the instant proposal is not seems sufficient.
 - ii. The recommendation of the final report of the study conducted by CSIR-NEERI on carrying capacity vis-à-vis pollution in these area and the Suggested Ore Transportation Mode (SOTM) in 2014. After lapse of the almost 9 years and many changes in the land scape and much more mining in the region there is a needs to carry out of the fresh report by CSIR- NEERI.
 - iii. Regarding non-functional mining leases, the land pertaining to any of the non-functional mining leases does not have any scope of being surrender because of reasons mentioned therein by Director of Mines, Government of Odisha.
 - iv. As informed by Project Elephant Division of the Ministry that a GIS analysis shows that a total of 20 active mining areas is situated within 10km buffer region from the proposed area. Subsequently, 12 active mines within 2km buffer from the proposed area. Further, it is found that around 5 human fatality due to elephant has happened within a 10 km buffer from the proposed area during the year 2015-2020.
 - v. As per the elephant population estimation (2017), the State of Odisha has the highest number with 1976 elephants (63%) in the East Central region. The State of Odisha has very high Human Elephant Conflict with 938 human beings and 228 elephants were killed due to human elephant conflicts in the State of Odisha from 2009 to 2021.
 - vi. In view of above facts, clear elephant centric mitigation plans need to be prepared. As the proposed area has reported the Human Elephant Conflicts, compensation mechanism for the victims by the user agency needs to be placed. Mining lease areas to be clustered and consolidated to provide the safe passage to elephant for movements. In order to restore the impacted areas, Habitat Restoration plan may be prepared. Proper closure plans are necessary to recovery of the habitats.

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- 5. Decision of Advisory Committee:** The Advisory Committee after thorough deliberation and discussion with the Nodal Officer (FCA) Govt. of Odisha, Regional Officer, Bhubaneswar decided to defer the proposal and decided that:
- i. Since many proposals of iron ore mining in this land scape are in the process at the Central Government level or being proposed for diversion. Therefore, there is a need to analyse the issue at the landscape level in order to conserve the forests and biodiversity. In this regard, detailed consultations with the State Govt authorities and other stakeholders including mining lessees shall be carried out by the DDG(c) Bhubaneshwar by involving ministry officials and WII and report shall be submitted in 45 days.
 - ii. Further, considering the present situation of mining in the area and rise in human elephant conflict the compensation mechanism for the victims by the user agencies needs to be developed.
 - iii. The CSIR- NEERI has given its recommendation on carrying capacity vis-à-vis pollution in these area and the Suggested Ore Transportation Mode (SOTM) in 2014. After lapse of about 9 years, many changes in the landscape and fresh mining in the region, the State Govt. shall examine and report with justification, whether there is a need to revalidate the said study or a need to carry a fresh study in this regard.

Agenda No. 12

File No. 8-12/2023-FC

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (iii) of the Forest (Conservation) Act, 1980 in favour of M/s Raga Tradecon Pvt. Ltd. for grant of mining lease over 66.242 ha of forest within Netrabandha Pahar (west) iron ore block in Villages Baldihi and Sanua under Bonai Forest Division of Sundergarh District of Odisha State (Online Proposal No. FP/OR/MIN/153576/2022)

1. The agenda item was considered by the AC in its meeting held on 17.07.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), Odisha also attended the meeting.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the AC for their examination and analysis. The Committee was also apprised of the provisions of other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The AC after thorough deliberation and discussion observed that:
 - i. Govt. of Odisha, Steel & Mines Department, pursuant to the mines and minerals (Development & Regulation) Act, 1957 (the Act) and the Mineral (Auction) Rules, 2015 as Amended from time to time (the Auction Rule) issued the notice inviting tender dated 07.07.2021 for commencement of the auction process for grant the mining Lease for Netrabandha Pahar (West) Iron Ore Block located in Koida Tahasil of Sundargarh District, Odisha. The e-auction process was conducted in accordance with the tender document and

the mineral auction Rule, 2015 for said Mineral Block and M/s Raga Tradecon Pvt. Ltd. was declared as the preferred Bidder under Rule 9(9) (in) or Rule 10 (A) of Auction Rules having quoted a final price offer of 139.50%. The Director of Mines, Steel & Mines Department, Government of Odisha is here by declared M/s Raga Tradecon Pvt. Ltd as the preferred bidders for grant of mining lease of Netrabandha Pahar (West) Iron ore block.

- ii. Government of Odisha vide their letter dated 28.03.2023 submitted a proposal to obtain prior approval under section-2 (iii) of the Forest (Conservation) Act, 1980 in favour of M/s Raga Tradecon Pvt. Ltd. for grant of mining lease over 66.242 ha of forest within Netrabandha Pahar (west) iron ore block in Villages Baldihi and Sanua under Bonai Forest Division of Sundergarh District.
- iii. The entire Block area comprises of 74.370 ha, out of which an area of 66.242 ha comes under forest category and remaining 8.128 ha is non-forest land.
- iv. The legal status of the forest land proposed for diversion is PRF (49.411 ha), Revenue Forest (8.032 ha) and DLC Forest (8.799 ha). The Density of the forest is 0.5, Eco Class-I and the number of trees is 22671.
- v. The proposed forest land is not a part of any National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. No RET species of flora and fauna are found in the area.
- vi. No protected archaeological/ heritage site/defence establishment or any other important monument is located in the area.
- vii. No work in violation of the Forest (Conservation) Act, 1980 has been carried out by the User Agency.
- viii. The requirement of forest land as proposed is unavoidable and barest minimum for the project.
- ix. FRA certificate has been provided by the DC Sundergarh vide letter No. 3799/ITDA (FRA) dated 22.11.2022 with all supportive documents.
- x. The instant proposal is under Section-2 (iii) of the FC Act, 1980. The User Agency has furnished an undertaking duly countersigned by the DFO. Bonai Forest Division to pay NPV and Addl. NPV as and when demanded.
- xi. The State Government, PCCF cum Nodal, CCF and DFO concerned has recommended the proposal.
- xii. The revised mining plan with corrected forest area has been approved by the Office of the Regional Controller of Mines Bhubaneswar vide letter dated 12.06.2023.
- xiii. The proposal has been checked on DSS and it was observed that:
 - i. No Protected Area/ Tiger Reserve/ Tiger Corridor is located within 10 km radius of proposed forest land.
 - ii. Proposed area falls in High Conservation Value (HCV) Zone category based on Decision Rule 1 (due to presence of VDF patch size ≥ 1 sq km) and Not in High Conservation Value (HCV) Zone category based on Decision Rule 2.
 - iii. Out of total proposed area, 1 ha is classified as very dense forest, 59 ha as moderately dense forest, 6 ha as open forest and remaining 1 ha of land as Non-Forest (land without tree cover) in terms of forest classes (as per the ISFR 2021 based on the interpretation of satellite data period 2019-2020).

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- xiv. The area proposed for diversion was also inspected by the Regional Office of MoEF&CC at Bhubaneswar on 01.06.2023 and RO recommended that by taking approval under Section 2 (iii), the project proponent cannot do any non-forestry activity except signing of the mining lease. The Letter of Intent has been issued on 28.10.2021. The Letter of Intent is valid upto 3 years and can be extended to 2 more years. The project proponent may be advised to submit the detail proposal under Section 2 (ii) of Forest (Conservation) Act, 1980.

4. Decision of the Advisory Committee: After detailed discussion and deliberation with the Nodal Officer(FCA), the DDGF (C), RO Bhubneshwar and considering all aspects, the Advisory Committee recommended the proposal for approval under Section 2 (iii) of Forest (Conservation) Act, 1980 for grant of lease over in favour of M/s Raga Tradecon Pvt. Ltd. for grant of mining lease over 66.242 ha of forest within Netrabandha Pahar (west) iron ore block in Villages Baldihi and Sanua under Bonai Forest Division of Sundergarh District of Odisha State subject to the General, Standard and following specific conditions:

- i. This approval under section 2(iii) will automatically lapse within a period of two years from the date of in principal approval by Central Government, unless the user agency applies for approval under section 2(ii).
- ii. The approval under section 2(iii) does not in any manner exempt the user agency from obtaining prior approval under section 2(ii) of the FCA,1980 in regard to such area of forest land which is to be used for non-forest purpose.
- iii. Grant of approval under section 2(iii) does not in any manner create any right or equity in favour of the user agency for grant of approval under section 2 (ii) of the Forest (Conservation) Act,1980 and decision on proposal under section 2 (ii) will be taken purely on the merit of the case.
- iv. The State govt. shall ensure that breaking up of land or mining operations within the lease area are not allowed without prior approval of the Central Govt. under Section 2(ii) of Forest (Conservation) Act, 1980. The user agency shall be responsible for the protection of the forest land located in the mining lease. However, administrative and management control of such forest land will remain with the State Forest department or other forest land owning agencies.

