

**MINUTES OF MEETING OF FOREST ADVISORY COMMITTEE (FAC) HELD ON  
13th JULY, 2020**

**Agenda No. 1**

**File No. 8-07/2019-FC**

**Sub: Diversion of 115.874 ha. of forest land in favour of M/s Jaiprakash Associates Ltd. for proposed diversion of forest land at village Kota in Tehsil Robertsganj, District Sonbhadra for JP Super cement plant and it's township (a unit of Jaiprakash Associates Ltd. Sector 128, Noida) in District Sonbhadra, State Uttar Pradesh.**

1. The above stated agenda item was considered in FAC meeting on 13.07.2020. Corresponding agenda note may be seen at *parivesh.nic.in*.
2. During deliberations on the matter the FAC observed the following:
  - a. The proposal was discussed in FAC meeting dated 23.04.2020 wherein FAC, after examination of the proposal had deferred the same and sought the additional information/details from the State Government on following six issues:
    - i. The detailed chronology of events which are vital to decide the issues pertaining to violation of FCA 1980;
    - ii. Issue of violation of Forest (Conservation) Act, 1980 noted in the Site Inspection Report of the Regional Office, MoEF&CC, Lucknow;
    - iii. The detailed clarification on responsibility with regard to the unauthorized use of forest land;
    - iv. Details of action initiated by the State Government in compliance of the orders issued by the Hon'ble NGT in this matter;
    - v. Issues pertaining to DSS analysis;
    - vi. The relevant copies of the orders of the Hon'ble Court with regard to the present proposal.
  - b. The said decision of FAC has been communicated to State Government of Uttar Pradesh vide Ministry letter of even no. dated 18.05.2020.
    - i. Chronology (date wise) status of forest land proposed for diversion and extent of violations of FCA 1980;
    - ii. Total extent of forest area proposed for diversion where violation of
    - iii. Forest (Conservation) Act, 1980 is attributable;
    - iv. Suitability of site proposed for compensatory afforestation vis-à-vis DSS analysis report;
    - v. Any other information relevant with instant proposal.
  - c. The Government of Uttar Pradesh vide their letter dated 18.06.2020 has submitted the point-wise reply, which may be seen in the detail agenda note.
  - d. Nodal Officer, FCA, Government of Uttar Pradesh (who had joined the meeting through VC) informed that the construction activity on the proposed forest area has been carried out during the period between the year 2007 and 2016 by user agency as the proposed forest land was taken out from forest records by the Forest

Settlement Officer. Reply of the State Government mentions that date of notification of Section 20 declaration under Indian Forest Act, 1927 of remaining forestland excluding 1,083.203 ha (of which 115.874 ha is proposed for diversion) is 25.11.2018.

- e. The reply furnished by the State Government of Uttar Pradesh was discussed threadbare and same was also analyzed with regard to the Hon'ble NGT orders issued on 04.05. 2016 and 30.05.2016. Peculiarity of change in status of forest land in question and actions/inactions of State Forest Department in the instant case was also considered by the FAC members. It was decided that in order to have a better insight into the issue of violation done as per the provisions under Forest (Conservation) Act, 1980 and difference in contents of field report with DSS analysis, it would be pertinent to have a joint site inspection and bring more clarity on the proposal.

**Decision of FAC:**

FAC, after through deliberation and discussion with Nodal Officer (FCA), Uttar Pradesh and DDG (RO, Lucknow), **deferred the proposal** and desired that the following information may be obtained from the State Government.

1. A detail site inspection report based on joint site inspection by the Regional Office, MoEF&CC, Lucknow and officials of the State Forest Department, regarding violation done as per the provisions under Forest (Conservation) Act, 1980 over the forest area proposed for diversion by user agency. The report shall include among others:
  - a. Status of forest land proposed for diversion and extent of violations of FCA 1980;
  - b. Extent of forest area, within the proposed area of diversion, where violation under Forest (Conservation) Act, 1980 has been done;
  - c. Suitability of site proposed for compensatory afforestation vis-à-vis DSS analysis report;
  - d. Any other information relevant with instant proposal.
2. The State Government shall provide details of construction activity carried out on proposed forest area for diversion by user agency after Hon'ble NGT order in OA No. 494 of 2015 dt 04.05.2016, if any.
3. Present possession status of remaining forest area outside the proposed area for diversion, i.e. 1083.203 ha – 115.874 ha = 967.126 ha.

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**Agenda No. 2**

**File No. 8-21/2015-FC**

**Sub: Proposal seeking prior approval under Forest (Conservation) Act, 1980 for non-forestry use of 277.15 ha of forest land in favour of M/s Central Coalfield Limited for**

**Rajrappa Open Cast Coal Mining Project in Bokaro Forest Division, District Bokaro (Jharkhand) –reg.**

1. The above stated agenda item was considered by FAC in its meeting on 13.7.2020. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. FAC after through deliberation and discussion observed that the proposal has been considered by FAC in different meetings earlier on 24.11.2015 and 26.10.18 During deliberation in the instant meeting, FAC observed that:
  - a. The project area is spread over 5 blocks and has 3300.53 ha of total area. As per latest report of the state government, 1353.44 ha is the forest area.
  - b. It is reported that part of total forest area (510.12 ha) was diverted under the provisions of FCA 1980 on 15.03.2007. In accordance with the MoEF&CC guideline dated 01.04.2015, the user agency has already deposited NPV for entire forest area within the project area.

