

**MINUTES OF MEETING OF FOREST ADVISORY COMMITTEE HELD ON
30TH AUGUST 2018**

Sandeep Sharma, AIGF (FC)

Agenda No. 1

File No. 8-45/ 2018-FC

Sub.: Diversion of 101.77 ha of forest land in favour of WB Power Development Corporation Ltd. for establishment of Gangaramchak-Bhadulia Block Open Cast Coal Mines under Birbhum forest Division, West Bengal.

1. The above stated agenda item was considered by FAC in its meeting held on 30.08.2018
2. It is observed that earlier the proposal was in name of M/s Bengal Emta coal mines ltd. The proposal for the erstwhile user agency was discussed in FAC meeting held 20th and 21st Oct., 2014. Later in view of Hon'ble Supreme Court Order the proposal was closed.
3. Now, the proposal is re-allocated to M/s WB Power Development Corporation Ltd.
4. The file was processed in the Ministry and after approval of the then Minister, the State Govt. informed vide this Ministry's letter dated 16.07.2015 that in the extant case ,Stage-I approval under the Forest (Conservation) Act, 1980 has not been accorded by the Ministry so far. In such cases, the MoEF&CC has issued Guidelines dated 9.06.2015 and state government shall take appropriate action in the matter in accordance with the procedure stipulated in the Guidelines dated 9.06.2015.
5. As per the direction of MoEF&CC, the State Government has submitted a proposal in favour of M/s WB Power Development Corporation Ltd

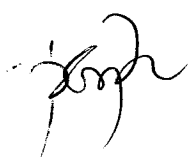
Recommendation of FAC: The project was discussed in detail. After through deliberation & discussion with APCCF, Regional Office and User Agency recommended the proposal for *in-principle* approval with standard and general conditions pertaining to the project.

Agenda No. 2

F. No. 8-04/2015-FC

Sub: Proposal for according permission for use of 0.64 ha of forest land within total forest land of 249 ha located inside Rabipur Reserved Forest land in Talcher Forest Range of Angul Forest Division for undertaking exploratory drilling of 16 no. of boreholes @ 0.04 ha each by M/s National Thermal Power Corporation Ltd. for prospecting of coal in forest areas of Chandrabila Coal Block of Angul district in Odisha.

1. The above stated agenda item was considered by FAC in its meeting held on 30.08.2018.
2. It is observed that the proposal was placed before the Forest Advisory Committee (FAC) earlier in its meeting held on 28th January, 2015.
3. FAC on 28th January, 2015 had recommended that:
 - i. Before taking decision on the proposal, the Forest Survey of India, Dehradun may be requested to assess the coal block based on the draft parameters formulated by a Committee reconstituted under Chairmanship of the



Secretary, Ministry of Environment, Forest and Climate Change to identify inviolate forest areas for mining.

- ii. Meanwhile the State Government may be requested to furnish their specific comments on recommendation of the concerned Divisional Forest Officer that proposal for drilling operation may be accepted, but if the question of forest diversion comes, the same may not be accepted considering the importance from wildlife point of view of the forest land proposed to be utilised for prospecting.
4. Now, after lapse of 3 (three) years the State Govt. recommends to allow prospecting exercise in this case as the same will have no significant disturbance to wildlife habitat in the area.
5. The proposal has been analysed on DSS in MoEF&CC. The major observation of DSS are as follows:
 - i. Proposed area for diversion of forest land falls on Dhenkanal district of Odisha State.
 - ii. Calculated area of Coal block Mining lease area is found 966.43 ha and the area of the Forest land applied for diversion is found 292.11 Ha. whereas as per instant proposal 249 ha area of forest land is sought by the user agency. Thus, there is discrepancy of 43.11 Ha. area is observed in the forest land proposed for prospecting work.
 - iii. Simlipal-Satkosia Tiger Corridor is located at a distance of 7.29 Km from the proposed Coal block boundary.
 - iv. Legal status of the proposed land cannot ascertained through DSS due to the unavailability of RFA boundary of Odisha State.
 - v. Proposed area of Chandrabila coal block is classified as Inviolat based on Decision Rule No. 1 as it falls on 'Sighada Jhor' river & within its 250 meter buffer. Total 8 Grids of size 1x1 Km is falling on proposed coal block, out of which none of the Grid is having its score above 70. Thus, the coal block is Not-inviolat as per Decision rule-2.
 - vi. Out of total coal block lease area, 48 ha. of land having the canopy density of Moderately dense forest, 197 ha. of land as open forest, 2 ha. of land as Water and 719 ha. of land as Non Forest in terms of forest classes (as per the ISFR 2015) based on the interpretation of satellite data period 2013-2014.
 - vii. Forest Types details: 5B/C2 Northern Dry Mixed Deciduous Forest: 96 Ha, 5B/C1 c Dry Peninsular Sal Forest: 94 Ha and Non-Forest:776 ha.

Recommendation of FAC: FAC after through deliberation & discussion with APCCF, Regional Office and User Agency observed that the present proposal is for prospecting of coal in forest area. It is also observed that initially the proposal was in name of NTPC whereas now the user agency name has been changed to TANGEDCO. Further FAC perused the facts and observed that MoEF&CC had delegated the power for allowing prospecting over forest area to the State Government as per MoEF&CC guidelines no. 5-3/2007-FC dated 09.05.2018. In this regard FAC recommend that the proposal may be returned to the State to take appropriate action as per the guidelines.



Agenda No. 3**F. No. 8-80/2010-FC**

Sub: Diversion of 249.90 ha of forest land in village prasabera, kedla, duni and barughuttu in west bokaro colliery, in favourn of M/s Tata Steel Ltd. Ramgarh forest division, district Hazaribagh, Jharkhand.

1. The above stated agenda item was considered by FAC in its meeting held on 30.08.2018.
2. The present proposal of diversion is 249.90 ha had already been discussed in FAC meeting on 15.05.2012 and 24.08.2016.
3. During the discussion with user agency on 30.08.2018 it was informed that the total mining lease area is 1740 ha out of which 1427.94 ha is a forest land. It was further informed that this mining lease was granted to M/s. Tata Steel Ltd. in 1947 for 999 years.
4. The figures provided by the state government regarding total mining lease and the land use were given in a casual manner.
5. On perusal of facts and correction pointed out by the representative of user agency it is observed that there are 4 (four) different project within 1740 ha and which have 1427.94 ha forest land. These are:

Sl. No.	Project Name	Proposed Area Ha.
1	TISCO O.L.C.	4.07
2	TISCO's Pundi Duni Project	222.24
3	TISCO's Parsabera, Barughutu, Kedla and Duni	249.90
4	TISCO's Barughutu, Kedla, Banji, Parej, Duruksamar and Duni	951.73
Total		1427.94

6. Presently user agency had applied for diversion of only 249.90 ha out of 1427.94 ha land .Out of 249.90 ha, 34.84 ha is a protected forest and 215.10 is GM jungle jhadi land.
7. Out of 34.84 ha of protected forest, 14.028 ha of forest land is reported to be broken prior to 1980.
8. Out of 215.10 GM jungle jhadi land,70.972 ha is reported to be used between 1980 to 1996.
9. In SIR(Site inspection report) which was carried out on 19-20 October, 2011, it is reported that the lease including all the sub block was being operated by M/s Tata Steel Ltd with an understanding that since the mining lease was valid they could have perhaps continue operation without seeking forestry clearance mid-way.



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However, they thought it is appropriate to seek forestry clearance while mining lease was still valid (i.e. since 1947 to 999 years).

10. In this backdrop, Tata Steel Ltd. Submitted a proposal for diversion 249.90 ha through State Government.
11. In the meantime, DFO issued closer notice for mining operation in the area against which the user agency moved to the Court and in the Order dated 29th June, 2005 of Hon'ble High of Jharkhand in a similar case, following was communicated:

"For a period of six week and thereafter, till such time as the Central Government does not take a final decision in the application that may be filed by the Tata Iron & Steel Co. Ltd the petitioner company will be entitled to continue with mining activities in Duni and Pundi but the same will be strictly restricted to the areas where such activity is being currently undertaken by the Tata Iron and Steel Co. Ltd. and no coercive steps will be taken against the Tata Iron & Steel Co. Ltd or its officials or contractors, while carrying out such mining activity in the said areas"
12. From the perusal of above order it is learnt that it is specific to Duni and Pundi area which is part of 222.24 ha project within entire lease area of 1740 ha. It was reported by the user agency that the proposal is under process of obtaining approval under Forest conservation act 1980.
13. State Government has proposed penal compensatory afforestation against the area under violation i.e 70.972 ha
14. It is reported that one nallah called Jharana nallah is flowing through the lease which is reported to be seasonal in nature. It is suggested that the user agency may be directed to either divert the nallah through the periphery or leave out 50 meters either side of the nallah as per mining rules.
15. It is also reported that the user agency has informed that the area of ash pond is 7.68 ha. Which has not figured in the proposal? Considering the future requirement of ash pond., it may also be included in the land use plan.
16. It is reported that none of the mining pits have been properly reclaimed. The user agency has stated that all the mining pits are in operation and phase wise reclamation is being taken. User agency had not undertaken concurrent reclamation.
17. During the inspection by Regional Office, it has been found that encroachment has taken place at different places. It was observed that protection measures to prevent encroachment by the user agency require strengthening. Regional office reported that the user agency suggested that the encroachers will be rehabilitated after being compensated properly.
18. Regional office had also reported that the user agency has neither proposed any land for top soil storage nor kept any such earlier top soil storage inside the lease. This mine is under operation since along but without any topsoil storage site. The user agency has clarified that 8.91 ha of raity land will be utilized for storage of top soil.
19. During inspection by regional office it was found that the faces of the pit mainly towards the public road along side the Jharana basti are very stiff. The top height is around 100-300 ft from the pit bottom appears almost like a cliff. The User agency intends to do High wall mining for this portion. Stringent safety precautionary measures as per rules should be taken by the user agency to prevent accidental damage to people and wildlife of the area.
20. During the inspection by regional office , it has been found that the virgin areas are mostly in the degraded state, except for Chakundi plantations on a few road side slopes.

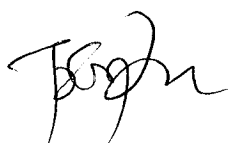


The user agency may ensure to take up afforestation in all the available and feasible areas in the non-mineralized zone and also in the area of mineralized zone till the area is required/available for mining.

21. It is reported by regional office that the Bokaro River is the main river of the area to which different nallahs drain their water & the river is surrounded by many mines. Hence, the protection and mitigative measures for the Bokaro river may be included as a part of the project planning to ensure that Bokaro river shall be free of pollution.

Recommendation of FAC: FAC after through deliberation & discussion with APCCF, Regional Office and User Agency recommended the proposal for *in-principle* approval with general, standard and following specific conditions:

1. Suitability of CA land proposed shall be reconfirmed by the State Government.
2. User agency to provide shape file depicting the entire lease area, forest area and sub-blocks for which different proposals of diversion of forest land under FCA is in pipeline.
3. Safety zone shall be maintained all around within the mining lease as per MoEF&CC guidelines.
4. User agency shall submit a complete land use plan of 1427.94 ha. in a shape file format. All the land use along with area and boundary shall be marked appropriately.
5. User agency shall pay penalty and appropriate action to be initiated for the violation as per MoEF&CC guidelines no. 11-42/2016-FC dated 29.01.2018.
6. State Government shall provide detail of NPV deposited by user agency. It was reported by the user agency in FAC meeting that NPV for entire forest land (1424.94 ha) within total mining lease area of 1740 ha has been paid by them. The submission made by the user agency shall be verified by Adhoc CAMPA on receipt of detail of NPV.
7. State Government may clarify that why the NPV for entire forest land was charged from the user agency when not even a part of forest area was diverted in favour of user agency under the provision of FCA, 1980.
8. FAC has decided to consider this part proposal (for diversion of 249.90 ha out of 1427.94 ha) to avoid the repetition of paper works as the proposal is being dealt between MoEF&CC and State since 2010. It is reported that two different proposal i.e. 222.24 ha and 951.73 ha which is pending at different level at the State shall be submitted simultaneously and shall be placed before FAC at one time so that all facts placed in two different proposals for diversion of forest land within the same mining lease area could be analysed holistically in one go.
9. It is reported in the Site Inspection that encroachment has taken place at different location within the mining lease area. User agency shall take immediate steps to free the forest area from encroachers and rehabilitate them appropriately over non-forest area.