Agenda No. 13

File No. 8-78/2010-FC

Subject: Diversion of 7.3722 ha of forest land as additional forest land requirement in already approved diversion in favour of Shongtong Karchham Hydro Electric Project, HPPCL under the jurisdiction of Kinnaur Forest Division, Distt. Kinnaur, Himachal Pradesh (Online Proposal No. FP/HP/HYD/40611/2019).

1. The Government of Himachal Pradesh has uploaded the proposal No. FP/HP/HYD/40611/2019 on Parivesh portal on 21.02.2023 for seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980.

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2. The agenda of this proposal has been considered by Advisory Committee (AC) in its meeting held on 17.07.2023. The detailed agenda note for this proposal can be perused at www.parivesh.nic.in.
3. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the Advisory Committee for examination and analysis. The Committee was also apprised of the provisions of other Acts, Rules and Guidelines relevant to the proposal and their significance.
4. The Advisory Committee (AC) after through deliberation and discussion observed that:
 - (i) Regional Office, Shimla vide their letter No. FC/HPC/44/2023 dated 09.03.2023 informed Govt. of Himachal Pradesh that the said proposal is linked with already approved HEP Project vide File No. 8-78/2010-FC dealt by this Ministry (HO). Further, FC Division vide their letter dated 16.03.2023 requested NIC Cell of this Ministry to change the status of the proposal from IRO, Shimla to Head Office of this Ministry.
 - (ii) The final approval under FCA,1980 for earlier diversion of 63.5015 ha of forest land for construction of 402 MW Shongtong Karchham Hydro Electric Project in favour of Himachal Pradesh Power Corporation Limited (HPPCL) in Kinnaur Forest Division, Distt. Kinnaur, Himachal Pradesh was accorded by this Ministry on 14.11.2012.
 - (iii) It is reported by the State Govt. that the meandering of river and occurrence of landslides and glaciers is common and natural phenomenon to this area which has been causing damage to already diverted dumping site & removal of debris from land slide & road widening from the NH-05 (which is of importance from Defence point of view) towards valley side and
 - (iv) The additional forest land is required due to enhancement in the existing capacity of HEP 402 to 450 MW due to change in the river course during flood and also usage of already diverted dumping site used by BRO and restriction imposed by the Army Authorities for construction activities within the boundary of 1200 yards.
 - (v) Legal Status of Forest Land is UPF. Density of Vegetation reported is 0.3 and Eco-Class is 6.
 - (vi) 15 ha. of un-class forest has been identified for CA in Kalpa Village & Range, Kinnaur Distt., Himachal Pradesh.
 - (vii) The component-wise requirement for instant proposal is as below:

S.N.	Component	Forest land (Area in Ha)
1	Dumping site No.3	1.447
2	Road to RBM Site	0.136
3	Intake Tunnel	0.5636
4	Adit-I	0.5883
5	DS Near Adit -I	2.3813
6	DS Adit -I	1.1005
7	SFT	0.8595
8	DS Adit II	0.296

Total:	7.3722
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- (viii) A violation of 0.5883 ha. in Khasara No.854/823/1& 1/1, near barrage site same portion of Intake excavation and approach road Aprox. (100x5) mt. to the SFT has been reported. It is reported by the State Govt. that no activities were going on after the issuance notice and Project is committed to pay the penalty towards damage caused as per MoEF&CC norms.
- (ix) The details of funds deposited towards revised CAT plan in National Authority and its confirmation is not available with the Ministry. It is also observed that the implementation of CAT plan is lagging.
- (x) It is reported by the State Government that the components of the project fall outside the Rakchham Chitkul Wildlife Sanctuary and its Eco Sensitive Zone.
- (xi) Out of 08 CA sites for 128 ha in lieu of earlier diversion for which approval was accorded on 14.11.2012, no plantation work has been started in 4 sites i.e., C-169, C-170, C-172, C-241, and nil survival percentage was recorded in C-176, and there is no matching with Plantation General of the particular CA sites. In this regard, Govt. of Himachal Pradesh has intimated vide their letter No.Ft 48-4019/2019(FCA) dated 16.07.2023 submitted that the detail report shall be submitted separately.
- (xii) Govt. of Himachal Pradesh vide their letter dated 16.07.2023 has reported that a committee has been formed to assess the capacity of all the designated dumping sites and the revised muck management plan will be finalized after finalization of land and the same shall be submitted to MoEF&CC.
- (xiii) In compliance to the condition no. 8 of forest clearance approval dated 14.11.2012, the entire reservoir created due to submergence has not yet been declared as Reserve Forest under Indian Forest Act. 1927.
- (xiv) There is no clarity in the dumping sites (DS) used in earlier diverted forest land and in the proposed area of diversion since the component wise breakup shows 5 dumping sites whereas 8 number of dumping sites found during site inspection by Sub-office of this Ministry, Shimla. Moreover, the muck is not being carried out in the designated site of DS-4, and some quantity of muck has been dumped opposite to DS-4 on the other side of the highway of the bank of river which amounts violation of condition of FC approval.
- (xv) State Govt. has reported that the green belt plantation shall be done by the user agency in consultation with State Forest Department after reservoir is created.
- (xvi) In connection with condition no. 15 of forest clearance approval dated 14.11.2012 for regeneration of equivalent area of degraded forest land, and non-availability of Forest department staff at the time of site inspection by Regional Office, the State has reported to submit a detailed report in this regard.
- (xvii) The KML file of earlier diversion of 63.5015 ha has not been uploaded on PARIVESH.
- (xviii) On examining of KML file of instant diversion, it is observed by DSS Cell that the area of 1.8248 ha. for the components of instant diversion [Adit-I (0.5883 ha), Dumping site below Adit -I (1.1005 ha) and Road to RBM Site (0.136 ha)] is

overlapping with the 'Barrage' component of earlier approved forest area (63.5015 ha.).

5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with Nodal Officer (FCA), Government of Himachal Pradesh, and concern Dy. Director General of Forests (C). After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee deferred the proposal and sought the following information: -

- i. The State Govt. shall provide the details of approved dumping sites in earlier diverted area along-with the details of dumping sites proposed in the instant diversion proposal. A comparative list of dumping sites along with kml files shall be submitted.
- ii. The State Govt. shall submit justification for non-dumping of muck in the designated site of DS-4.
- iii. Govt. of Himachal Pradesh vide their letter dated 16.07.2023 reported that a committee has been formed to assess the capacity of all the designated dumping sites and the revised muck management plan will be finalized after finalization of land. Accordingly, the approved muck management plan shall be submitted.
- iv. The State Govt. shall submit the details of funds deposited towards revised CAT plan in National Authority and its confirmation which is not available with the Ministry. The reason for slow progress in implementation of CAT plan shall be given.
- v. The State Govt. shall submit a detailed report in connection with compliance of condition no. 15 of approval dated 14.11.2012 regarding regeneration of equivalent area of degraded forest land
- vi. There is a violation over an area of 0.5883 ha. as reported by the State. The justification and action taken report in this regard shall be submitted by the State.
- vii. The reservoir to be created due to submergence is required to be declared as Reserve Forest under Indian Forest Act. 1927. A copy of notification for the same shall be submitted.
- viii. The area of 1.8248 ha. for the components of instant diversion [Adit-I (0.5883 ha), Dumping site below Adit -I (1.1005 ha) and Road to RBM Site (0.136 ha)] is overlapping with the 'Barrage' component of earlier approved forest area (63.5015 ha.) which need clarification with correct KML file.
- ix. The KML file of earlier diversion of 63.5015 ha shall be uploaded on PARIVESH.