**Decision of FAC:**

FAC after thorough deliberation and discussion with DDG regional office Ranchi (Through Video Conference) **recommended the proposal** with Standard, General and following specific conditions.

1. As reported, large parts of Rajrappa OCP land area (forest and non-forest land) which were opened up earlier (it includes 510.12 ha of already diverted forest land in 2007), are on verge of closure of mining. The reclamation should be expedited and the reclaimed forest land should progressively be handed over to SFD, Jharkhand in phased manner. A schedule to this effect shall be submitted.
2. The biological rehabilitation works in the mined out areas and OB dumps are reportedly not satisfactory. User agency shall consult with local institute of ICFRE ((Indian Council of Forest Research and Education) to improve the result in this regard.
3. No tree felling and mining work shall be carried out within 50 meter width along the river bank. The area shall be maintained as green belt.

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**Agenda No. 3**  
**Policy Issues**

File No. 11-50/2020-FC

**Sub: Minutes of the meeting of Group of Infrastructure (GoI) held under the Chairmanship of the Hon'ble Minister, RTH and MSME on 25.02.2020- reg.**

1. The above stated agenda item was considered by FAC in its meeting on 13.07.2020. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During deliberations FAC observed that:

- a. The above stated agenda item was also discussed in FAC meeting held on 28.5.2020.
- b. The issue was first deliberated in the in the Group of Infrastructure (GOI) meeting held under the Chairmanship of the Hon'ble Minister, RTH and MSME on 25.02.2020.
- c. In the meeting it was brought to the knowledge of official of MoEF&CC that state Governments have been insisting allotment of equivalent Revenue land in lieu of forest land proposed for diversion for NH Projects executed by the State Governments/State Governments agencies.
- d. The decision of the Group of Infrastructure meeting held on 25.02.2020 was conveyed to MoEF&CC, through the approved minutes. The same was perused by FAC. The decision taken in the meeting is placed as follow:

*The official representing of MoEF&CC stated that Compensatory Afforestation (CA) is the most important component of diversion of forest area under Forest (Conservation) Act, 1980. This is stipulated to maintain and enhance forest area and forest cover of the country. CA is stipulated over non-forest land which is identified by the User Agency/Project Proponent. However, to expedite the Central Government projects, a special dispensation has been given in departure from the general norms, where under for CPSU projects afforestation in degraded forestland is allowed in lieu of non-forest land. This special dispensation has been given with the premise that Central Government does not own any land in a state/UT However, when states are associated with central projects, mobilizing non-forestland becomes possible, and this dispensation is not extended to such projects.*

*It was agreed that national highway projects, which are Central Sector Projects and are owned, developed and maintained by Central Government, identification for non-forest land for CA will not be insisted irrespective of the agency carrying out the execution. MoEF&CC is required to issue a clarification to this effect to all concerned immediately.*

- e. Above decision of Group of Infrastructure was discussed in the FAC meeting on 28.5.2020. Decision of FAC is placed as under:

*The matter was discussed and deliberated in detail in the FAC meeting with DDGs of Regional Offices. It was observed that as per existing guidelines, this dispensation is given for the projects implemented by Central Government/CPSUs excluding Central Govt./CPSUs Projects implemented by/through State Governments and State Sector Projects implemented by the Central Government/PSUs. The scope of expansion of this dispensation for Compensatory afforestation, as decided in the meeting of Group of Infrastructure (GoI) need proper understanding of process of execution of infrastructure work by NHAI (National Highway Authority of India) in States. In this regards NHAI officials may be invited for next FAC meeting for discussion with FAC members.*

- f. In pursuance to the decision of FAC, a meeting was held under chairmanship of DGF&SS on 24.06.2020, with MoRTH and NHAI Officials. During the meeting, it was agreed by DG (Roads) that MoRTH will be entered as a "user agency" in the

online application in PARIVESH, in such cases where work that is of Central Sector Project and is owned, developed and maintained by Central Government but the execution is carried out by a state agency. As the user agency is MoRTH (Central Government) or a Central PSU, the dispensation of Compensatory Afforestation over double the degraded forest land, instead of equivalent non-forest land will be available in such cases.

**Decision of FAC:**

FAC after thorough deliberation and discussion with DDGs of Regional Offices and officials of NHAI **recommended** that MoRTH/Central Government agency will be entered as a “user agency” in the online application in PARIVESH, in such cases where work that is of Central Sector Project and is owned, developed and maintained by Central Government but the execution is carried out by a state agency. As the user agency is MoRTH (Central Government) or a Central PSU, the dispensation of Compensatory Afforestation over double the degraded forest land, instead of equivalent non-forest land will be available in such cases. In case of any violation of provisions under the Forest (Conservation) Act, 1980 or matters related to residual responsibility, the same will be owned by the user agency. MoEF&CC may issue specific clarification in this regard.

(Confirmed)

(S. D. Vora)

Member

(Confirmed)

(A.K. Mohanty)

Inspector General of Forests (FC)

(Confirmed)

(Sh Anmol Kumar)

Member

(Confirmed)

(Dr Sanjay Deshmukh)

Member

(Confirmed)

(Sisir Kumar Ratho)

Additional Director General of Forests

(Not present )

Additional Commissioner (Soil  
Conservation)

Ministry Agriculture (Member)

*(Approved)*

(Dr. Sanjay Kumar)

Director General of Forests & Special Secretary