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10. Jharna Nala, which is flowing in lease area, shall be diverted through the periphery or leave out 50 mtr either side of Nala as per mining rules.
11. During the inspection by regional office, it has been found that the virgin areas are mostly in the degraded state, except for Chakundi plantations on a few road side slopes. The user agency may ensure to take up afforestation in all the available and feasible areas in the non-mineralized zone and also in the area of mineralized zone till the area is required /available for mining. A detail scheme for entire 1427.94 ha of forest land shall be provided prior to stage II approval
12. State government shall submit the status of present lease. It may be clarified that whether the present mining lease is valid for 999 years or it is as per MMDR (Amendment) Act 2015.
13. In his recommendation APCCF (Central) in SIR has recommended diversion of 293. ha where as the state government had submitted diversion of 249.90 ha. Regional office Ranchi shall verify the entire land use plan and submit correct figure of area prior to stage II approval. Regional office Ranchi may be requested to check entire forest area in the total lease area and submit comprehensive land use plan for 249.90 ha as well as for entire 1427.94 ha

Agenda No. 4

F. No. 8-24/2013-FC

Sub: Diversion of 162.394ha (159.064 ha+3.33ha of safety zone) of forest land for Tuber Coal Block in favour of Tuber Coal Mines Limited in Latehar District in the State of Jharkhand.

1. The above stated agenda item was considered by FAC in its meeting held on 30.08.2018.
2. The proposal was submitted by government of Jharkhand on 28.02.2013 and later discussed in different FAC meetings on 17th January 2014 and 13th -14th February 2014. In the last FAC meeting it was recommended that opinion of the Ministry of Coal may first be obtained whether keeping in view the time-lines stipulated in their said letter dated 15th January 2014 wherein it has *inter-alia* been stated that Coal Blocks where Forest Clearance Stage-I (wherever required) have not been obtained till 5th February, 2014 will be de-allocated, grant of stage-I approval under the FC Act for diversion of forest land located within these blocks can be considered by the Ministry of Environment and Forests. After getting the clarification from coal ministry, the same will be put up before the FAC for consideration.
3. The observation of FAC was conveyed to ministry of Coal. In its reply dated 19.02.14, MOC had clarified that in order to avoid such a situation the Secretary (Coal) had immediately after the decision by the CCEA and submission of the 'Statement' before the Supreme Court written to you stating that all such actions need to be completed before the deadline of 05.02.2014 as submitted in the Statement before



the Supreme Court. This was preceded by two Senior Officers of the level of Joint Secretary of the Ministry of Coal meeting the Secretary, MoEF and other Senior Officers to apprise them about the decision of the CCEA and the timelines which had been set by CCEA. Ministry of Coal further advised to this Ministry to seek opinion of the Ministry of Law and Justice or approach the CCEA as deemed necessary

4. Later it was observed that this particular coal block is one among 204 coal blocks which have been cancelled by hon'ble Supreme court order. This is listed at sr no 65 of the cancelled list. no correspondence in this regard has been received from state government in this regards.
5. The proposal is pending at MoEF&CC level since the coal block has been cancelled by Hon'ble Supreme Court.

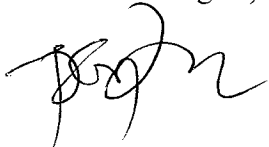
Recommendation of FAC : FAC after thorough deliberation and discussion with APCCF, Regional Office recommended that the proposal shall be closed.

Agenda No. 5

F. No. 8-82/2016-FC

Sub: Proposal for prior approval under section 2 (iii) of forest (conservation) act, 1980 for 229.00 ha forest land for limestone mining at village naokari-kusumbi, dist. Chandrapur in favour of M/s Manikgarh Cement Ltd.

1. The State Government of Maharashtra vide their letter No. FLD-2016/CR-406/F-10 dated 22.12.2016 has forwarded an application of M/s Manikgarh Cement Limited for seeking prior approval under Section 2 (iii) of Forest Conservation Act, 1980 concerning over 229.00 ha forest land for Limestone mining at village Naokari-Kusumbi, Dist.Chandrapur in favour of M/s Manikgarh Cement Ltd.
2. The above stated agenda item was considered in FAC meeting on 30.08.2018.
3. The above mentioned proposal was also considered by the FAC in its meeting held on 26.12.2016, 25.04.2017, 20.07.2017 and 26.10.2017.
4. The project is located in the Central Chanda Forest Division, District Chandrapur, Maharashtra
5. The legal status of the forest land is Reserved Forest
6. The area falls under Eco-class 3 and the vegetation density is 0.4.
7. The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc.
8. No protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.
9. No work of in violation of the Forest (Conservation) Act, 1980 has been carried out.
10. Complete Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not given.



11. It is also mentioned that the Stage-II approval was accorded for diversion for 247.96 ha in favour Manikgarh Cement Limited under Section 2 (ii) of Forest (Conservation) Act, 1980 vide this Ministry's letter no. 8-64/2001-FC dated 28.11.2001
12. Nodal Officer has recommended the proposal subject to certain conditions.
13. State Government of Maharashtra has recommended the proposal.
14. Further, Ministry vide its letter no. 5-01/2017-FC dated 08.02.2017 was requested the State Governments to provide a list of existing mining leases executed on or before 11.1.2017/ status of validity of all mining leases which had been saved under the provisions of MMDR Act, 2015, and pending in this Ministry for consideration under Section 2 (iii) of Forest (Conservation) Act, 1980.
15. The State Government of Maharashtra vide their letter no. FLD-2017/CR-80/F-10 dated 24.03.2017 has provided the status of various pending proposals including the present status of M/s Manikgarh Cement - "The initial LOI for 643.62 ha was issued by the State Government vide letter dt. 30.4.1979. The first Mining lease for 643.62 ha was executed on 3.11.1981. Out of 643.62 ha 150.62 ha forest area was surrendered vide Government of Maharashtra letter dt. 27.8.1987. Out of the balance 493 ha forest land formal approval to the project for 264 ha was granted by Government of India vide letter dt. 3.2.1986. The proposal for remaining 229 (190.42 ha + 38.58 ha Jivati area) forest land under Section 2 (iii) of FCA, 1980 is under consideration at Government of India level. The matter is sub-judice in the Hon'ble Bombay High Court, Nagpur Bench".
16. The project proposal was recommended by FAC in its meeting on 25.04.2017 but since there was ambiguity over the validity of letter of intent(LOI) issued to the project authority and the matter was sub judice so the competent authority preferred it to be reconsidered by FAC again on 20.07.2017. In its recommendation FAC on 20.07.2017 recommended not to grant permission to the state Government under section 2(iii) of FC Act till the final orders of the Hon'ble High Court on applicability of provisions of section 10-A (2) (c) of MMDR Act.2015 are passed.
17. The project proponent vide their letter dated 16.09.2017 had submitted a copy of Hon'ble Bombay High Court (Nagpur Branch) Judgement dated 12.09.2017 in response to Writ Petition No. 104 of 2017, in connection of Grant of prior approval under section 2 (iii) of forest (Conservation) Act, 1980 for 229.00 ha forest land for Limestone mining at village Naokari-Kusumbi, Dist. Chandrapur in favour of M/s Manikgarh Cement Ltd .Hon'ble Bombay High Court (Nagpur Branch) passed an order on 12.09.2017 stating that:

The matter is heard and is being disposed of in the backdrop of orders passed in Writ Petition No. 126/2017.

Here, the petitioner got first Mining lease on 17/08/1981 for period of 20 years. Steps for its renewal were initiated and Environmental Clearance was already given on 24.10.2007.

When the provisions of Amended Act, 2015 came into force, the issue regarding Forest Clearance was already pending.

The Forest Advisory Committee in the meeting conducted on 25.04.2017 has recommended the proposal for approval under section 2 (iii) of the Forest (Conservation) Act, 1980.

The proceeding of Meeting of Forest Advisory Committee held on 20th July, 2017 reveal that because of Guideline 2.1 (VI), the positive recommendation has not been accepted due to pendency of the present writ petition.

This fact of case at hand and in Judgements/orders (supra) are identical.



Hence, with similar observations and same directions, we partly allow the writ petition and dispose it of No order as to costs.

18. The Hon'ble Court directed in Writ Petition No. 126/2017 that:

".....it is apparent that the favourable recommendation to the Forest Advisory Committee dated 25.04.2017 needs to be looked into on merits by respondent No. 1 and pendency of petition before this court cannot be a ground to postpone it. Accordingly, we direct respondent No. 1 to consider that recommendation on merits, within a period of three months from today."

19. FAC in its meeting held on 26.10.2017 observed that the Hon'ble Court has directed the respondent no -1, the Ministry of Mines, to look the matter on its merits. The FAC has recommended not to recommend the proposal submitted by the State Government under section 2(iii) for assignment of forest land on lease in favour of user agency M/S Manikgarh Cement Ltd in light of the absence of valid LOI in favour M/S Manikgarh Cement Ltd which lapsed under provisions of the sub section 10A (2)(C) of MMDR Amendment Act 2015 and sub rule 8(4) of the Minerals (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016. The prior approval under section 2(iii) of FC Act can be granted only in favour those who has valid LOI at the time of grant of prior approval. Now in light of the Court order dated 12.09.2017, the State government shall get the matter related to validity of LOI in favour of M/S Manikgarh Cement Ltd clarified from the ministry of mines and make necessary recommendations to the Ministry. If the LOI in favour of M/S Manikgarh Cement Ltd is found to be valid after 11.01.2017 then the certificate of validity of LOI may be submitted to the Ministry for consideration.

The FAC after detailed discussion on the issue **recommended that the present application under section 2(iii) may be kept in abeyance till a speaking order regarding validity of letter of intent (LOI) in favour of M/S Manikgarh Cement Ltd valid after 11.01.17 is received from the competent authority in the state government in compliance of the Court order dated 12.09.2017.** Accordingly, the recommendation of FAC, after obtaining approval of Hon'ble MEF, was communicated to State Govt. vide this Ministry's letter of even no. dated 07.12.2017

20. Now, Manikgarh Cement vide its letter dated 20.07.2018 informed that Stated Govt. of Maharashtra has issued clarification regarding validity of Mining lease vide their letter No. MMN-2201/C.R.150/Ind.9 dated 19.07.2018 , confirming that the entire Mining lease of 493 Ha, which includes an area of 229 Ha Forest land pending for approval under section 2(iii) of forest Conservation Act, 1980, is valid till 16.08.2031 and they requested to **consider the said submission** and accord necessary approval under section of 2(iii) of Forest Conservation Act 1980 for 229 ha Forest land, so that **further action in this matter will be initiated for execution of Mining lease.**

21. The State Govt. vide their letter no. MMN-2201/C.R.150/Ind.9 dated 19.07.2018 as referred by the project proponent stated that

- (i) M/s Manikgarh Cement Ltd. has been granted mining lease for limestone over 643.62 ha in village Naokari-Kusummbi, tah. Rajura, Dist-Chandrapur vide Government of Maharashtra, order dated 30.04.1979. Mining lease has been executed on dated 17.08.1981. **The lessee has surrendered 150.62 ha area**



out of 643.62 ha area. Now the total remaining mining lease area is 493 ha.

- (ii) The lessee had applied to the State Government for renewal of mining lease over an area of 493 ha on dated 23.12.1999. The State Government has been granted renewal over 302.54 ha area vide order dated 15.11.2002 and lessee has been informed to submit forest clearance for remaining area 190.42 ha.
- (iii) The lessee has applied to MoEF, GoI for approval under Section 2 (iii) of Forest Conservation Act, 1980 for 229 ha area of forest land. **Also, the lessee has obtained the NOC from MoEF, GoI by the letter dated 03.02.1986 for an area of 264 ha out of the total lease area 493 ha.**
- (iv) The Section 10 A of the Mines and Mineral (Development and Regulation) Amendment Act, 2015, would be applicable in those cases where, before the commencement of the Amendment Act, 2015, a reconnaissance permit or prospecting licence has been granted and a letter of intent has been issued by the State Govt. to grant a mining lease. On the date of commencement of the Amendment Act, 2015, the said mining lease was already stood renewed, and, therefore, the present case would not under section 10 A 2 (C) of the Mines and Mineral (Development and Regulation) Amendment Act, 2015, . As per section 8 (a) (5) of the Mines and Mineral (Development and Regulation) Amendment Act, 2015, the extended period of the said mining lease is up to 16.08.2031. So there is no question about the legal validity of letter of intent issued for the said mining lease in favour of M/s Manikgarh Cement ltd. where the mining lease is already executed.