Agenda No. 14

File No. 8-3/2019-FC

I/50047/2023

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

1. The Government of West Bengal vide their letter dated 14.01.2019 submitted the instant coal mining proposal to this Ministry for seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. The said proposal has been considered by Advisory Committee (AC) in its meeting held on 17.07.2023. The detailed agenda note for this proposal can be perused at PARIVESH portal.
3. The Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the Advisory Committee for examination and analysis. The Committee was also apprised of the provisions of other Acts, Rules and Guidelines relevant to the proposal and their significance.
4. The Advisory Committee (AC) after through deliberation and discussion observed that:
 - (i) The proposal has been considered by FAC in its meeting held on 31.03.2022, 27.01.2023, 23.02.2023 and 24.03.2023.
 - (ii) Legal status of forest land proposed for diversion is Protected Forest. Vegetation density has been reported 0.4 with 5159 project affected trees.
 - (iii) Compensatory afforestation has been proposed over equivalent non- forest land of 110.36 ha. Attributes of CA proposal viz. CA scheme suitability certificate and digital maps have been submitted along with the proposal.
 - (iv) The State Govt. has not yet provided the approved Wild Conservation Plan.
 - (v) It has been mentioned that after the allotment of the Block to WBMDTCL, reconciliation of the land schedule was undertaken. The change in forest area from 92.53 Ha, as mentioned in the Mining Plan, to 109.459 Ha is one of the results of reconciliation. Thus, WBMDTCL has preceded with the updated land use details and accordingly forest clearance application has been submitted for 109.459 Ha. Further it has been mentioned that as per Rule 22E (3) (i) of the Mineral Concession (Amendment) Rules, 2020, this change in land type within lease area comes under 'minor changes' in the approved mining plan and does not require fresh approval of the mining plan. The Rule 22E (3)(i) however refers to the "change in land type within the leased area" as a minor change, whereas in the instant case the area has been reduced from 370 ha to 356 ha and moreover 65.09 ha additional area has been taken outside the block.
 - (vi) Railway siding is reported to be located at distance of 20 km from the proposed mine, which is reported to be used by other mines also, therefore, state was asked to explore the possibility of evacuation of coal using common closed/piped conveyor corridor to reduce pollution loads on the existing road infrastructure. In this regard it has been mentioned that a detailed study for the Coal Evacuation System was conducted through their Transaction Advisor M/s KPMG International. In this study, long distance conveyor system has been considered but ruled out.

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- (vii) The State has mentioned that detailed report of the traffic density survey both in up and down direction at three locations namely Baradang (0.9 km from the proposed mine in S direction), Majandih (1.6 km from the proposed mine in NE direction) and Dharaspur (3.5 km from the proposed mine in WSW direction) conducted on 03-04/01/2018, 07-08/01/2018 and 10-11/01/2018, respectively and that the current road width appears to be sufficient to sustain the present and additional traffic.
- (viii) The Advisory Committee on 24.03.2023, after detailed discussion and deliberation with Nodal officer (FCA), West Bengal, Regional Officer, IRO, Kolkata and Chief Managing Director, WB Mineral Development and Trading Corporation deferred the proposal with the following observations:
- (a) The total area involved in the project is 356.575 ha, comprising of 247.116 ha of non-forest land and 109.459 ha of forest land. Corresponding detail of area mentioned in the approved Mining Plan are different wherein total area has been mentioned as 370 ha comprising of 92.53 ha of forest land and 277.47 ha of non-forest land. The State Govt. has mentioned that as per Rule 22E (3) (i) of the Mineral Concession (Amendment) Rules, 2020, this change in land type within lease area comes under 'minor changes' in the approved mining plan and does not require fresh approval of the mining plan. The Rule 22E (3)(i) however refers to the "change in land type within the leased area" as a minor change, whereas in the instant case the area has been reduced from 370 ha to 356.575 ha. Moreover 65.09 ha additional area has been taken outside the block. The purpose/component wise breakup of the required area has to be in conformity with the mining plan. The same needs to be examined by the State government. The State Govt. shall ensure to submit the mining plan as required under extant guidelines.
 - (b) A copy of approved Wild Conservation Plan shall be submitted.
 - (c) The State Govt. shall explore the possibility to exclude the area proposed for dumping on forestland and explore alternatives on adjoining non-forest land. The KML file of the area proposed for dumping shall also be submitted.
 - (d) Since the composition of the Advisory Committee has now been changed and the sub-committee as constituted earlier could not visit the area, therefore, a committee consisting of Advisory Committee member Shri Manoj Pant and representatives of Ministry/IRO shall visit the area and submit report.
- (ix) Based on the recommendation of AC on 24.03.2023, Govt. of West Bengal vide Ministry's letter dated 24.04.2023 requested to furnish their response on the observation of AC. The reply has not yet been received from State Govt. in this regard.
- (x) The Sub-Committee of the AC as constituted on 08.04.2022 could not visit the area. AC has recommended to re-constitute the Sub-Committee of the AC. In pursuant to decision of AC on 24.03.2023, a committee was constituted vide Ministry's OM dated 24.04.2023.

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(xi) Integrated Regional Office, Kolkata vide their letter No.5.WBA/04/2019-BHU-08 dated 31.05.2023 has forwarded the Field Inspection Report of the Sub-Committee constituted vide Ministry's OM dated 24.04.2023 for the instant proposal. The observations of the sub-committee are as under:

- a. The FAC in its meeting held on 31.03.2022 had sought the comments of the Chief Wildlife Warden, West Bengal on the likely impact of the project on the wildlife and the mitigation measures required to be taken if any. As informed by Nodal Officer West Bengal, the Wildlife Conservation Plan has been prepared and approved by PCCF (Wildlife) and submitted to State Environment Impact Assessment Authority (SEIAA), Department of Environment, Government of West Bengal vide Memo no.3362/WL/2M-33 (Pt-II)/2021 dated 23.11.2022 and also to IRO Kolkata on 27.03.2023.
- b. There appears to be a contradiction between the area as approved by the Ministry of Mining, Government of India and the area mentioned in the instant proposal. As informed by the user agency, a total of 370 ha area of the Coal Block comprising of 92.53 ha of forest land was allocated by the Ministry of Coal, Government of India for Gourangdih ABC Coal Mine. However, as informed by the user agency, this revised proposal of the coal block from 370 ha to 356.575 ha and increasing the forest area from 92.53 ha of forest land to 109.459 ha is yet to be approved by the Coal Ministry.
- c. Regarding adequacy of existing road infrastructure to accommodate the increased transportation of coal, the response of the State Government may be examined.
- d. Regarding suggestion of the FAC, to explore the possibility of evacuation of coal using common, closed/piped conveyor, the financial implications of the proposal as per the study conducted through transaction advisor M/s. KPMG International as provided by the State Government is high and is not financially viable.
- e. Since, the revised mining plan is yet to be approved by the Ministry of Coal, the tabular statement indicating various types of land use including dumping area also needs be revised and the revised map to be uploaded on PARIVESH portal accordingly.

(xii) The sub-committee of AC also desired that:

1. In extent of the boundary of the forest area as marked in the uploaded map has to be in consonance with the records of the Forest Department, West Bengal. The user agency may revise the land use map as per the revised approved mining plan after verification and certification by the Forest Department and upload the same on the PARIVESH portal.
2. The user agency may submit the schedule of Forest land of the said area as per the revised plan.
3. The safety zone along the periphery of the proposed mining area has not been marked by the user agency.

4. The user agency may be advised to explore the possibilities of identifying the dumping areas outside the forest area and may also revise tabular statement regarding redistribution of area accordingly.

(xiii) Ministry vide its letter dated 20.06.2023 shared the sub-committee report with Government of West Bengal and requested them to provide the para-wise reply on the observation made by the sub-committee in their report along-with the pending reply on Ministry's letter dated 24.04.2023 for further consideration of the proposal in the Ministry. However, no response is received yet from State Government.

5. **Decision of the AC:** The Committee had detailed discussion and deliberation with Nodal officer (FCA), West Bengal and concern Dy. Director General of Forest(C), Regional Office. After going through the facts of the proposal and the report of the sub-committee constituted on the recommendation of AC by Ministry on 24.04.2023, the Committee observed that:

1. The revised mining plan for the instant proposal is yet to be approved by the Ministry of Coal. In view of this, the land use needs be revised and their details with map are to be uploaded on PARIVESH portal.
 - (a) The safety zone along the periphery of the proposed mining area has not been marked by the user agency.
 - (b) The user agency has not explored the possibilities of identifying the dumping areas outside the forest area.
 - (c) The reply on Ministry's letter dated 24.04.2023, as sought on the recommendation of AC on 24.03.2023, has not yet been received from Govt. of West Bengal.
 - (d) The Ministry vide its letter dated 20.06.2023 shared the sub-committee report with Government of West Bengal with a request for providing para-wise comments. The same was also not provided by the State Government.
2. Therefore, the proposal cannot be acceded to in present proposition and the same is recommended for rejection. The User agency will however be at liberty to submit the complete proposal denovo.

Agenda No. 15

F. No. 8-52/2017-FC

Subject: Proposal for diversion of 201.079 ha of forest land for Tawa -II underground coal mining in favour M/s Western Coal Fields Limited, Madhya Pradesh (Online No.FP/MP/MIN/24598/2017) - regarding.

1. The agenda item was considered by the AC in its meeting held on 17.07.2023. The corresponding agenda note may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also

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apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.

3. The Dy. DGF (Central), RO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting.
4. After detailed deliberation and discussion, the Advisory Committee (AC) observed that:
 - i. The Government of Maharashtra vide their letter No. F1/FP/MP/MIN/24598/2017/10-11/2619 dated 06.09.2017 submitted proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 201.079 ha of forest land for Tawa -II underground coal mining in favour M/s Western Coal Fields Limited, Madhya Pradesh.
 - ii. The instant proposal was discussed in FAC in its meeting held on 23.02.2018 wherein the Committee observed that:
 - a) The Ministry vide letter no. 8-102/2004-FC dated 30.01.2012 had accorded stage -I approval for another proposal regarding diversion of 90.00 ha of forest land for renewal of mining lease out of 122.00 ha forest land. Fulfilment of condition no. (i) & (ix) has not yet been complied by the applicant (WCL) and Rs. 25, 54, 62,766/- has not yet been deposited by the user agency (applicant WCL) till date. The amount to be deposited by applicant was due in 2012. During the last 5 years this amount has increased due to price escalation.
 - b) The proposal/application submitted in 2008 by WCL was rejected by the State Government vide letter dated 15.01.2015 on the ground that the project area falls within 10 km of the Satpura Tiger Reserve and Panchmari Biosphere Reserve. The area also partially falls in the Pench Tiger reserve corridor. Now the state Government has recommended the proposal for diversion for underground mining project.
 - iii. Further the FAC in its meeting held on dated 22.03.2018 recommended the proposal for Stage-I approval with certain specific conditions specifically as under:
 - a) Condition no. (vii): WCL should submit the compliance report of in principle approval granted by this Ministry's letter F.No.8-102/2004-FC dated 30.01.2012, in favour of WCL for diversion of another parcel of 90 ha of forest land, after expiry of the Forest clearance in 2003 and deposit the compensatory levies of Rs. 25,54,62,766/- with interest of 12% per annum.
 - b) Condition no. (viii): The State Government will undertake study on impact of mining on wildlife especially tiger habitat in the entire project area and prepare the wildlife management plan for the entire reserve forest and the same will be implemented from the funds provided by the WCL. The clearance from NBWL may also be obtained because the area is populated by tigers in the surrounding tiger reserves.

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- c) Condition no. (xviii): The User Agency and the state Government shall implement the Wildlife Conservation Plan for area located within 10 Kilometre distance from the forest land proposed to be diverted from the fund to be provided by the user agency.
- iv. The Ministry vide letter of even no. dated 14.05.2018 issued Stage-I/In-principle approval subject to certain conditions prescribed therein.
- v. The Member Secretary informed the AC that as the issues was pending since long and almost similar reply was being received from the State repeatedly regarding compliance of condition no. (vii) & (viii) of Stage-I approval a meeting through Video Conferencing was held on dated 09.01.2023 under the Chairmanship of IGF (FC) wherein after detailed deliberation, it was decided that:
 - a) *The Government of Madhya Pradesh shall submit a request to the Ministry for amendment of condition no. (viii) of Stage-I approval dated 14.05.2018 with detailed justification along with maps of the proposed area.*
 - b) *The Government of Madhya Pradesh shall examine the matter in view of condition no. (vii) of Stage-I approval along with the justification given by the user agency for not depositing the compensatory levies with interest of 12 % per annum and submit a detail report accordingly.*
- vi. The Member Secretary also informed the AC that the NTCA Division has submitted their comments wherein it has been categorically mentioned that:
 - a) *The proposal was evaluated with respect to information available on Parivesh portal and all India tiger estimation data.*
 - b) *It has been observed that the proposed coal mining site is located at an approximate distance of 23 km from core of Satpura Tiger Reserve, 17 km from buffer of Satpura Tiger Reserve and 6 km from the least cost pathway tiger dispersal corridor in between Satpura and Melghat Tiger Reserves delineated by NTCA and Wildlife Institute of India. The project site had no presence of tigers in its vicinity as per 2006, 2010, 2014 and 2018 cycles of all India tiger estimation. As per 2018 cycle of all India tiger estimation, the project site has low abundance of large mammals present in its vicinity. Moreover, the part of the project site is embedded within a multiple use landscape at the edge of a forest patch likely to be diverted.*
 - c) *However, the project site lies adjacent to Satpura reservoir and part of Tawa river comes under the project area. It is, therefore, pertinent that water discharged from the mine to the river and reservoir should be treated appropriately as per extant norms and standards of the Ministry and should be monitored periodically thereby ensuring the quality to see that the water is not polluted so as to avoid negative ecological impacts on aquatic biodiversity.*
 - d) *FC Division of MoEFCC may like to take cognizance of these observations while making decision pertaining to the project.*

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- vii. The AC observed that till date the State Govt. has not submitted the complete compliance of conditions stipulated in Stage -I approval for another proposal regarding diversion of 90.00 ha of forest land for renewal of mining lease out of 122.00 ha forest land. The compliance of the conditions imposed in the Stage-1 approval in this case is yet awaited.

5. Decision of the AC: The Committee had detailed discussion and deliberation with the Nodal Officer (FCA), Madhya Pradesh and Dy. DGF (Central), RO, Bhopal. After going through the facts of the proposal and submissions made by the Nodal Officer (FCA), Madhya Pradesh, the following decisions were taken:

- i. Keeping in view the comments received from NTCA, the committee decided to amend the condition no (viii) of the Stage-1 approval as under:
The project site lies adjacent to Satpura reservoir and part of Tawa river comes under the project area. It is, therefore, pertinent that water discharged from the mine to the river and reservoir should be treated appropriately as per extant norms and standards of the Ministry and should be monitored periodically thereby ensuring the quality to see that the water is not polluted so as to avoid negative ecological impacts on aquatic biodiversity.
- ii. The Committee examined the condition regarding payment of compensatory levies along with interest in case of diversion of 90 ha forest land and observed that the same has been imposed after detailed deliberation in the matter. Keeping this in view the committee decided not to make any change to the condition no (vii) of the Stage-1 approval.

Agenda No. 16

File No. 8-35/1993-FC (Part-III)

Sub: Proposal for renewal of approval granted under the Forest (Conservation) Act, 1980 for non- forestry use of 16839.40 ha of Reserve Forest land in favour of Indian Army for Asan Field Firing Range (Sector 1, 3 and 5 as safety zone in District Dehradun Uttarakhand) under Dehradun and Soil Conservation Kalsi Division of Dehradun District and State Uttarakhand (Online proposal No. FP/UK / DEF/29988/2017) – reg.-

1. The agenda item was considered by the AC in its meeting held on 17.07.2023. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer (FCA), GoUK also attended the meeting.
2. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the AC for their examination and analysis. The Committee was also apprised of the provisions of other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The AC after through deliberation and discussion observed that:

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- i. Proposal relates to the renewal of a field firing range of Indian Army in the Dehradun District of Uttarakhand over an area of 16,839.40 ha of forest land.
 - ii. In the past extant proposal was accorded approval by the Ministry vide its letter of even number dated 8.01.2007 and 1.10.2007 for a period of 10 years i.e. period of 10 years has been expired on 1.10.2017.
 - iii. The field firing range is spread in two States viz. Dehradun District of Uttarakhand and Saharanpur District of Uttar Pradesh. Approval for part of the firing range in the Uttar Pradesh, involving an area of 25,885.64 ha, was granted by the Central Government vide letter no. 8-20/2016-FC dated 10.04.2018 read with letter dated 15.10.2019 for a period of 30 years.
 - iv. Unauthorized use of field firing range by the user agency on the basis of temporary working permission granted by the DFO was considered as a violation of the Forest (Conservation) Act, 1980 by the FAC and accordingly, the following specific condition was recommended by the FAC:

"Use of AFFR, during the intervening period from 01.10.2017 onwards without the prior approval of the Central Govt under Forest (Conservation) Act. 1980 amounts to violation of Forest (Conservation) Act and accordingly, appropriate action as per law should be initiated by the IRO of the Ministry and State Government and action taken report be submitted along with the compliance of Stage-1 approval."
 - v. Stage-I approval to the extant proposal was granted by the Ministry on 3.12.2021 inter-alia stipulating the above condition regarding violation of the Forest (Conservation) Act, 1980.
 - vi. The State Government has submitted a report on the compliance of all conditions stipulated in the Stage-I approval, however, compliance of condition no. A (1) (i) regarding violation of FC Act has not been done.
 - vii. The IRO vide their letter dated 9.02.2023 furnished the compliance of A(1)(i) justifying that activities were temporary in nature and there is no requirement of legal action under section 3A and 3B of the Act. Ministry, after examination of the submissions made by the IRO, found the same as contrary to the recommendation made by the FAC and accordingly vide letter dated 20.06.2023 requested the IRO to ensure compliance of the said condition.
 - viii. Initiating action in pursuance to MoEF&CC letter dated 20.06.2023, the Regional Office Dehradun vide their letter dated 5.07.2023 sought details of action taken by the State Government against the violation of Forest (Conservation) Act, 1980. The reply from State Government in this regard is awaited.
4. **Decision of the Advisory Committee:** After detailed discussion and deliberation with the Nodal Officer (FCA) GoUK, the DDGF (C), RO Dehradun and considering all aspects, the Committee recommended the proposal for renewal of approval granted under the Forest (Conservation) Act, 1980 for non- forestry use of 16839.40 ha of Reserve Forest land in favour of Indian Army for Asan Field Firing Range (Sector 1, 3 and 5 as safety zone in District Dehradun Uttarakhand) under Dehradun and Soil Conservation Kalsi Division of Dehradun District and State Uttarakhand subject to the condition that the state government shall submit

the documents / details of the officers/officials who issued temporary working permission during the period when the valid FC approval was not available and take action for violation of the provisions of FCA,1980 within a period of 3 months from the issue of Stage-II approval.

Policy Issue No. 1

F. No. 11/155/2020-FC (Pt. I)

Clarification on the guidelines dated 24.01.2022 issued by the Ministry regarding non-site specific activities in the forest areas –reg.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 17.07.2023. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
2. The Advisory Committee, after examination of the matter, observed as under:
 - (i) Ministry has issued the comprehensive Handbook of Forest (Conservation) Act, 1980 on 28.03.2019 wherein guidelines relating to non-site specific activities have been provided under para 1.15. inter-alia mentioning that ‘...normally, there should not be any justification for locating non-site-specific projects on forest land. Therefore, the State Government should scrutinize the alternatives in more details and must give complete justification establishing its inescapability for locating the project in forest area’.
 - (ii) Para 11.1 of the Handbook also mention about the residential projects in the forest area requiring diversion of forest land. Similarly, para 11.9 of the Handbook specifically mentioned that ‘The Central Government will not entertain any proposal for diversion of forest land for construction of residential or dwelling houses. However, the construction of residential houses in private forests land for construction of residential or dwelling houses in the MDDA areas of Uttarakhand over 250 sq meter of built up area may be considered by the Central Government.
 - (iii) On a request received from the IRO, Dehradun regarding discrepancies in the provisions of the guidelines given under para 1.15, 11.1 and 11.9 of the Handbook, the matter was referred to the Forest Advisory Committee (FAC) in its meeting held on 17.09.2021 and the Committee examined the matter and recommended to remove ambiguities in the guidelines. Based on the recommendation of the Committee, the Ministry issued guidelines on 24.01.2022 wherein the para 11.1 was deleted and 11.9 was retained and para 1.15 was modified as under:

“Utilization of forest area for establishing industries, construction of residential colonies, institutes, disposal of fly ash, rehabilitation of displaced persons, etc. are non-site-specific activities and cannot be considered on forest land as a rule. For that matter, no non-site specific proposal can be entertained for considering approval under the FCA 1980. In exceptional

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circumstances, residential projects up to one ha, can be considered for approval under FCA 1980 by the MoEF&CC, subject to appropriate justification and recommendation by the concerned State Government and the Regional Officer of the IRO of MoEFCC”.

- (iv) Recently, representations have been received from the IROs such as Shimla and Dehradun wherein adverting to the non-site specific proposals, being received from the respective State Governments, the IROs have sought clarifications in the matter.
- (v) The Advisory Committee observed that as per the extant guidelines issued by the Ministry in 24.01.2022, non-site specific purposes like establishing industries, construction of residential colonies, institutes, disposal of fly ash, rehabilitation of displaced persons, etc. cannot be considered on forest land as a rule. For that matter, no non-site specific proposal can be entertained for considering approval under the FCA 1980.
- (vi) The Advisory Committee also observed that the guidelines prevalent before 28.03.2019 (before the issuance of Handbook of Forest (Conservation) Act, 1980, the non site specific activities to be implemented by the Government Department, involving public interests and forest area up to 1 ha were allowed in the forest area. However, said guidelines were dropped in the Handbook of Forest (Conservation) Act, 1980 published by the Ministry on 28.03.2019.

3. **Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division, deferred the matter for next meeting for more deliberation in the matter before making further recommendations.

Policy Issue No. 2

F. No. 11/46/2020/FC

Extended Reach Drilling (ERD) vis-à-vis its impact on the above ground biodiversity of forest areas; Interim Standard Operating Procedures communicated by the Wildlife Institute of India.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 17.07.2023. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
2. The Advisory Committee, after examination of the matter, observed as under:
 - (i) Report on Extended Reach Drilling was submitted by the DGH in the year 2020 and the said report was examined in a meeting chaired by the DGF&SS on 10.12.2020. As per the decision taken in the meeting dated 10.12.2020, it was desired from DGH to *look into the concern of the ministry with regards to impacts on forest to help the Committee enhance its report with more scientific data.*
 - (ii) In pursuance to the above observations of the Ministry, the DGH has submitted the revised report for further consideration of the Ministry. Revised report inter-alia includes recommendation of ICFRE on the likely impact of the technology on the surrounding forest. Detailed report may be perused at page 88/c. Recommendations

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made in the report *inter-alia* included that since there is minimal impact on the surface due to sub-surface activity at a depth of 3000-4000 meters, the ERD may be exempted from the purview of the Forest (Conservation) Act, 1980 and there are clear differences in the legal background and operational practices of conventional mining and Oil & Gas exploration activities, therefore, proposals of DGH may not be considered as conventional mining proposals.

- (iii) The above report was considered by the Forest Advisory Committee in its meeting held on 31.03.2023. The FAC, after detailed deliberations and taking cognizance of submission made by the DG, Hydrocarbon has advised that recommendation made in the study may be accepted and agreed 'in-principle' by the Ministry. With a view to ensure holistic assessment of impacts as envisaged in the report, findings of report further need to be evaluated in terms of their impact on the wildlife. Accordingly, a copy of report may be provided to the Wildlife Institute of India for their consideration and validation of the recommendation, with reference to wildlife, made therein. So that final decision in the matter may be taken thereafter.
 - (iv) Earlier, the Wildlife Institute of India, Dehradun on 09.05.2022, submitted their observations on the report *inter-alia* mentioning that the committee report is primarily based on secondary information/data. There is no quantitative and scientific data supporting the observations of the committee. To devise precise guidelines, especially concerning wildlife, credible primary data concerning wildlife species needs to be relied upon. The WII also informed that given the nature and detail of data collection, it will require at least 3 years to prepare report and make appropriate recommendation on the proposed technology.
 - (v) Now the WII vide their communication dated 10.06.2023 has submitted a general SOP for Extended Reach Drilling which was discussed with the DGH on 24.05.2023. The SOP submitted as an interim measure until the WII generate the credible information for region-specific guidelines.
 - (vi) The Committee observed that the drilling activity cannot be stopped in between as the well may become plugged with debris and may become unstable and collapse causing oil/gas leakage which ultimately results into environment pollution. After deliberations, the SOP has been revised by the WII and the same has been forwarded to the Ministry for consideration.
 - (vii) The ERD/HDD is considered environmentally safe and the best technology for tapping the hydrocarbon from beneath without disturbing the surface area. This technology is considered suitable for areas like wildlife areas, eco sensitive zone, forest area and other inaccessible zones with least impact on biodiversity and ecosystem of that area. The projects, which adopt of ERD /HDD and work from outside forest areas, ought not to be considered under the purview of Forest Conservation Act, 1980 and Rules made there under as no activities are undertaken in forest area and there would be minimal impact on surface forest area. Projects which are located on the forest areas and need actual diversion of forestland would continue to follow all the Rules and Regulations of FC Act, 1980.
3. **Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division observed that in light of general SOP submitted by the WII, the existing report submitted by the DGH to undertake drilling in the forest areas, located outside the Protected Areas