Recommendation of FAC: FAC after through deliberation & discussion with APCCF, Regional Office and User Agency observed that the mining lease was granted for limestone over 643.62 ha in village Naokari-Kusummbi, tah. Rajura, Dist-Chandrapur vide Government of Maharashtra, order dated 30.04.1979. Mining lease was executed on dated 17.08.1981. Later during the currency of lease the user agency i.e lessee, surrendered 150.62 ha area out of 643.62 ha area. The total remaining mining lease area for first renewal was only 493 ha. Later prior to expiry of lease period the lessee had applied to the State Government for renewal of mining lease over an area of 493 ha on dated 23.12.1999. The State Government granted renewal only over 302.54 ha area vide order dated 15.11.2002 and lessee has been informed to submit forest clearance for remaining area 190.42 ha. In this backdrop it is understood that at the time of amendment of MMDR act in 2015 the lessee was having lease executed over only 302.54 ha for which the lease period stand extended up to 2031 as per provision of MMDR (amendment) Act 2015. The status of validity of letter of intent over remaining 190.42 ha is still not very clear. In the last FAC meeting state government was asked to get the matter related to validity of LOI over 190.42 ha in favour of M/S Manikgarh Cement Ltd clarified from the ministry of mines. The comments of ministry of mines have not been received in this regards. It is recommended that comments of Ministry of mines may be sought in this regards prior to any decision on the proposal.

Agenda No. 6

F. No. 8-32/2018-FC



Sub: Proposal for diversion of 48.83 ha of forest land under Forest (Conservation) Act, 1980 in Rajnandgaon Circle, Rajnandgaon for construction of Markatola Tank in favour of Water Resources Department, Rajnandgaon in Rajnandgaon District in the State of Chhattisgarh.

1. The above stated agenda item was considered by FAC in it, meeting on 30.08.2018
2. The proposal was placed before FAC earlier on 17.05.2018. it is observed that that the proposal pertains to requirement of forest land for construction of water tank by water resource department

Recommendation of FAC: FAC after through deliberation & discussion with APCCF, Regional Office, representative of Nodal Officer, Chhattisgarh and User Agency recommended the proposal for *in-principle* approval with general, standard and following specific conditions:

1. Revenue forest land (Orange forest land) of 102.237 ha which has been earmarked for CA shall be mutated in favour of forest department prior to stage II approval.
2. State government has submitted the cost benefit analysis as per latest guidelines issued by MoEF&CC . From the perusal of the analysis it is observed that the ecological Cost of the project is more than the benefit expected to be drawn from the construction of the project. State government shall clarify why it wishes to implement the project which has more ecological loss than the benefit it envisages to draw from the construction of the project . Satisfactory reply in this regards shall be provided prior to stage II approval.

Agenda No. 7

F. No. 11-83/2018-FC

Sub: Violation of Forest (Conservation) Act, 1980 in Kathautia Coal Block in Jharkhand-regarding.

1. The above stated agenda item was considered by FAC in it, meeting on 30.08.2018
2. The Government of Jharkhand vide their letter no. Van Bhoomi (vividh)-14/2015-2260 V.P. dated 30.05.2018 requested to clarify the provisions of imposition of penalty in the guidelines issued vide 11-42/2017-FC dated 29.01.2018.
3. It was informed that the Kathautia Coal Block was allocated to M/s Usha Martin Ltd . by Ministry of Coal, Government of India for captive coal mining in the year 2003.
4. The mining lease for an area of 687.93 ha. out of a total area of 938.27 ha. of Kathautia Coal Block for a period of 30 years was sanctioned in favour of Usha



Martin Ltd. on 07.03.2007 by the Mining and Archaeological Department, Government of Jharkhand subject to certain conditions prescribed therein The mining lease was executed on 15.10.2007 and thereafter Usha Martin Ltd. started mining in the said coal block .

5. It is also informed that as per the letter of PCCF dated 13.09.2017, there is no notified forest land in accordance with Indian Forest Act, 1927 in the sanctioned lease area to M/s Usha Martin Ltd
6. The Kathautia coal block which was allocated to M/s Usha Martin Ltd was cancelled as per the order of Hon'ble Supreme Court in the year of 2014.
7. Later the same coal block was allocated to M/s Hindalco Industries Ltd. on 23.03.2015 by Ministry of Coal's vesting order dated 23.03.2015
8. In continuing of vesting order, the mining lease for 687.93 ha. out of a total area of 938.27 ha. of Kathautia Coal Block was sanctioned in favour of M/s Hindalco Industries Ltd. by the Mining and Archaeological Department, Government of Jharkhand on 27.07.2015.
9. The lease in favour of M/s Hindalco Industries Ltd. was executed by the Commissioner on 09.09.2016 and thereafter of M/s Hindalco Industries Ltd. started mining from April, 2017 in the said coal block.
10. After one month of execution of lease deed the user agency was informed by the Dy. Commissioner, Palamu vide his letter dated 19.10.2015 has intimated to secretary (Revenue, Planning and land reform department) that in accordance with survey khatayan, out of total lease area of 687.93 ha (1699.19 Acre), 658.74 ha. (1627.10 Acre) was inspected and found that the status of 139.34 ha (344.16 Acre) was jungle Jhadi (deemed forest) and due to ragged khatayans, 104.07 ha were not inspected.
11. Later Dy. Commissioner Palamu vide his letter no. 1405 dated 12.07.2017, informed that 344.16 Acre land is not jungle-Jhadi
12. Based on the facts M/s Hindalco Industries Ltd. was directed by DFO, Medininagar vide his letter dated 03.08.2017 and DC Palamau vide his letter dated 09.10.2017 to start mining in said block, after getting approval under Section (ii) of FCA, 1980
13. Against the said orders, M/s Hindalco Industries Ltd. filed a case vide IA No.6046/2017 before Hon'ble High Court of Jharkhand on which the Hon'ble Court directed:

"In the meantime, operation of the impugned letter contained in memo no. 4008 dated 03.08.2017 (Annexure-6) issued by the Division Forest Officer, Medininager, Palamau, and letter/memo No.1912 dated 09.10.2017 (Annexure-7) issued by Dy. Commissioner, Palamau shall remain stayed subject to the condition that the petitioner shall not undertake any mining operation so far as 344.16 acres of leased area which is said to be recorded as 'Jungle Jhari' in the earlier survey."

Recommendation of FAC: FAC after through deliberation & discussion with APCCF, Regional Office observed that from the perusal of the facts it is observed that the violation is not attributable to user agency it therefore recommended that



1. State Government shall explain the circumstances under which the lease was executed without checking land records. Appropriate action shall be taken against the responsible officers for the negligence.
2. The user agency shall seek clearance under the provisions of FCA 1980 for the forest land in the lease area. No work shall be carried over forest land till the FC clearance is obtained.

Agenda No. 8

F. No. 5-3/2007-FC (Pt.)

Sub.: Request for partial withdrawal of M/o EF&CC guidelines dated 09.05.2018 for stipulating the norms for Survey and Investigation (Prospecting of Ores) on forest land.

1. The above stated policy matter was taken by the FAC on 30.08.2018
2. The matter to modify the guidelines with respect of prospecting was pending with MoEF&CC for long. This Ministry received representations from the Ministries of Mines, Coal and Petroleum and Natural Gas to relax the existing guidelines to exempt drilling of 15 – 20 bore-holes per sq. km in forest area for prospecting of minerals from the requirement of obtaining prior approval of the Central government under the Forest (Conservation) Act, 1980. Accordingly, the proposal for increasing the density of bore holes per hectare for the purpose of exploration of minerals under Forest Conservation Act. was discussed in FAC on 22.3.2018 and FAC after thorough deliberation with representatives of Ministry of Coal, observed that the exploratory drilling for prospecting of mineral ore over an area of about 10 m x 10 m per drilling site is a non-forestry activity and drilling of 20 such drilling will certainly affect the forest and wildlife.
3. With the approval of competent authority on the recommendation of Forest Advisory Committee in connection with prospecting of minerals to further simplify the process of grant of approval under the FCA, 1980 for prospecting of mineral in forest areas, the Ministry issued a guideline on 09.05.2018 stating the following:
 - (i) The prospecting of minerals by drilling bore holes for collecting seismic waves and collecting mineral samples constitutes non-forestry activities for the purpose of Forest Conservation Act.
 - (ii) The user agency shall apply online for diversion of forest area as per the procedure laid down by MoEF&CC from time to time.
 - (iii) General approval may be accorded to the state government by the MoEF&CC for prospecting of minerals in forest land having average weighted crown density up to 40 % as per the latest FSI report.
 - (iv) In case of coal, lignite and metallic ores - test drilling up to 20 boreholes of maximum 8" dia per 1.0 sq km and in case of non-metallic ores excluding coal & lignite - test drilling up to 16 boreholes of maximum 6.6" dia per 1.0 sq km for prospecting exploration or reconnaissance operations, without felling of trees, may be allowed by state government. In all other cases involving more number of drilling of bore holes, prior permission of Central Government under the Act would be



required.

- (v) In case of seismic survey for exploration of hydro carbon the user agency shall pay NPV @ of 2.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
 - (vi) In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density upto 40%, the prospecting agency shall pay NPV @ of 5.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMPA. State government shall get the amount verified from Adhoc CAMPA prior to allowing actual work on ground.
 - (vii) In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay NPV @ of 10.0 per cent of the total prospecting lease area in which exploration/prospecting /survey is proposed.
 - (viii) The NPV deposited for prospecting will not be adjusted against the diversion proposal of forest land under section 2 of FCA 1980. The amount will be non-refundable as well non-adjustable.
 - (ix) User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the state.
 - (x) User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area and degraded forest land as per prescription of working plan in a contiguous patch.
 - (xi) The user agency shall engage ICFRE to conduct study on the impact numbers of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC.
 - (xii) Prospecting in protected areas such as national parks, wildlife sanctuaries, biosphere reserve, Tiger reserves, corridors, pristine forests identified by State and Central Government etc. shall not be allowed.
 - (xiii) The delegation of power to grant permission for prospecting by the state government shall be valid for 5 years only and will be reviewed after expiry of five years.
4. After issuance of above stated guidelines MoEF&CC further received many representation from Federation of Indian Mineral Industries (FIMI) forwarded by NITI Aayog, NRE Vertical-E&F Division, Government of India, New Delhi vide their OM letter No. 12074/2(2)/2015-E&F dated 31st May, 2018 vide which requested for partial withdrawal of M/o EF & CC guidelines for stipulating the norms for Survey and Investigation (Prospecting of Ores) on forest land was sought. This issue was considered by the FAC in its meeting held on 19.06.2018.
5. The matter was again discussed in FAC meeting on **19.06.2018**. After thorough deliberation and discussion with APCCF, Regional Office, Bhopal, Nagpur, Bhubaneswar, Bangalore, Chennai and Nodal Officers of Maharashtra, Karnataka, Madhya Pradesh recommended that following conditions in MoEF&CC guidelines no 5-3/2007-FC dated 09.05.2018 may be modified as:

(i) Condition no X of the guidelines states that:



User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area and degraded forest land as per prescription of working plan in a contiguous patch.

It shall be read as:

User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area or degraded forest land as per prescription of working plan.

(ii) The condition no XI states that

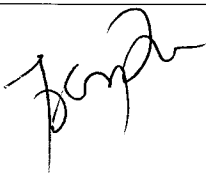
The user agency shall engage ICFRE to conduct study on the impact numbers of bore holes for prospecting over forest and wild life of the area and suggest mitigation measures. The design of study shall be approved by MoEF&CC.

This condition is recommended to be deleted:

FAC recommended that the guideline no 5-3/2007-FC dated 09/05/2018 shall be modified accordingly.

6. While the file was processed to solicit the approval of MEF on the recommendation of FAC, a high level meeting under the chairmanship of Hon'ble MEF with Hon'ble Minister of Coal, Hon'ble minister of steel and Hon'ble Chief minister of Jharkhand was held in the ministry of environment, Forest and Climate Change on 14th August 2018. In the meeting an issue related to exemption of NPV for prospecting projects and its adjustment in the amount of NPV required to be paid in actual diversion was discussed. Following issues were raised. The details are as under:

S. No.	Ministry/ State	Issue raised
i.	Ministry of Mines	<p>It is stated by the Ministry of Mines that the imposition of 5-10% Net Present Value (NPV) for taking up the exploration and also make it to engage ICFRE to conduct study on the impact and suggest mitigation measures, of which, the design also shall be approved by MoEFCC.</p> <p>It is estimated that the cost of carrying out exploration will increase manifold due to the imposition of 5-10 % NPV and will in turn lead to more delays in the explorations. Under the garb of relaxation of the said guidelines, in fact more restrictions have been imposed on explorations. This will adversely affect the mineral exploration which is essential for mineral development in the country.</p> <p>In view of above, it is requested that the condition of imposition of NPV for prospecting operations and requirement of impact study to be done through ICFRE need to be reviewed by MoEFCC to create a favourable</p>



		<p>regime for encouraging exploration activities and the earlier request of exempting up to 20 boreholes/sq. Km. for prospecting of minerals in forest areas may be allowed for. This will not only enable accurate assessment of mineral resources, but is also essential for scientific and optimal mining for minimizing the impact on environment.</p>
ii.	Ministry of Coal	<p>Ministry of Coal mentioned that the Exploring drilling in the forest areas is a temporary event lasting for a maximum of about 10 days and that too only during day time. The area covered for exploration is generally less than 0.07% of the area per sq.km.</p> <p>No permanent change in caused to the forest land during the exploratory drilling process by CMPDI. Similarly, the surface geophysical survey by CMPDI neither require any bore hole to be drilled nor explosive charge is blasted. Rather, CMPDI uses either hammer or vibrosis for generating seismic waves. The exploration activity by CMPDI, neither involve felling of trees nor making of new roads in forest areas. CMPDI takes up exploratory drilling mainly in open canopy area wherever approach is available. Whereas, as per notification No. F. No. 5-3/2007-FC dated 9th May, 2018, it is stipulated to apply online for diversion of forest for drilling purpose. The following is submitted in this regard:</p> <ul style="list-style-type: none"> a) Drilling does not require diversion of forest land. Therefore, for undertaking drilling activities, the required formalities need to be cut short. b) It should specify the process of application for grant of general approval for drilling in forest having crown density less than 40%. c) Since there is little disturbance to flora and fauna population in the forest due to drilling, payment of NPV @5% in case of crown density up-to 40% and NPV @10% in case of crown density from 40-70% is not justified. This is so because there is no diversion of forest land for exploration and impact is negligible. This amount is non-refundable and non-adjustable. This will require huge capital expenditure and will be a repeat expenditure on account of CAMPA as mining companies have to pay it again for diversion of forest for mining purpose. d) The notification provides for cost to be borne by

		<p>user agency for planting 20 tall trees per bore hole. This will incur additional expenses.</p> <p>e) It is suggested that the provisions contained in the Forest (Conservation) Act, 1980 dated 16.12.2008 may be simplified as <i>"In case of coal, lignite-test drilling upto 7 (seven) boreholes of maximum 6" dia per sq. km. for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act."</i></p> <p>2. The above issue was also deliberated in the joint meeting held on 2nd July, 2018 between the Secretary (Coal) and Secretary (EF&CC) to review EC/FC to Coal mining projects/washeries. As informed, the matter has been discussed in the Forest Advisory Committee in its meeting on 19.06.2018 wherein it was informed that the matter relating to payment of NPV for exploration activities requires more deliberation and examination of different court orders.</p> <p>3. MoC also informed that the regional/ detailed exploration of coal from non-CIL blocks is funded through Central Sector Schemes. Paying huge NPV from this fund would reduce the output of exploration meterage. It was also insisted that if at all NPV to be charged, it should be charged in proportion to the actual diversion of forest land (0.07% approx.). Secretary (EF&CC) assured to look into the matter.</p>
iii.	Govt. of Jharkhand	<p>With reference to notification no 5-3/2007/FC dated 09.05.2018, for prospecting in forest area, the user agency shall pay NPV at the rate of 2%, 5% or 10% of the total prospecting lease area depending on average weighted crown density, type of minerals and technology used. Payment of NPV when the presence of mineral itself is not certain is not reasonable and therefore the user agency may not be asked to pay NPV during prospecting.</p>

It was conveyed that the matter will be discussed in forthcoming FAC meeting.

7. Further IA division vide their OM No. Z-11013/19/2017-IA(M) dated 10.08.2018 forwarded a copy of minutes of meeting held on 02.07.2018 between the Secretary (EF&CC) and Secretary (MoC) to review environment /forest clearance to coal mining projects / washeries. With regard to issues related to forest clearance for exploration of coal in forest areas, it is mentioned in the Minutes that :

To address the concerns of Ministry of Coal regarding enhancement of boreholes density for coal exploration in forest areas, the matter was last discussed by the Forest Advisory committee in its meeting held on 19th June, 2018. It was informed that the



matter relating to payment of NPV for exploration activities requires more deliberation and examination of different court orders.

Ministry of coal informed that the regional/detailed exploration of coal from non CIL blocks is funded through central sector schemes. Paying huge NPV from this fund would charge in proportion to the actual diversion forest land (0.07%). Secretary (EF&CC) appreciated the concern and assured to look into the matter.

Recommendation of FAC: FAC after through deliberation & discussion) with APCCF, Regional Office Bhopal Nagpur recommended that following points in guidelines dated 09.05.2018 issued by MoEF&CC may be modified as

- (i) **Condition no (V)** In case of seismic survey for exploration of hydro carbon the user agency shall pay **NPV @ of 2.0 per cent** of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMP.A. State government shall get the amount verified from Adhoc CAMP.A prior to allowing actual work on ground.

May be read as

Condition no (V) In case of seismic survey for exploration of hydro carbon the user agency shall **pay NPV @ of 1.0 per cent** of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMP.A. State government shall get the amount verified from Adhoc CAMP.A prior to allowing actual work on ground

- (ii) **Condition no (VI)** In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density upto 40%, the prospecting agency shall pay **NPV @ of 5.0 per cent** of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMP.A. State government shall get the amount verified from Adhoc CAMP.A prior to allowing actual work on ground.

May be read as

Condition no (VI) In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density upto 40%, the prospecting agency shall pay **NPV @ of 2.0 per cent** of the total prospecting lease area in which exploration/prospecting /survey is proposed. The amount shall be deposited online in the Adhoc CAMP.A. State government shall get the amount verified from Adhoc CAMP.A prior to allowing actual work on ground

- (iii) **Condition no (VII)** In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density between 40 to 70 percent, the State Government shall forward the



application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay **NPV @ of 10.0 per cent** of the total prospecting lease area in which exploration/prospecting /survey is proposed.

May be read as

Condition no (VII) In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having crown density between 40 to 70 percent, the State Government shall forward the application to the Regional Office of the Ministry for consideration. The proposal will be considered in the REC and if recommended then the approval will be granted with mandatory condition *inter alia* that user agency will pay **NPV @ of 5.0 per cent** of the total prospecting lease area in which exploration/prospecting /survey is proposed

- (iv) **Condition No (VIII)** The NPV deposited for prospecting will not be adjusted against the diversion proposal of forest land under section 2 of FCA 1980. The amount will be non-refundable as well non-adjustable.

May be read as

Condition No (VIII) The NPV deposited for prospecting will be adjusted against the diversion proposal of same forest land under section 2 of FCA 1980. The amount will be non-refundable. If after prospecting, it is established that the area do not possess the material for which prospecting is carried out, the amount of NPV will not be refunded and adjusted. Payment of NPV for prospecting will not confer any right with user agency to get forest clearance of that particular land under section 2(ii) of FCA 1980. All decisions will be taken as per procedure prescribed in Forest conservation rules 2003 and on merit.

Agenda No. 9

F. No 13-34/2016-CAMPA

Sub: Discussion on the report of Sh. Tejinder Singh Committee for imposition of various conditions while issuing Stage-I and Stage-II conditions along with template of forwarding letter with regard to various categories projects under FCA, 1980.

1. The above stated agenda Item was considered in FAC meeting on 30.09.2018.

Recommendation of FAC: FAC after through deliberation & discussion with APCCF, Regional Office Bhopal, Nagpur, accepted the recommendation of Dr



Tejender Singh's Committee regarding standard and general conditions for different projects. The project wise standard Stage-I and Stage-II conditions along with template of forwarding letter with regard to various categories projects is recommended to be incorporated with specific conditions in all approvals granted under the provisions of FCA 1980. The stage I and Stage-II conditions along with template of forwarding letter is recommended as below:

Draft Stage-I : Hydro Electric Project



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :

To,

The Addl. Chief Secretary (Forest),

.....,
.....,
.....,

Sub: Diversion of ha of Reserved / Protected forest land for **Hydro Electric Project** project.

Ref : Minutes of Meeting of FAC/ REC letter No. dated
.....

Sir,

I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was considered and approved by the FAC / REC in its meeting held on for issuance of **In-principle approval**. Therefore, the undersigned, on behalf of the Central Government conveys In-principle approval for diversion ofha of Reserved / Protected forest land for **Hydro Electric Project** project subject to the following terms and conditions:-

1. Compensatory afforestation:

- a) Compensatory afforestation shall be taken up by the Forest Department over ha Non-forest land / degraded forest land (Compartment no. / Khasra No., Village-....., Tehsil-,

District-.....) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.

- b) The non-forest land shall be transferred and mutated in favour of Forest Department.
2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
3. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. **Copy of approved Catchment Area Treatment (CAT) Plan, if applicable shall be submitted in accordance to para no. 4.8 (i) of Forest (Conservation) Act, 1980 Handbook.**
6. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e.portal** (<http://forestsclearance.nic.in/>).
8. The compliance report shall be uploaded on **e.portal** (<http://forestsclearance.nic.in/>).

After receipt of compliance report on fulfillment of above conditions from the State Government, proposal will be considered for final approval under Section – 2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to user agency shall not be done by the State Government till **Formal approval / Stage-II** approval for diversion of forest land is issued from this office.



Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft Stage-II : Hydro Electric Project



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),
.....,
.....,
.....,

Sub: Diversion of ha of Reserved / Protected forest land for **Hydro Electric Project** project.

Ref: 1) This office In-principle approval letter No.dated
.....
2) State Govt. letter No.dated
3) Online payment transaction date

Sir,

I am directed to invite a reference to State Govt. letter No.datedon the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980.

The Central Government vide letter (1) referred above had agreed in principle for diversion of ha Reserved / Protected Forest land of above forest land for the purpose mentioned above subject to the fulfilment of certain conditions of In-principle approval.

The State Government vide letter (2) referred above has reported compliance on the fulfillment of all the stipulated conditions of In-principle approval.

Now therefore, the undersigned is hereby directed to convey **formal approval** of the Government of India under Section-2 of the Forest (Conservation) Act, 1980 for diversion of ha of Reserved / Protected forest land for **Hydro Electric Project** of State Govt..... subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. **The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project.**
7. **The Catchment Area Treatment Plan (CAT) shall be implemented as per approved scheme.**
8. **User agency shall undertake afforestation along the periphery of the reservoir.**
9. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
10. The layout plan of the proposal shall not be changed without prior approval of Central Government.
11. No labour camp shall be established on the forest land.
12. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
13. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
14. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.



15. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
17. The forest land shall not be used for any purpose other than that specified in the project proposal.
18. User agency shall provide free water for forestry related activities/ projects.
19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
21. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

Yours faithfully,

(.....)

Dy. Conservator of Forests (Central)

Draft Stage-I : Industry Project



सत्यमेव जयते

भारतसरकार

GOVERNMENT OF INDIA

पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),

.....
.....
.....

Sub: Diversion of ha of Reserved / Protected forest land for **Industry project** in State Govt. of

Ref :Minutes of Meeting of FAC/ REC letter No. dated

Sir,

I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was considered and approved by the FAC / REC in its meeting held on for issuance of **In-principle approval**. Therefore, the undersigned, on behalf of the Central Government conveys In-principle approval for diversion ofha of Reserved / Protected forest land for **Industry project** subject to the following terms and conditions:-

1. Compensatory afforestation:

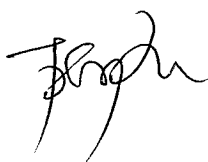
- a) Compensatory afforestation shall be taken up by the Forest Department over ha Non-forest land / degraded forest land (Compartment no. / Khasra No., Village-....., Tehsil-, District-.....) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
- b) The non-forest land shall be transferred and mutated in favour of Forest Department.

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

- a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.



6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e.portal** (<http://forestsclearance.nic.in/>).
7. The compliance report shall be uploaded on **e.portal** (<http://forestsclearance.nic.in/>).

After receipt of compliance report on fulfillment of above conditions from the State Government, proposal will be considered for final approval under Section – 2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to user agency shall not be done by the State Government till **Formal approval / Stage-II** approval for diversion of forest land is issued from this office.

Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft Stage-II : Industry Project



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),

.....,
.....,
.....

Sub: Diversion of ha of Reserved / Protected forest land for **Industry** project.

Ref: 1) This office In-principle approval letter No.dated
.....
2) State Govt. letter No.dated
3) Online payment transaction date

Sir,

I am directed to invite a reference to State Govt. letter No.datedon the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980.

The Central Government vide letter (1) referred above had agreed in principle for diversion of ha Reserved / Protected Forest land of above forest land for the purpose mentioned above subject to the fulfilment of certain conditions of In-principle approval.