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and Eco-sensitive Zones, may be accepted by the Ministry subject to following conditions:

- (i) The station for ERD will be setup out side the forest area at a minimum distance of 500 meters.
- (ii) The State Government shall ensure that the recommendations made in the General Standard Operating Procedures, annexed as **Annexure-I**, submitted by the Wildlife Institute of India will be complied with strictly by the User Agency.
- (iii) The DGH will facilitate the formulation of detailed regional-specific guidelines by the Wildlife Institute of India. The necessary financial support, as will be required by the WII, will be arranged by the DGH.
- (iv) The Region-Specific guidelines, as may be prescribed by the WII, will be complied with by the User Agency and DGH. An undertaking in this regard, wherever applicable, will be obtained by the State Government while allowing drilling through ERD technology.
- (v) The exemption considered for the ERD technology will not be applicable if the the drilling area falls inside the Protected Areas notified under the Wild Life (Protection) Act, 1972.

Policy Issue No. 3

F. No. 11/50/2020-FC

Sub:- Consolidated guidelines on raising compensatory afforestation; clarification on the provisions of raising compensatory afforestation over degraded forest land /Revenue Forest land– reg.

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 17.07.2023. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
2. The Advisory Committee, after examination of the matter, observed as under:
 - (i) The Ministry vide its letter dated 13.06.2023 has issued clarification on raising the compensatory afforestation in lieu of diversion of forest land. In the said guidelines, it was clarified by the Ministry that compensatory afforestation over degraded forest land may be considered in forest rich States/UTs, besides clarifying the raising of CA over revenue forest land, waste lands, etc. not under the management and administrative control of State Forest Department. Plantation of 10 times number of trees in respect of proposals involving area up to one ha was also clarified in the said guidelines.
 - (ii) The Power Grid Corporation of India, National Highway Authority of India, Odisha Power transmission Company Limited vide their respective letters dated 21.04.2023, 15.05.2023 and 25.04.2023, have requested intervention of the Ministry to allow raising of CA over degraded forest land and revenue Forest land in respect of their proposals involving diversion of forest land.
 - (iii) The Power Grid Corporation of India Limited in their representation dated 21.04.2023 submitted that all transmission licensees whether private or Govt. obtain authorization under Section 164 of EA, 2003 which empowers them to exercise powers of the

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Telegraph Authority under Indian Telegraph Act (ITA), 1885 for placing transmission lines under, over, along, or across, and posts in or upon any immovable property as stipulated under section 10 of ITA, 1885. Further, the provisions of ITA, 1885 {10 (b)} also prohibits any acquisition of land but only provide for right to use with provisions for compensating all damages {10 (d)} while exercising such powers. Accordingly, all transmission licensees, having authorization under Section 164 of the EA, 2003 apply provisions of Section 10 of Part-III of ITA, 1885. In view of the foregoing submissions, the interventions have been requested from the Ministry to allow compensatory afforestation over degraded forest land, double in extent to the forestland being diverted in respect of transmission line projects.

- (iv) NHAI in their representation mentioned that pursuant to the notification of Forest (Conservation) Rules, 2022, the Forest Officials in the States are insisting the National Highways Authority of India (NHAI) to provide suitable non-forest lands which is not available resulting inordinate delays in Infrastructure project implementation. According, intervention has been requested from the the Ministry to restore the earlier provision that the Compensatory Afforestation allowing CA over degraded forest twice in extent of the area being diverted as contained in the Forest (Conservation) Rules, 2022.
- (v) Similarly, the Odisha Power Transmission Company Limited has requested MoEF&CC to allow OPTCL, Odisha the use of degraded land under the control and management of the Revenue Department, Govt. of Odisha which is categorised as Jungle kism, labeled as i.e., Gramya jungle, Patra jungle, Jhadi jungle etc. for the purpose of compensatory afforestation. Such lands would be afforested and mutated in favour of the forest department and would be notified as protected forests in accordance with the specification of FCA, 2022 rule.
- (vi) The Committee was further apprised that currently information about the applicability of the CA in various lands is scattered in various guidelines. Ministry should consider issuance of consolidated guidelines on the provisions of the compensatory afforestation.
- (vii) Committee was also apprised that ambiguity is also observed among the field functionaries about the applicability of the compensatory afforestation in respect of OFC proposals located in the RoW of roads and accordingly, it was desired that clarification in this regard may be issued by the Ministry.

3. **Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division observed that Forest (Conservation) Rules, 2022 and guidelines dated 13.06.2023 issued by the Ministry provides for enabling provisions for raising compensatory afforestation in various lands. The Central PSU and State Government undertakings can raise over degraded forest land provided no acquisition of non-forest land is involved. As the enabling provisions have already been provided by the Ministry to raise CA over various lands, including degraded forest land and Accredited Compensatory Afforestation lands, the Forest Conservation Division has prepared and presented the consolidated guidelines (Annexure-I) before the Committee which are appropriate and may be considered by the Ministry to remove ambiguities and bring clarification.

General SOP (Revised) for Extended Reach Drilling (ERD) Projects in India

Based on the site visit by the WII team, there is a need to understand the impact of ERD on the above-ground biodiversity of forest areas and associated wildlife species. Once a detailed study on animal distribution, activity, behaviour, and response to anthropogenic disturbance is carried out, we shall be able to submit detailed and site-specific recommendations to mitigate the adverse effect of drilling and exploration on wildlife species. Drillings sites in different biogeographic zones and habitat types will be selected to monitor the impact of anthropogenic disturbance on wildlife activity and their responses. The study outcomes will incorporate the relevant environmental protection measures and provide essential mitigation measures to reduce the adverse impacts of drilling on wildlife and surrounding forest areas. Since most of the disturbance is during the drilling process, mitigation measures must be implemented along with the ERD activities. The measures across different drilling sites in India will be based on a comprehensive study proposed by WII based on credible primary data concerning wildlife species in our country. Given the above, following are the general recommendations to be considered while considering ERD near wildlife-sensitive areas to be considered as general SOP until site region-specific mitigation plans are proposed.

1. The drilling sites should be located at the base of the catchment areas or downstream to avoid spill-over directly into the water.
2. The drilling should be avoided in corridor areas, especially in areas known to have landscape-dependent species such as Elephants, Tigers, etc.
3. The distance of the drilling site from the Wildlife corridors/Wildlife sensitive areas should not be less than 1 km. This distance is only based on the precautionary principle. The exact distance should be recommended based on the detailed study.
4. The drilling site should be installed with an active noise-proof solution to avoid impacting local habitats and wildlife.
5. There should be a comprehensive plan to mitigate the effects of light pollution around the drilling site.
6. The approach roads built towards the drilling site should be mitigated if passing through sensitive wildlife areas/protected areas or corridors.
7. The operations should only be limited to drilling at the drilling site, whereas all other subsidiary infrastructure should be far away from critical wildlife habitats.
8. As the drilling activity can't be stopped in between because of technical reasons, the drilling activity may continue across the sites. For sites, close to important Wildlife habitats the ancillary activities should be minimized during peak wildlife activity, such as early morning and late evening hours. All vehicular movement to and from the drilling site during the peak wildlife activity should be minimized and a comprehensive mitigation plan for sound, light, and other ancillary pollution should be in place.

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9. A boundary wall should enclose all the drilling points/wells. They should have a 10 m wide road running across the periphery to form a barrier against fire and allow easy movement of fire tenders during fire incidence.
 10. The contingency plan /team/ protocol should be active for the drilling zone/sites to meet any contingencies during emergencies without time loss. Wildlife should be an integral part of this plan.
4. It is also imperative to mention here that since the extraction of hydrocarbons is considered as a mining activity, the applicability of the above SOPs should be restricted to forest land falling in the Non Protected Areas.
 5. In view of the above, the matter may be referred to the Advisory Committee or its further consideration and examination.