The State Government vide letter (2) referred above has reported compliance on the fulfillment of all the stipulated conditions of In-principle approval.

Now therefore, the undersigned is hereby directed to convey **formal approval** of the Government of India under Section-2 of the Forest (Conservation) Act, 1980 for diversion of ha of Reserved / Protected forest land for **Industry** project subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.
7. **The user agency shall maintain green belt (33%) within the allotted area as per the directions of the concerned Divisional Forest Officer.**
8. No labour camp shall be established on the forest land.
9. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
10. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.



11. The forest land shall not be used for any purpose other than that specified in the project proposal.
12. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
13. **The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.**
14. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
15. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
16. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife. The State Government shall ensure compliance of all the above conditions.

Yours faithfully,

(.....)

.....(C)

Draft Stage-I : Irrigation Project



भारतसरकार

GOVERNMENT OF INDIA

पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date

:.....

To,

The Addl. Chief Secretary (Forest),

.....,

.....,

.....,

Sub: Diversion of ha Reserved / Protected Forest land for construction of **Irrigation project** in state Govt.....

Ref: Minutes of Meeting of FAC / REC letter No. dated

Sir,

I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was considered and approved by the FAC / REC in its meeting held on for issuance of In-principle approval. Therefore, the undersigned, on behalf of the Central Government conveys **In-principle** approval for diversion of ha Reserved / Protected Forest land for construction of **Irrigation project** in state Govt..... subject to the following terms and conditions:-

1. Compensatory afforestation:

- a) Compensatory afforestation shall be taken up by the Forest Department over ha Non-forest land / degraded forest land (Compartment no. / Khasra No., Village-....., Tehsil-, District-.....) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
- b) The non-forest land shall be transferred and mutated in favour of Forest Department.

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

- a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.

4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.



5. **Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted in accordance to para no. 4.8(i) of Forest (Conservation) Act, 1980 Handbook, if applicable.**
6. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
7. All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through ***e.portal*** (<http://forestsclearance.nic.in/>).
8. The compliance report shall be uploaded on ***e.portal*** (<http://forestsclearance.nic.in/>).

After receipt of compliance report on fulfillment of above conditions from the State Government, proposal will be considered for final approval under Section – 2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to user agency shall not be done by the State Government till **Formal approval / Stage-II** approval for diversion of forest land is issued from this office.

Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft Stage-II : Irrigation Project



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:
:.....

Date _____

To,

The Addl. Chief Secretary (Forest),
.....,
.....,
.....,

Sub: Diversion of ha Reserved / Protected Forest land for construction of **Irrigation project** in state Govt.....

Ref: 1) This office In-principle approval letter No.dated
.....

[Signature]

- 2) State Govt. letter No.dated
 3) Online payment transaction date

Sir,

I am directed to invite a reference to State Govt. letter No.datedon the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980.

The Central Government vide letter (1) referred above had agreed in principle for diversion of ha Reserved / Protected Forestland of above forest land for the purpose mentioned above subject to the fulfilment of certain conditions of In-principle approval.

The State Government vide letter (2) referred above has reported compliance on the fulfillment of all the stipulated conditions of In-principle approval.

Now therefore, the undersigned is hereby directed to convey **formal approval** of the Government of India under Section-2 of the Forest (Conservation) Act, 1980 for diversion of ha Reserved / Protected Forest land for construction of **Irrigation project** in state Govt..... subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project.**
6. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.



7. User agency shall undertake afforestation along the periphery of the reservoir.
8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
9. No labour camp shall be established on the forest land.
10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
14. The forest land shall not be used for any purpose other than that specified in the project proposal.
15. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
18. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft Stage-I : Mining Project



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),
.....,
.....,
.....,

Sub: Diversion of ha of Reserved / Protected forest land for **Mining**
..... project.

Ref :Minutes of Meeting of FAC/ REC letter No. dated
.....

Sir,

I am directed to invite a reference to State Govt. letter No.
datedon the above mentioned subject seeking prior approval of the Central
Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was considered and approved by the FAC / REC in its meeting held on
..... for issuance of **In-principle approval**. Therefore, the undersigned, on behalf of the
Central Government conveys In-principle approval for diversion ofha of Reserved
/ Protected forest land for Mining project subject to the
following terms and conditions:-

1. Compensatory afforestation:

a) Compensatory afforestation shall be taken up by the Forest Department over
..... ha Non-forest land / degraded forest land (Compartment no. / Khasra
No., Village-....., Tehsil-,
District-.....) at the cost of the User Agency. As far as practicable
a mixture of local indigenous species will be planted and monoculture of a
species has to be avoided.

b) The non-forest land shall be transferred and mutated in favour of Forest Department.

2. The cost of compensatory afforestation at the prevailing wage rates as per
compensatory afforestation scheme and the cost of survey, demarcation and erection of
permanent pillars if required on the CA land shall be deposited in advance with the
Forest Department by the project authority. The CA will be maintained for 10 years.
The scheme may include appropriate provision for anticipated cost increase for works
scheduled for subsequent years.

3. NPV:

a) The State Government shall charge the Net Present Value(NPV) for the
..... ha forest area to be diverted under this proposal from the User
Agency as per the orders of the Hon'ble Supreme Court of India dated
30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566
in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide
letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-
FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.



- b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
 5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e.portal** (<http://forestsclearance.nic.in/>).
 7. The compliance report shall be uploaded on **e.portal** (<http://forestsclearance.nic.in/>).

After receipt of compliance report on fulfillment of above conditions from the State Government, proposal will be considered for final approval under Section – 2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to user agency shall not be done by the State Government till **Formal approval / Stage-II** approval for diversion of forest land is issued from this office.

Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft Stage-II : Mining Project



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),
.....,
.....,
.....,

Sub: Diversion of ha of Reserved / Protected forest land for **Mining** project.

Ref: 1) This office In-principle approval letter No.dated

2) State Govt. letter No.dated

3) Online payment transaction date

Sir,

I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980.

The Central Government vide letter (1) referred above had agreed in principle for diversion of ha Reserved / Protected Forest land of above forest land for the purpose mentioned above subject to the fulfilment of certain conditions of In-principle approval.

The State Government vide letter (2) referred above has reported compliance on the fulfillment of all the stipulated conditions of In-principle approval.

Now therefore, the undersigned is hereby directed to convey **formal approval** of the Government of India under Section-2 of the Forest (Conservation) Act, 1980 for diversion of ha of Reserved / Protected forest land for **Mining** project subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.



5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.
7. **The User Agency either itself or through the State Forest Department shall undertake fencing, protection and afforestation of the safety zone area (7.5 meter strip shall be kept within the mining lease or mining cluster, as applicable and such other areas as specified in the approved mining plan) at the project cost. Area of safety zone of a mining lease shall be a part of the total area of the mining lease.**
8. **The period of diversion of the said forest land shall be co-terminus with the period of the mining lease granted under the Mines and Minerals (Development & Regulating) Act, 1957 or Rules framed thereunder.**
9. **The user agency shall undertake mining and reclamation of the mined out area as per the approved mining plan and the directions of the concerned Divisional Forest Officer.**
10. No labour camp shall be established on the forest land.
11. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
12. **The boundary of the diverted forest land, mining lease area and safety zone shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.**
13. The forest land shall not be used for any purpose other than that specified in the project proposal.
14. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
15. **The change in the layout plan of the mining lease, if required, shall be done as prescribed in the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.**
16. **The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.**
17. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
18. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
19. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife. The State Government shall ensure compliance of all the above conditions.



Yours faithfully,

(.....)
.....(C)

Draft Approval letter : Prospecting proposals



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :

To,

The Addl. Chief Secretary (Forest),
.....,
.....,
.....,

Sub: Diversion of ha of Reserved / Protected forest land for **Prospecting proposals** in State Govt. of

Ref : The State Govt letter No. dated

Sir,

I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was considered by the Central Government for issuance of **approval**. Now the undersigned, on behalf of the Central Government conveys **approval** for diversion ofha of Reserved / Protected forest land for **prospecting** subject to the following terms and conditions:-

1. The User Agency shall be allowed exploratory drilling of a maximum of borehole of” diameter over ha of forest land.
2. The prior approval of Govt. of India under Section 2 of FC Act for prospecting in this forest area under consideration is only for resource assessment and mapping and does not confer in any manner any right to the State Government to divert such forest land under Section 2(ii) of Forest (Conservation) Act, 1980 for mining purpose in future in favour of this user agency or any other mining company on the plea that forest clearance for prospecting has been granted.
3. Charges towards NPV & CA as applicable shall be realized by the State Govt. from the User agency & deposited in Ad-hoc CAMPA fund through e-portal.

[Signature]

4. User agency shall seek permission of concerned Divisional Forest Officer before entering into the forest area and borehole shall be dug with prior permission of the concerned Divisional Forest Officer and also furnish detailed report thereof on completion of the project.
5. Proper plugging of borehole shall be made after exploration activities are complete to the satisfaction of the concerned Divisional Forest Officer.
6. No tree felling shall be undertaken for exploration activities. Project activities shall be restricted to clearing of bushes and lopping of tree branches if any for the purpose of site preparation.
7. The user agency shall be responsible for any loss to the flora and fauna in the surrounding. Any damage done in this regard shall be compensated by the user agency from the project cost as per assessment of the concerned Divisional Forest Officer.
8. No new road shall be constructed by the user agency for transporting prospecting tools and machines. The user agency may use the existing forest road/ path with prior information to the concerned Divisional Forest Officer. The area used for path during the prospecting work shall be restored to its original status of forest after completion of prospecting work.
9. No other construction activities shall be done by the user agency on forest land. Existing path and roads only will be used by the user agency for the purpose of prospecting activities and drilling of borehole will be limited tono. with diameter of” within forest land will be dug.
10. Any change in the diameter of borehole and number of bore holes will be reported to the Regional Office in advance for consideration and recommendations to the Central Government.
11. Adequate measures shall be taken by the user agency to ensure that prospecting activities do not harm the wildlife in the area. Any damage done in this context, shall be compensated by the user agency as per assessment, by the concerned Divisional Forest Officer.
12. No labour camp shall be established on the forest land and no work shall be allowed after sunset..
13. In case, rights over forest land proposed to be used for prospecting purpose, has already been settled in favour of eligible claimants as per provisions of the Forest Rights Act, 2006, the claimants shall either be compensated appropriately or location of borehole by suitably re-located.
14. Initially the permission for prospecting will be granted for two years from the date of issue of this approval which can be extended for one more year with convincing justification from the State Government for extension.
15. In case of violations of conditions by the user agency, the permission for prospecting of minerals shall be suspended by the concerned Divisional Forest Officer. Further it shall be enquired by the Nodal Officer (FCA) of the State Government and report to be submitted to the Regional Office for appropriate action.
16. The samples collected during the prospecting shall be used purely for investigation purposes and shall in no case be used for trade or commerce purpose.



17. To minimize disturbance to the wildlife, user agency shall take all possible measures to minimize noise during prospecting operations and halt the prospecting activities during night and during such periods in the day as may be advised by the concerned Chief Wildlife Warden, concern State Forest Department.
18. The user agency and the State Government shall ensure compliance to provisions of the MoEFCC Guidelines F. No. 11-96/2009-FC dated 4th July, 2014 issued by the Ministry regarding drilling in the forest land.
19. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dated 29/01/2018.
20. The State Government and user agency shall comply the provisions of the all Acts, Rules, Regulations, guidelines, NGT order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

Yours faithfully,

(.....)
Dy. Conservator of Forests (C)

Draft Stage-I : Railway Project



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :

To,

The Addl. Chief Secretary (Forest),

.....,

Sub: Diversion of ha Reserved / Protected Forest land for construction of **Railway**
..... of State Govt.

Ref: Minutes of Meeting of FAC / REC letter No. dated

Sir,

I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was considered and approved by the FAC / REC in its meeting held on for issuance of In-principle approval. Therefore, the undersigned, on behalf of the

Central Government conveys **In-principle** approval for diversion of ha Reserved / Protected Forest land for construction of **Railway**subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land which has been transferred and mutated in favour of the State Forest Department.
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through (<http://forestsclearance.nic.in/>).
8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
9. **Speed regulating signage will be erected along the railway line at regular intervals in the Protected areas/ Forest Areas.**



10. **The user agency shall provide suitable under / over passes in Protected area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
11. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
12. The layout plan of the proposal shall not be changed without prior approval of Central Government.
13. No labour camp shall be established on the forest land.
14. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
15. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
16. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
17. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
18. The forest land shall not be used for any purpose other than that specified in the project proposal.
19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
21. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
22. The compliance report shall be uploaded on *e.portal* (<http://forestsclearance.nic.in/>).