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi-110003
Dated: July, 2023

To

The Addl. Chief Secretary/Principal Secretary (Forests),
All State/UT Governments

Sub: Provisions and guidelines on compensatory afforestation - reg.

Madam/Sir,

I am directed to refer to this Ministry's letter of even number dated 13.06.2023 on the above subject and to say that during an inter-ministerial review of the provisions relating to compensatory afforestation, it has been observed that during the last year after the enactment of Forest (Conservation) Rules, 2022, the Ministry has issued guidelines on the compensatory afforestation. Scattered information on compensatory afforestation in rules and guidelines makes it inconvenient for the users to comprehend the provisions efficiently, it has therefore, been desired that a consolidated provisions of the compensatory afforestation may be compiled and issued by the Ministry to enable the users to understand and apply them conveniently. Accordingly, guidelines and provisions of raising CA have been consolidated as under:

Consolidated Guidelines on raising compensatory afforestation in lieu of diversion of forest land under the Forest (Conservation) Act, 1980

1. Provisions given under sub-rule (1) rule 11 of the Forest (Conservation) Rules, 2022, provides that primarily, the compensatory afforestation, in lieu of forest land proposed for diversion, has to be raised over equivalent non-forest land which is not under the management and administrative control of the Forest Department.
2. The non-forest lands afforested as per the provisions Accredited Compensatory Afforestation scheme i.e. patch of non-forest land involving minimum area of 10 ha with 0.4 vegetation density and minimum five years old afforestation can be used as CA in lieu of diversion of forest land. In case of lands owned by the Government agencies, such lands containing ACA be notified without transferring and mutating their ownership. Revenue, if any, earned from such lands from various operations such as thinning, felling, and selling of carbon credits and other benefits will also accrue to the land owning agency. Existing plantation which meets the criteria of ACA can also be swapped for CA in lieu of diversion of forest land.
3. The State Government/UT Administrations may create a Land Bank of non-forest lands with minimum size of 25 ha under the administrative control of the Department of Forest. In case, the Land Bank is in continuity of a land declared or notified forest land, Protected

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Area, Tiger Reserve or within a designated tiger corridor or a designated/ identified wildlife corridor, there shall be no restriction on size of the land. The lands covered under accredited compensatory afforestation may be included in the Land Bank.

4. In case of non-availability of the non-forest land, the CA can also be raised over the following lands subject to conditions prescribed therein:
 - (i) Revenue forest lands i.e. land recorded as forest in the Government records but not notified as forest under any law and not managed by the Forest Department viz. revenue lands/zudpi jungle/chhote/bade jhar ka jungle/jungle-jhari land/civil-soyam/orange lands and all other such categories of forest lands. Such lands shall be provided double in extent to the area proposed for diversion and shall be transferred and mutated in the name of State Forest Department. These lands shall be notified as Protected Forests (PF) under the Indian Forest Act, 1927 or local Acts prior to Stage-II approval.
 - (ii) In case the non-forest land or portion thereof provided by the user agency is not fit for raising compensatory afforestation of a specified density, then additional compensatory afforestation shall be raised on a degraded notified or unclassified forest land under the management control of the Forest Department which is twice in size of such shortfall in the given compensatory afforestation land and the user agency shall also bear the additional cost on such account. However, if the non-forest land being made available for compensatory afforestation already bears vegetation of 0.4 canopy density or more, there shall not be an additional requirement of planting of trees on such land but a programme for improvement of the forest crop shall be implemented by the Forest Department in a time-bound manner.
 - (iii) Non-forest land identified for raising compensatory, contiguous to forest land, located in the wildlife corridors and Protected Areas will incentivized as per the provisions provided in the Schedule-I of the Forest (Conservation) Rules, 2023.
 - (iv) In exceptional circumstances, when the suitable non-forest land for raising compensatory afforestation is not available and a certificate to this effect is given by the State/UT Government, the compensatory afforestation may be considered on degraded forest land, which is twice in extent to the forest area proposed for diversion in favour of Central Public Sector Undertaking and for captive coal blocks of State Public Sector Undertaking on case to case basis. However, this relaxation will not be available in case the project of Central Government undertaking or State Government undertakings also involves acquisition of non-forest land by the respective agencies.
 - (v) Compensatory afforestation can be raised over the degraded forest land, double in extent to the forest land being diverted, in respect of power transmission line proposals where no acquisition of non-forest land is involved as per relevant Act. An undertaking stating that no acquisition of non-forest land is involved in the transmission line project will be submitted by the user agency while applying for diversion of forest land.
 - (vi) In cases, where due to scarcity of land and/or on account of any other valid reason, it is not possible to raise compensatory afforestation in the same State/UT where diversion of forest land is proposed, the Ministry, in public interest, may allow, on case to case basis, compensatory afforestation in other States/UTs.
 - (vii) In the States/UTs, having forest area more than 33% of their total geographical area, the compensatory afforestation can be carried out over degraded forest twice in extent

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of the area being diverted or the difference between the forest land being diverted and the available non-forest land, as the case may be. The non-availability of suitable non-forest land for raising compensatory afforestation will be accepted by the Central Government only on the basis of a certificate of the State Government /Union territory Administration to that effect in the prescribed format. Moreover, the States and UTs such as Delhi NCT wherein the total area under forest is less than 33%, the CA in other states may be allowed on case to case basis subject to justification provided.

- (viii) In Arunachal Pradesh, Degraded Unclassed Forests (USF) shall be considered for CA provided such land proposed for CA shall be double in extent of area proposed for diversion. Such land shall be transferred and mutated in the name of State Forest Department and notified as PF, under IFA 1927 or Assam Forest Regulation 1891 or Anchal Forest Reserve/Village Forest Reserve under the Arunachal Pradesh Forest Reserve/Village Forest Reserve (Consolidation and Maintenance) Act 1975 as amended from time to time, prior to Stage-II approval.
 - (ix) Waste lands of Himachal Pradesh, which come under the category of Protected Forests but have neither been demarcated on the ground nor transferred and mutated in the name of forest department in the revenue records, shall be considered for the purpose of CA provided that double the area of such category is covered under CA and is declared as PF under IFA, 1927 after mutation in the name of SFD prior to Stage-II approval. This dispensation shall be applicable for the Central, State and Private sector projects.
5. In the following categories of proposals, cost of plantation of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation:
- (a) Clearing of naturally grown trees in forest land or in portion thereof for the purpose of using it for reforestation;
 - (b) Diversion of forest land up to one hectare;
 - (c) Underground mining in forest land without surface rights;
 - (d) Renewal of mining lease for the forest area for which CA has already been paid;
 - (e) Diversion of forest land under the General Approval (GA) up to one hectare;
 - (f) Re-diversion of forest land within the RoW of roads which have already been diverted for non-forestry purposes and are located outside the Protected Areas. Provided that in case the proposed area falls in the RoW of the road passing through Protected areas, General Approval is subject to requisite permissions from the Standing Committee of the State Board for Wildlife or the National Board of Wildlife as the case may be.
 - (g) Construction of tunnels in roads/railway projects
6. In respect of diversion of forest land for safety zone along around an existing mine where safety zone has not been provided for so far, User Agency shall deposit the amount for afforestation on degraded forest land, to be selected elsewhere measuring one and a half

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time the area of forest land under safety zone with the State Forest Department in addition to depositing funds with State Forest Department for the protection and regeneration of the Safety Zone area. The State Forest Department shall execute the afforestation scheme. These provisions will not be applicable, in case the area of safety zone is located within the lease area or area proposed for diversion and land identified for raising compensatory afforestation, non-forest land or degraded forest land, also includes the CA area in lieu of safety zone area.

7. Any degraded forest land for the purpose of CA, selected by State Government as per above provisions, may be accepted by MoEF&CC only if the crown density of the area is below 40 percent and is not a grassland or an area of ecological importance in its present form.

This issues with the approval of competent authority.

Yours faithfully,

(Charan Jeet Singh)
Scientist 'D'

Copy to:

8. The Principal Chief Conservator of Forests, All State/UT Governments
9. The Dy Director General of Forests (Central), All Regional Offices of the MoEF&CC
10. The Addl. PCCF & Nodal Officer (FCA), Office of the PCCF, All State/UIT Governments
11. Monitoring Cell, FC Division, MoEF, New Delhi
12. Guard File

Additional Agenda**File No. 6-MPC022/2022-BHO**

Subject: Proposal for diversion of 17.28 ha of Reserved forest land for (establishment/extension of 17.00 ha for Gurukul and 0.28 ha for approach road) for Acharya Shankar International Institute of Adwaita Vedanta in village-Godadpura in favour of Assistant Director, Culture Department, Tribal Museum Bhopal in Khandwa district of Madhya Pradesh – regarding.

1. The agenda item was considered by the AC in its meeting held on 17.07.2023.
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 Dy. DGF (Central), RO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting.
4. The instant proposal has been dealt by Regional Office Bhopal. The same has been referred to Advisory Committee in view of the site specificity of the project.
5. The Dy. DGF (Central), RO, Bhopal made a presentation before AC and informed as under:
 - i. The Government of Madhya Pradesh vide their letter No. F-5/1158/2022/10-11/2508 dated 18.07.2022 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 17.28 ha of Reserved forest land for (establishment/extension of 17.00 ha for Gurukul and 0.28 ha for approach road) for Acharya Shankar International Institute of Adwaita Vedanta in village-Godadpura in favour of Assistant Director, Culture Department, Tribal Museum Bhopal in Khandwa district of Madhya Pradesh.
 - ii. RO, Bhopal has given permission for two proposals for the same user agency at given location as per the details given below :

Sl. No.	Proposal Name	Date of Stage-I approval	Date of Stage-II approval
1	FP/MP/Others/34696/2018 Diversion of 10.0 ha RF for construction of Acharya Shankar Antarrashtriya Vedant Sansthan in Village- Godarpara, Tehsil Punasa, in favour of Assistant Director, Culture Department, Govt. of Madhya Pradesh in Khandwa District, M.P.	31.08.2020	01.01.2021

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2	FP/MP/Others/141442/2021	03.08.2021	07.01.2022
	Diversion of 9.36 ha (5.00 ha RF & 4.36 Revenue Forest) for extension of Gurukul under Acharya Shankar International Institute of Adwaita Vedanta at Omkareshwer in Khandwa District, MP in favour of Officer In-charge, Acharya Shankar Vedanta Culture Integration Trust, Bhopal, Madhya Pradesh		

- iii. The extant project is extension of above mentioned Acharya Shankar International Institute of Vedanta. The Legal status of the forest land proposed for diversion is Reserved Forest and no non-forest land is required for the project.
- iv. CA is submitted over 18.34 ha in two patches and the areas between the two patches were already used as CA in other proposals (FP/MP/Others/34696/2018-10.00 ha and FP/MP/IRRIG/29552/2017-54.6 ha) and CA scheme is furnished.
- v. The proposal was discussed in REC meetings held on dated 18.11.2022, dated 23.01.2023, dated 22.02.2023, dated 10.03.2023 and dated 04.05.2023.
- vi. In REC meeting held on 18.11.2022, it was decided that Govt. of MP should constitute a committee comprising of forest officials (not below the rank of CCF) and Culture Departments to re-look into the proposal with following objectives:
 - a) To assess minimum requirement of the proposed project for diversion of forest land as already 19.36 ha (10.00 ha & 9.36 ha) forest area have been diverted in two stages in favour of the same User Agency for the same purpose.
 - b) Whether the location of the site of the proposed project could be made abutting to the already diverted areas, so that the threat of future encroachments at the periphery is minimised.
 - c) To prepare a fresh layout plan of proposed diversion area showing the proposed construction units along with respective areas of individual units.
 - d) To assess whether the project is specifically required at the project site with reasons thereof.
- vii. The State Govt. of Madhya Pradesh submitted a report on 14.12.2022 and informed as below:
 - a) State Govt. constituted a committee comprising of CCF, DFO and officials of Culture Department. The committee inspected the areas and observed that the adjoining areas of habitation is having steep slope and hence would not be feasible for construction.
 - b) The committee stated that the two patches of land which were earlier proposed for diversion i.e. 7.76 ha and 0.55 ha are not found to be suitable for construction purposes and are only suitable for

- taking up plantation. The committee also stated that the area of 7.76 ha and 0.55 ha (8.31 Ha) shall be planted at the cost of User Agency and would not be required for diversion.
- c) The layout plan of proposed diversion area and administrative approval of the Department of Culture, Govt. of M.P. was furnished.
- viii. After the site inspection done by the Committee, it was decided by PCCF (LM), Govt. of Madhya Pradesh that the required proposed diversion area is only 8.97 ha and remaining 8.31 ha area shall be planted by State Forest Department at the cost of User Agency and the area would be developed as a green belt.
- ix. The matter has also been discussed in meeting chaired by DDGF(C), IRO Bhopal on 09.01.2023. The PCCF (LM) cum Nodal Officer, Govt. of MP and DIGF(C) was also present in the meeting and following decisions were taken:
- a) The State Forest Department and User Agency shall have a re-look into the proposed diversion area and the same should be revised as integrated proposal in continuation with the previous approved areas.
- b) The User Agency shall submit final unit wise / purpose-wise, detail layout plan (countersigned by Competent Authority & DFO) with KML files.
- x. In 4th REC meeting held on 10.03.2023, the committee approved the proposal with specific conditions that:
- A. The User Agency shall submit an undertaking that no further proposal for diversion of forest land for the same Project in this area shall be initiated in future.
- B. The Stage-I approval shall be granted only after receipt of following information:
- a) The State Govt. of Madhya Pradesh may submit a single patch of CA area along with KML file and relevant documents.
- b) The User Agency shall submit an undertaking that the construction area will not increase over the proposed layout plan and rest of the area shall be developed/ maintained as a green space. Plantation shall be raised in consultation with State Forest Department in the green belt area and cost of raising the plantation would be borne by the User Agency.
- xi. The matter was deliberated by the Advisory Committee and the proposal was discussed in detail. It was observed that since the proposal is for the extension of an existing institute, therefore the same cannot be termed as non-site specific in present circumstances. However, the fact that the user agency is seeking multiple extensions needs attention. The REC in its meeting dated 10.03.2023 has recommended that the user agency shall submit an undertaking that no further proposal for diversion of forest land for the same project in this area shall be initiated in future.
- xii. The AC further observed that the instant proposal is for the extension of an already existing institute for which forest land has been diverted earlier and the further extension can take place in the adjoining area only. Keeping this in

view the proposals is a special case which cannot be termed as non-site specific in nature.

6. Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Nodal Officer (FCA), Madhya Pradesh and Dy. DGF (C) Bhopal. After going through the facts of the proposal and submissions made by the Dy. DGF (C), Bhopal, and considering the importance of the project, the Committee recommended the proposal for Stage-1 approval subject to general, standard and following specific conditions:

- i. The User Agency shall indicate the final requirement of land and submit an undertaking that no further proposal for diversion of forest land for the same Project in this area shall be initiated in future.
- ii. As recommended by the REC, The State Govt. of Madhya Pradesh shall submit a single patch of CA area along with KML file, CA scheme, site suitability certificate and relevant documents. The Regional office shall carry out the site inspection of the said CA area and ensure its suitability before the area of the Compensatory Afforestation is finalized. The area proposed for CA shall be protected by way of chain link fencing to protect it from encroachment.
- iii. The User Agency shall submit an undertaking that the construction area will not increase over the proposed layout plan and rest of the area shall be developed/ maintained as a green space. Plantation shall be raised in consultation with State Forest Department in the green belt area and cost of raising the plantation would be borne by the User Agency.
- iv. The detail of component wise breakup for the area approved/diverted in previous approvals and the one now proposed for diversion shall be submitted before the Stage-II approval.
- v. The State shall reconcile the KML files of the areas already diverted, now proposed to be diverted and the green zone and submit the same before Stage-II approval.

(Confirmed through email)

(Dr. Naveen Chandra Bisht)
(non-official Member)

(Confirmed through email)

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

(Confirmed through email)

Shri Manoj Pant
(non-official Member)

(Confirmed through email)

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

(Confirmed through email)

(Confirmed)

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Shri Bivash Ranjan
Addl. Director General of Forests(WL)
(Member)

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

(Confirmed)

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

(Approved)

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