After receipt of compliance report on fulfillment of above conditions from the State Government, proposal will be considered for final approval under Section – 2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to user agency shall not be done by the State Government till **Formal approval / Stage-II** approval for diversion of forest land is issued from this office.

Yours faithfully,
(.....)
Dy. Conservator of Forests (Central)

Draft Stage-II: Railway Project





GOVERNMENT OF INDIA

भारतसरकार

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय;

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),

.....,

Sub: Diversion of ha Reserved / Protected Forest land for construction of **Railway** of State Govt.

Ref: 1) This office In-principle approval letter No.....dated
 2) State Govt. letter No.dated
 3) Online payment transaction date

Sir,

I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980.

The Central Government vide letter (1) referred above had agreed in principle for diversion of ha Reserved / Protected Forest land of above forest land for the purpose mentioned above subject to the fulfilment of certain conditions of In-principle approval.

The State Government vide letter (2) referred above has reported compliance on the fulfillment of all the stipulated conditions of In-principle approval.

Now therefore, the undersigned is hereby directed to convey **formal approval** of the Government of India under Section-2 of the Forest (Conservation) Act, 1980 for diversion of ha Reserved / Protected Forest land for construction of **Railway** of State Govt. subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

- b) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 5. **Speed regulating signage will be erected along the railway line at regular intervals in the Protected areas/ Forest Areas.**
 6. **The user agency shall provide suitable under / over pass in Protected area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
 7. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
 8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
 9. No labour camp shall be established on the forest land.
 10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
 11. The boundary of the diverted forest land shall be demarcated on ground at the project cost as per the directions of the concerned DFO.
 12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
 13. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
 14. The forest land shall not be used for any purpose other than that specified in the project proposal.
 15. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
 16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project
 17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.



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18. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft Stage-I : Road Project



सत्यमेव जयते

भारतसरकार

GOVERNMENT OF INDIA

पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),

.....,

Sub: Diversion of ha Reserved / Protected Forest land for construction of **Road**
..... of State Govt.

Ref: Minutes of Meeting of FAC / REC letter No. dated

Sir,

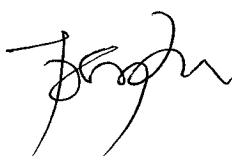
I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was considered and approved by the FAC / REC in its meeting held on for issuance of In-principle approval. Therefore, the undersigned, on behalf of the Central Government conveys **In-principle** approval for diversion of ha Reserved / Protected Forest land for construction of **Road** of State Govt.subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at the

cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

- b) The non-forest land which has been transferred and mutated in favour of the State Forest Department.
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
 5. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
 6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
 7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e.portal** (<http://forestsclearance.nic.in/>).
 8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 9. **User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.**
 10. **Speed regulating signage will be erected along the road at regular intervals in the Protected areas/ Forest Areas.**
 11. **The user agency shall provide suitable under / over pass in Protected area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
 12. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
 13. The layout plan of the proposal shall not be changed without prior approval of Central Government.
 14. No labour camp shall be established on the forest land.



15. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
16. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
17. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
18. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
19. The forest land shall not be used for any purpose other than that specified in the project proposal.
20. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
21. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
22. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
23. The compliance report shall be uploaded on *e.portal* (<http://forestsclearance.nic.in/>).

After receipt of compliance report on fulfillment of above conditions from the State Government, proposal will be considered for final approval under Section – 2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to user agency shall not be done by the State Government till **Formal approval / Stage-II** approval for diversion of forest land is issued from this office.

Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft Stage-II : Road Project



सत्यमेव जयते

भारतसरकार

GOVERNMENT OF INDIA

पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),
.....,
.....,
.....,

Sub: Diversion of ha Reserved / Protected Forest land for construction of **Road**
..... of State Govt.

Ref: 1) This office In-principle approval letter No.....dated
2) State Govt. letter No.dated
3) Online payment transaction date

Sir,

I am directed to invite a reference to State Govt. letter No.
..... datedon the above mentioned subject
seeking prior approval of the Central Government under Section 2 of the Forest (Conservation)
Act, 1980.

The Central Government vide letter (1) referred above had agreed in principle for
diversion of ha Reserved / Protected Forestland of above forest land for the
purpose mentioned above subject to the fulfilment of certain conditions of In-principle approval.

The State Government vide letter (2) referred above has reported compliance on the
fulfilment of all the stipulated conditions of In-principle approval.

Now therefore, the undersigned is hereby directed to convey **formal approval** of the
Government of India under Section-2 of the Forest (Conservation) Act, 1980 for diversion of
..... ha Reserved / Protected Forest land for construction of **Road** of State
Govt.
subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is
handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over
..... ha non-forest / degraded forest land (Compartment / Khasra No.
....., Village-....., Tahsil-....., District-) at the
cost of the user agency. As far as possible, a mixture of local indigenous species
shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land which has been transferred and mutated in favour of the State
Forest Department for the purpose of compensatory afforestation shall be declared
as Reserved Forest under Section-4 or Protected Forest under Section-29 of the
Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The
Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a
period of six (6) months from the date of grant of final approval and send a copy of
the original notification declaring the non-forest land under Section 4 or Section 29
of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act
as the case may be, to this Office for information and record;



4. User agency shall restrict the felling of trees to minimum numbers in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
6. **User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.**
7. **Speed regulating signage will be erected along the road at regular intervals in the Protected areas/ Forest Areas.**
8. **The user agency shall provide suitable under / over pass in Protected area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC.**
9. The User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
10. The layout plan of the proposal shall not be changed without prior approval of Central Government.
11. No labour camp shall be established on the forest land.
12. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
13. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
14. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
15. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
16. The forest land shall not be used for any purpose other than that specified in the project proposal.
17. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
18. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
19. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft Stage-I : Thermal Power Project





भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :

To,

The Addl. Chief Secretary (Forest),

.....,
.....,
.....,

Sub: Diversion of ha of Reserved / Protected forest land for **Thermal Power Project** project.

Ref : Minutes of Meeting of FAC/ REC letter No. dated

Sir,

I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was considered and approved by the FAC / REC in its meeting held on for issuance of **In-principle approval**. Therefore, the undersigned, on behalf of the Central Government conveys In-principle approval for diversion of ha of Reserved / Protected forest land for **Thermal Power Project** project subject to the following terms and conditions:-

1. Compensatory afforestation:

- a) Compensatory afforestation shall be taken up by the Forest Department over ha Non-forest land / degraded forest land (Compartment no. / Khasra No., Village-....., Tehsil-, District-.....) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
- b) The non-forest land shall be transferred and mutated in favour of Forest Department.

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

- a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
 5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
 6. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e.portal** (<http://forestsclearance.nic.in/>).
 7. The compliance report shall be uploaded on **e.portal** (<http://forestsclearance.nic.in/>).

After receipt of compliance report on fulfillment of above conditions from the State Government, proposal will be considered for final approval under Section – 2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to user agency shall not be done by the State Government till **Formal approval / Stage-II** approval for diversion of forest land is issued from this office.

Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft Stage-II : Thermal Power Project





भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),

.....,
.....,
.....,

Sub: Diversion of ha of Reserved / Protected forest land for **Thermal Power Project** project.

Ref: 1) This office In-principle approval letter No.dated
.....
2) State Govt. letter No.dated
3) Online payment transaction date

Sir,

I am directed to invite a reference to State Govt. letter No.datedon the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980.

The Central Government vide letter (1) referred above had agreed in principle for diversion of ha Reserved / Protected Forest land of above forest land for the purpose mentioned above subject to the fulfilment of certain conditions of In-principle approval.

The State Government vide letter (2) referred above has reported compliance on the fulfillment of all the stipulated conditions of In-principle approval.

Now therefore, the undersigned is hereby directed to convey **formal approval** of the Government of India under Section-2 of the Forest (Conservation) Act, 1980 for diversion of ha of Reserved / Protected forest land for **Thermal Power Project** of State Govt..... subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at

the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.

- b) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.
6. **The State Govt. shall ensure that no non-forest / construction activity shall be carried out by the user agency within specified distance beyond HFL of River, if thermal power plant is located on the bank of river.**
7. **The user agency shall ensure that ash produced due to the unit shall not pollute the air and water of the nearby areas for which, green belt shall be maintained around the proposed unit and necessary plantation in the nearby villages / habitation should be carried out in consultation with the local people.**
8. **User agency shall undertake afforestation along the periphery of the reservoir, if thermal power plant is reservoir based project.**
9. **The user agency shall also utilize the ash generated by supplying for construction of road project within the 100 Km radius and also facilitate supply of ash to brick industries as per latest fly ash notification.**
10. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
11. The layout plan of the proposal shall not be changed without prior approval of Central Government.
12. No labour camp shall be established on the forest land.
13. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
14. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of concerned Divisional Forest Officer.
15. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.



17. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
18. The forest land shall not be used for any purpose other than that specified in the project proposal.
19. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
20. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
21. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft Stage-I : Transmission Line Project



सत्यमेव जयते

भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :

To,

The Addl. Chief Secretary (Forest),

.....,

Sub: Diversion of ha Reserved / Protected Forest land for construction of
Transmission Line of State Govt.

Ref: Minutes of Meeting of FAC / REC letter No. dated

Sir,

I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was considered and approved by the FAC / REC in its meeting held on for issuance of In-principle approval. Therefore, the undersigned, on behalf of the Central Government conveys **In-principle** approval for diversion of ha Reserved /

Protected Forest land for construction of **Transmission Line** of State Govt.
subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land which has been transferred and mutated in favour of the State Forest Department.
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e.portal.
8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
9. **The User agency in consultation with the State Forest Department prepare a detailed scheme for creation and maintenance of plantation of dwarf species**



(preferably medicinal plants) in right of way under the transmission line for execution of the said scheme to the State Forest Department.

10. The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.
11. The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.
12. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
13. The layout plan of the proposal shall not be changed without prior approval of Central Government.
14. No labour camp shall be established on the forest land.
15. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
16. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
17. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
18. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
19. The forest land shall not be used for any purpose other than that specified in the project proposal.
20. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
21. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
22. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
23. The compliance report shall be uploaded on *e.portal* (<http://forestsclearance.nic.in/>).

After receipt of compliance report on fulfillment of above conditions from the State Government, proposal will be considered for final approval under Section – 2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to user agency shall not be done by the State Government till **Formal approval / Stage-II** approval for diversion of forest land is issued from this office.

Yours faithfully,



(.....)
Dy. Conservator of Forests (Central)

Draft Stage-II : Transmission Line Project



GOVERNMENT OF INDIA

भारतसरकार

पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),

.....,

Sub: Diversion of ha Reserved / Protected Forest land for construction of
Transmission Line of State Govt.

Ref: 1) This office In-principle approval letter No.....dated
2) State Govt. letter No.dated
3) Online payment transaction date

Sir,

I am directed to invite a reference to State Govt. letter No. datedon the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980.

The Central Government vide letter (1) referred above had agreed in principle for diversion of ha Reserved / Protected Forest land of above forest land for the purpose mentioned above subject to the fulfilment of certain conditions of In-principle approval.

The State Government vide letter (2) referred above has reported compliance on the fulfillment of all the stipulated conditions of In-principle approval.

Now therefore, the undersigned is hereby directed to convey **formal approval** of the Government of India under Section-2 of the Forest (Conservation) Act, 1980 for diversion of ha Reserved / Protected Forest land for construction of **Transmission Line** of State Govt.

Subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.

2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **The user agency at its cost shall provide bird deflectors, which are to be fixed on upper conductor of transmission line at suitable intervals to avoid bird hits.**
6. **The User Agency shall comply with the guidelines for laying transmission lines through forest areas issued by Ministry vide letter no. 7-25/2012-FC dated 05/05/2014 & 19/11/2014.**
7. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
8. The layout plan of the proposal shall not be changed without prior approval of Central Government.
9. No labour camp shall be established on the forest land.
10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
14. The forest land shall not be used for any purpose other than that specified in the project proposal.
15. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.



16. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
17. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
18. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft Stage-I : Underground Gas / water pipeline / OFC Project



सत्यमेव जयते

भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),

.....,

Sub: Diversion of ha Reserved / Protected Forest land for construction of **Underground Gas / Water pipeline / OFC** of State Govt.

Ref: Minutes of Meeting of FAC / REC letter No. dated

Sir,

I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was considered and approved by the FAC / REC in its meeting held on for issuance of In-principle approval. Therefore, the undersigned, on behalf of the Central Government conveys **In-principle** approval for diversion of ha Reserved / Protected Forest land for construction of **Underground Gas / Water pipeline / OFC** of State Govt.subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.

2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land which has been transferred and mutated in favour of the State Forest Department.
4. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
5. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
 - c) **Full exemption of NPV in case of laying of underground OFC cable provided no felling of trees is involved and area proposed for diversion is outside of Protected Area as per the MoEFCC Guideline F. No. 5-3/2007-FC dated 05/02/2009.**
 - d) **Full exemption of NPV in case of laying of underground drinking water pipeline 4" dia provided no felling of trees is involved, non-commercial project, area proposed for diversion is outside of Protected Area and total forest land required for project is less than 1.00 ha as per the MoEFCC Guideline F. No. 5-3/2007-FC dated 05/02/2009.**
6. User agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.



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7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e.portal.
8. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
9. **The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.**
10. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
11. The layout plan of the proposal shall not be changed without prior approval of Central Government.
12. No labour camp shall be established on the forest land.
13. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
14. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
15. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
16. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
17. The forest land shall not be used for any purpose other than that specified in the project proposal.
18. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
19. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
20. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
21. The compliance report shall be uploaded on e.portal (<http://forestsclearance.nic.in/>).

After receipt of compliance report on fulfillment of above conditions from the State Government, proposal will be considered for final approval under Section – 2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to user agency shall not be done by the State Government till **Formal approval / Stage-II** approval for diversion of forest land is issued from this office.

Yours faithfully,



(.....)
Dy. Conservator of Forests (Central)

Draft Stage-II : Underground Gas / water pipeline / OFC Project



GOVERNMENT OF INDIA

भारतसरकार

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय;

MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :

To,

The Addl. Chief Secretary (Forest),

.....,

Sub: Diversion of ha Reserved / Protected Forest land for construction of **Underground Gas / Water pipeline / OFC** of State Govt.

Ref: 1) This office In-principle approval letter No.....dated
2) State Govt. letter No.dated
3) Online payment transaction date

Sir,

I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980.

The Central Government vide letter (1) referred above had agreed in principle for diversion of ha Reserved / Protected Forest land of above forest land for the purpose mentioned above subject to the fulfilment of certain conditions of In-principle approval.

The State Government vide letter (2) referred above has reported compliance on the fulfillment of all the stipulated conditions of In-principle approval.

Now therefore, the undersigned is hereby directed to convey **formal approval** of the Government of India under Section-2 of the Forest (Conservation) Act, 1980 for diversion of ha Reserved / Protected Forest land for construction of **Underground Gas / Water pipeline / OFC** of State Govt.

Subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.

3. Compensatory afforestation

- a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- b) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. **The pipeline shall be laid down 1.5 meter below the ground and after lying down of pipe line the ground will be leveled.**
6. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
7. The layout plan of the proposal shall not be changed without prior approval of Central Government.
8. No labour camp shall be established on the forest land.
9. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
10. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
11. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
12. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
13. The forest land shall not be used for any purpose other than that specified in the project proposal.
14. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
15. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
16. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.



17. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.

Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft : Forest Village Relocation



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),
.....,
.....,
.....,

Sub: Diversion of ha of Reserved / Protected forest land for **Forest Village relocation** project.

Ref: State Govt. letter No.dated

Sir,

I am directed to invite a reference to State Govt. letter No. datedon the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980.

The undersigned is hereby directed to convey **formal approval** of the Government of India under Section-2 of the Forest (Conservation) Act, 1980 for diversion of ha of Reserved / Protected forest land for **Forest Village relocation** project subject to the following terms and conditions:-

1. **Legal status of the diverted forest land shall be changed to revenue land.**
2. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
3. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.

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4. Land vacated in the protected area due to relocation of Village shall be developed as per approved Wildlife Management Plan / NTCA guideline / CWLW.
5. No fragmentation of forests should take place due to the relocation project.
6. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.
7. The forest land shall not be used for any purpose other than that specified in the project proposal.
8. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project
9. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
10. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife. The State Government shall ensure compliance of all the above conditions.

Yours faithfully,

(.....)

.....(C)

Draft Stage-I : Wind Power Project



सत्यमेव जयते

भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST
& CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),

.....,
.....,
.....,

Sub: Diversion of ha of Reserved / Protected forest land for establishment of Wind Power project.

Ref :Minutes of Meeting of FAC/ REC letter No. dated
.....

Sir,

I am directed to invite a reference to State Govt. letter No. dated on the above mentioned subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980.

The proposal was considered and approved by the FAC / REC in its meeting held on for issuance of **In-principle approval**. Therefore, the undersigned, on behalf of the Central Government conveys In-principle approval for diversion ofha of Reserved / Protected forest land for Wind Power project subject to the following terms and conditions:-

1. Compensatory afforestation:

- a) Compensatory afforestation shall be taken up by the Forest Department over ha Non-forest land / degraded forest land (Compartment no. / Khasra No., Village-....., Tehsil-, District-.....) at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.
- b) The non-forest land shall be transferred and mutated in favour of Forest Department.

2. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

3. NPV:

- a) The State Government shall charge the Net Present Value (NPV) for the ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
- b) **The State Government shall charge 50 % of the minimum rate of NPV irrespective of eco-class in which the project lies provided minimum tree felling is involved as per MoEF&CC guideline No. 5-3/2007-FC dated 05/02/2009 and the orders of Hon'ble Supreme Court of India order dated 24/04/2008.**
- c) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.



4. The cost of felling of trees to minimum number of trees shall be deposited by the User Agency with the State Forest Department.
5. **The State Government shall charge a lease rent at the rate of Rs. 30,000/- per MW from user agency as a lump-sum onetime payment for the entire period of lease as per MoEF&CC guideline No. 8-84/2002-FC dated 16/12/2005.**
6. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
7. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through **e.portal** (<http://forestsclearance.nic.in/>).
8. The compliance report shall be uploaded on **e.portal** (<http://forestsclearance.nic.in/>).

After receipt of compliance report on fulfillment of above conditions from the State Government, proposal will be considered for final approval under Section – 2 of the Forest (Conservation) Act, 1980 by this office.

The order for transfer of forest land to user agency shall not be done by the State Government till **Formal approval / Stage-II** approval for diversion of forest land is issued from this office.

Yours faithfully,

(.....)
Dy. Conservator of Forests (Central)

Draft Stage-II : Wind Power Project



भारतसरकार
GOVERNMENT OF INDIA
पर्यावरण, वनऔरजलवायुपरिवर्तनमंत्रालय;
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE

No:

Date :.....

To,

The Addl. Chief Secretary (Forest),
.....,
.....,
.....,

Sub: Diversion of ha of Reserved / Protected forest land for Wind Power
..... project.

- Ref: 1) This office In-principle approval letter No.dated

 2) State Govt. letter No.dated
 3) Online payment transaction date

Sir,

I am directed to invite a reference to State Govt. letter No.datedon the above mentioned subject seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980.

The Central Government vide letter (1) referred above had agreed in principle for diversion of ha Reserved / Protected Forest land of above forest land for the purpose mentioned above subject to the fulfilment of certain conditions of In-principle approval.

The State Government vide letter (2) referred above has reported compliance on the fulfillment of all the stipulated conditions of In-principle approval.

Now therefore, the undersigned is hereby directed to convey **formal approval** of the Government of India under Section-2 of the Forest (Conservation) Act, 1980 for diversion of ha of Reserved / Protected forest land for Wind Power project subject to the following terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency.
3. **Compensatory afforestation**
 - a) Compensatory afforestation shall be taken up by the Forest Department over ha non-forest / degraded forest land (Compartment / Khasra No., Village-....., Tahsil-....., District-) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
 - b) The non-forest land which has been transferred and mutated in favour of the State Forest Department for the purpose of compensatory afforestation shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the State Forest Act. The Nodal Officer, Forest (Conservation) Act, 1980 may report compliance within a period of six (6) months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, to this Office for information and record;
4. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
5. User Agency shall restrict the felling of trees to minimum numbers in the diverted forest land and trees shall be felled under strict supervision of the State Forest Department.



6. User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.
7. **User Agency shall demarcate the project area as per the directions of concerned Divisional Forest Officer.**
8. **The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits.**
9. **The lease period shall be for a period of 30 years as per MOEF&CC guideline F. No. 8-84/2002-FC dated 14/05/2004.**
10. Any tree felling shall be done only when it is unavoidable, and that too under strict supervision of the State Forest Department and at the cost of the project.
11. **The layout plan of the proposal shall not be changed without the prior approval of the Central Government.**
12. **The State Government and user agency shall undertake implementation of mitigation measures to be obtained by the user agency from BNHS/ WII or any other National level reputed agency dealing with bird conservation.**
13. The User Agency shall provide firewood preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on forest areas.
14. The State Government and user agency shall comply with the other standard conditions in vogue as per this MoEF&CC guidelines as amended from time to time for Wind Power Project.
15. No labour camp shall be established on the forest land.
16. The User Agency and the State Government shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project
17. The forest land shall not be used for any purpose other than that specified in the project proposal.
18. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Central Government.
19. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F. No. 11-44/2017-FC dt 29/01/2018.
20. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife. The State Government shall ensure compliance of all the above conditions.

Yours faithfully,

(.....)

.....(C)



Additional Agenda No. 1

F. No. 8-58/2018-FC

Sub:- Representation for issue of permission under Section 2(iii) of Forest Conservation Act, 1980 in favour of OSCOM Mines of M/s Indian Rare Earths Limited at Matikhola, Ganjam to facilitate execution of lease deed over an area of 2464.054 ha, containing 157.702 ha of DLC forestland.

1. The above stated agenda item was considered by FAC in its meeting on 30.08.2018. It is observed that the same project was considered by FAC under section 2(ii) of FCA 1980 on 26.07.2018
2. It is reported that the Indian Rare Earth Ltd. (IREL) was incorporated as a Private Ltd. company on 18.08.1950 jointly owned by GoI and Government of Travancore (Cochin) with the primary intention of taking commercial scale of processing of Monazite sand at its ^{1st} unit namely Rare Earth Division, Aluva (Kerala) for recovery of Thorium. IREL became a fully owned GoI Central Public Sector Undertaking under the administrative control of the Department of Atomic Energy (DAE) in 1963.
3. This Govt. of India company is having four production units as (i) Mineral Division at manavalakurichi (TN) (ii) Mineral Division at Chavara (Kerala), (iii) Orissa Sands Complex (OSCOM), Chhatrapur (Odisha) and (iv) Rare Earth Division (REED) at Aluva (Kerala). IREL, OSCOM unit was commissioned to exploit the huge placer deposit across mining area of 24.64 sq. K to produce 2,20,000-ton Ilmenite having 50% TiO₂ content and associated minerals. The purpose of beach sand mining is to recover Ilmenite, Rutile, Zircon, Monazite, Garnet and Sillimanite from the dune sand material. A stretch of 18 Km with an average width of 1.5 km is earmarked as mining leasehold area of OSCOM.
4. After the Central Government conveyed their approval to grant mining lease under section 5 (2) and 11(4) of the MMDR Act, 1957 in favour of M/s IREL and grantee agreeing to the terms and conditions of grant, the mining lease was granted in favour of IREL over 7400 acres (2994.7389 ha) by the State Government in erstwhile Mining and Geology Department proceeding No. III (L) M-1/72-6038/MG dated 07.06.1973 for mining of dune sand material containing Ilmenite, Rutile, Zircon, Monazite, Garnet and Sillimanite in village Uppulaputi, Basanputi in Chhatrapur sub-division of Ganjam district for a period of 20 years.
5. The ML area as reduced to 7111.20 acres or 2877.76 ha after field survey. The lease deed during original ML period was executed on 21.03.1979 having validity of 20 years i.e. up to 20.03.1999. IREL submitted 1st renewal of mining lease application to Collector, Ganjam on 19.12.1997 for 2728.49 ha. The Government of Odisha, Department of Steel & Mines vide their proceeding No. 94159/III (D)SM/2/01(pt.) dated 15.09.2005, granted revised 1st RML over 2464.054 ha for 20 years after final survey and demarcation. The lease deed was executed on 27.10.2005 having validity from 21.03.1999 to 20.03.2019 during 1st RML period.
6. As reported in office letter no. 2776 dated 11.10.2012 of Settlement Officer, Ganjam-Koraput Major Settlement Berhampur, date of final publication of RoR of villages coming within the ML area is between 19.03.1976 to 03.05.1977 which is prior to 25.10.1980. **In course of original lease period the entire area of ML was treated as non-forest land. DLC forest land was finalized in the year 1998 consequent upon the judgement dated 12.12.1996 in WP(C) no. 202/1995, was found to be within lease**



hold at a later stage in 2010 which contain valuable strategic atomic minerals i.e. Ilmenite, Rutile, Zircon, Monazite, Sillimanite and Garnet. The non-cognizance of DLC forest land status of the proposed area is a failure of the revenue Dept. The details of 157.702 ha DLC forest in the three villages coming within ML area is given below:

S. No.	Name of village	Area of DLC forest in Acre.
1	Humuribana	218.149
2	Agastinuagaon	164.379
3	Arjipalli	7.155
	Total	389.683 (157.702 ha)

As reported by the UA, mining project was operating since 1979 in the Southern Block. However, the user agency has planned to expand its activities in the northern block of the ML as well for which DLC forest land existing in the said portion of ML is required to be diverted under Section-2 (ii) of FC Act, 1980 for mining purpose to exploit the aforesaid rare and atomic minerals from strategic point of view.

7. It is has been reported by the RCCF, Berhampur in his SIR that no portion of DLC forest land now applied for diversion, has been broke up in course of mining
8. FAC also considered the representations of BNHS,eRC and other such agencies.
9. FAC after thorough deliberation and discussion on 26.07.2018, with the Representative of APCCF Regional Office, Bhubaneswar and user agency recommended the proposal under section 2(ii) of FCA 1980 with standard general and following specific conditions:
 - i. The approval for the diversion of forest land shall be subject to CRZ clearance (if applicable).
 - ii. The user agency's work involves seashore sand mining, which is also the site for nesting of endangered Olive Ridley turtle. While the 52 Km length of sea shore is the location of nesting, out of this 5 Km length of sea shore with large sand beds on both sides of Rushikulya river is the mass nesting site, other areas are sporadic nesting sites. So, the area involving 5 km distance (2.5 km on both sides of Rushikulya river mouth) to be religiously conserved without any disturbance as prescribed by Chief Wildlife Warden, Odisha via letter No. 3536/WL(C)(SSP)-149/2012 dated 11th May, 2012 which is also endorsed by the user agency.
 - iii. The proposed compensatory land is found to be a natural habitat of Peafowl and other shrub dwelling species, accordingly the existing thorny/shrubby vegetation ecosystem should be maintained, without any attempt to alter by undue over planting. However, soil moisture conservation should be given prime focus with possible creation of small water bodies and planting shall also be limited and confined to local thorny, fruit bearing species only.
 - iv. User agency shall submit approved R&R plan before stage II approval.
 - v. 320 ha of degraded forest land has been identified in Dumanagiri DPF of Khalikote range in Berhampur Division for taking up ANR with gap plantation @ 200 plants per ha with 10 years maintenance, Bamboo fencing around plantation and soil moisture conservation with staggered trenches. . This area

will accommodate only 64000 plants. To compensate further the balance 800 plants per ha of plantation 120 ha of degraded forest land has been identified in Ranibar DPF of Rambha Section, Khalikote Range of Berhampur Division to accommodate balance ceiling 93,702 (157.702 ha x 1000 plants per ha. 320 ha x plants per ha) as per MoEF &CC Guideline dated 08.11.2017. The GPS reading of this plantation area at Ranibar has not yet been submitted. The same may be submitted prior to stage II approval.

- vi. It is learnt that the lease deed was executed on 27.10.2005 having validity from 21.03.1999 to 20.03.2019 during first RML.DLC forest land is a part of this lease. The DLC land was identified in Odisha in 1998. State government may clarify how the lease was executed (which include DLC forest land) in 2005 without prior approval of government of India
10. The file for decision on FAC recommendation dated 26.07.2018 is under process of submission to competent authority.
11. In the mean time the State Government vide their letter dated 23.08.2018 submitted a representation for issue of permission under **Section 2 (iii)** of Forest Conservation Act, 1980 in favour of OSCOM Mines of M/s Indian Rare Earths Limited at Matikhola, Ganjam to facilitate execution of lease deed over an area of 2464.054 ha, containing 157.702 ha, of DLC forestland, stating that the original lease deed was executed over ML area of 7111.20 Acres or 2877.76 ha on 21.03.1979 having validity of 20 years i.e. 20.03.1999.
12. Having considered the 1st RML application, the Govt. of Odisha, Department of steel and Mines vide their proceeding No. 9159/III(D)SM/2/01 (pt.) dt. 15.09.2005, granted revised 1st RML over 2464.054 ha for 20 years after final survey and demarcation and the lease deed was executed on 27.10.2005 having validity from 21.03.1999 to 20.03.2019 during 1st RML period. Meanwhile, the State Government in Steel & Mines department vide its Proceedings No. 4409/SM dt. 1.6.2018 have extended the ML period of this mine of Beach Sand Minerals over an area of 2464.054 ha of M/s IREL till 31.03.2047 under Proviso to Rule 6 (ii) of the Atomic Mineral Concession Rules, 2016 subject to execution of a supplementary lease deed for the extended lease period from 21.03.2019 to 31.03.2047 and availability of statutory clearances within a period of three months.
13. The State Government also mentioned that MoEF&CC, Government of India vide their guidelines bearing F. No. 11-599/2014-FC dated 01.04.2015 has stipulated at para 3(i) that in case of mining lease, including those of Government authorities, having forest land in part or in full, approval of Central Government under Section 2(iii) of the FC Act for the entire forest land located within a mining lease shall be obtained for execution (including by way renewal) of a mining lease in accordance with the provisions of MMDR Act and Rules framed thereunder. While the matter stood thus, the user agency keeping in view the urgency of execution of supplementary lease deed for the extended ML period, has filed an application bearing No. 3564 'A' dated 20.8.2018 before the Forest & Environment Department for recommending their case to MoEF&CC for grant of permission under Section 2(iii) of FC Act, 1980 pertaining to 157.702 ha. of forest land of the ML in question.
14. The State Government further reported that as per GoI, MoEF&CC guidelines bearing F. No. 11-85/2016-FC dt. 30.11.2016 read with Para (v) of their earlier guidelines vide No. 11-599/2014-FC dt. 1.4.2015, prior approval of the Central Government

under Section 2(iii) of FC Act. 1980 for signing of mining lease is subject to fulfilment of conditions such as

- (i) compliance of Forest Right, Act, 2006 pertaining to the forest land of the ML area
- (ii) Payment of NPV of entire forest area of the ML excluding the payment made if any earlier and its confirmation by Adhoc-CAMPA.

15. While recommending the forest diversion proposal, the State Government have intimated that the user agency had deposited NPV for 157.702 ha DLC forest land involved in the mining lease @Rs.6,26,000/- per ha amounting to Rs. 9,87,21,452/- in the Compensatory Afforestation fund (CAF), Orissa A/c No. CA 1585 Corporation Bank vide Bank draft bearing No 489157 dated 10.08.2010. The user agency had also furnished an undertaking to pay differential cost of NPV If enhanced owing to the Hon'ble Supreme Court of India in future, if any. As regards, compliance of FRA. 2006 for this project, it was also indicated that the Collector, Ganjam had furnished certificate in prescribed format for the applied forest area i.e. 157.702 ha DLC forest land and proceedings of DLC dated 01.08.2017, SDLC held on dated 28.11.2016 & 29.06.2017 alongwith proceedings of Gram Sabha resolutions of Humar village dated 26.06.2015, Agastinuagaon village dated 28.11.2016 Arjipalli village dated 12.12.2016 both in Odia version and English version. All these documents were enclosed to the FDP in a separate volume then. As such, compliances required for considering the instant proposal for grant of permission under Section 2(iii) of FC Act, 1980 have already been fulfilled.
16. The State Government had also requested to relax the MoEF&CC's guideline No. 8-31/2016-FC dated 16.11.2016 for submission of proposal through *on-line* seeking prior approval under Section 2 (iii) of FCA, 1980.

Recommendation of FAC: FAC after through deliberation & discussion with APCCF, Regional Office and User Agency recommended to relax the MoEF&CC's guideline No. 8-31/2016-FC dated 16.11.2016 for submission of proposal through *on-line* for this particular project as one time relaxation owing to urgency for execution of Mining lease. FAC further recommended the proposal under **section 2(iii)** of FCA 1980 with general standard and following specific conditions:

- A) No physical diversion of forest land will be allowed and no breaking up of forest land to be permitted until final approval under section 2(ii) of FCA is obtained.
- B) The project proponent has to pay full NPV for the area.
- C) The grant of permission under section 2(iii) of Forest (Conservation) Act 1980 will not confer any right on the project proponent for diversion under section 2(ii) of Forest (Conservation) Act 1980.
- D) The forest department will be free to manage the forest area as per normal management practices and working plan prescriptions till final approval under section 2(ii) under FCA is accorded.
- E) State government to confirm complete compliance of the provision of FRA 2006 prior to executing/ granting forest area on lease.
- F) The permission is subject to confirmation of NPV amount for the area from Adhoc CAMPA.



Shrawan Kumar Verma, DIGF (FC)

Agenda No. 1

File No. 8-04/2016-FC

Sub: Diversion of 1576.81 ha of Reserved forest land for the development of special Economic Zone and Industrial Park at Village – Siracha, Navinal, Dhrub, Mundra, Baroi, Gorasama, Luni, Bhadreshwar, Ta. Mundra, Dist. Kutch in favour of Adnai Group, Mundra Port and Special Economic zone (APSEZ).

1. The above stated agenda item was considered by FAC in its meeting held on 30.08.2018.
2. The State Government of Gujarat submitted the proposal seeking prior approval of Central Government in accordance with section-2 of the Forest (Conservation) Act, 1980 vide their letter No. FCA-1014/10-11/14/S.F-66/F dated 21.01.2016. The proposal was earlier considered by the FAC in its meeting held on 25.01.2018 recommending the grant of In-principal approval for the diversion of 1552.81 ha ($1576.81 - 24 = 1552.81$ ha) of the Forest Land subject to general and specific conditions. The User Agency submitted the representation requesting to modify the FAC conditions. With the approval of competent authority it was decided to take the view of the State Govt on the report of user agency. The State Government submitted their reply as per letter No. FCA-1014/10-11/14/S.F-66/F dated 26.07.2018. In the light of the reply from State Government of Gujarat the proposal was again placed before the FAC in its meeting to be held on 30.08.2018.
3. **Recommendations of FAC:**
FAC after thorough deliberation and discussion with the Nodal Officer (FCA) Govt of Gujarat recommended to constitute a Sub-Committee, of the FAC to visit APSEZ site and submit a report to FAC for further action within 10 days.

Agenda No. 2

F. No. 8-20/2018-FC

Sub: Proposal for diversion of 79.912 ha. of Forest Land for construction of Kaith Medium Irrigation Project in favour of Water Resources Department, Sagar District Madhya Pradesh State-regarding.

1. The above stated agenda item was considered by FAC in its meeting held on 30.08.2018.
2. The proposal was submitted to obtain prior approval of the Central Government, under the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 79.912 ha, by the APCCF (Land Management) and Nodal Officer, the Forest (Conservation) Act, 1980, Government of Madhya Pradesh vide their letter No. F-3/83/2017/10-11/12/840 Bhopal



dated 20.03.2018 for Forest Land for construction of Kaith Medium Irrigation Project in favour of Water Resources Department, Sagar District Madhya Pradesh State.

3. **Recommendations of FAC:**

FAC after thorough deliberation and discussion with the Nodal officer (FCA) of Madhya Pradesh and **recommended the proposal for in-principle approval** with General, Standard and following specific conditions:

- (i) *The DGPS map of the area proposed for diversion and CA areas will be submitted before stage-II approval.*
- (ii) *The details of approved Land Use Plan will be submitted before Stage-II approval.*
- (iii) *CA site should be made free from encroachment before Stage-II approval.*

Agenda No. 3

F. No. 8-52/2018-FC

Sub: Diversion of 41.05 ha of forest land closed under section 4 & 5 of PLPA 1900 in favour of Head-Administration, Translation Health Science and Technology Institute, NCR Biotech Science Cluster, Faridabad for setting up of Translation Research Teaching and Training in Biotechnology & Animal Research Laboratory along Gurugram-Faridabad Road, at village Bhankri under forest division and District Faridabad, Haryana - regarding.

1. The above stated agenda item was considered by FAC in its meeting on 30.08.2018.
2. The proposal to obtain prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 41.05 ha of forest land closed under section 4 & 5 of PLPA 1900 in favour of Head-Administration, translation Health Science and Technology Institute, NCR Biotech Science Cluster, Faridabad by the Principal Chief Conservator of Forests, Government of Haryana vide their letter No. Admin-D-3-8305/1534 Panchkula dated 20.07.2018 for setting up of Translation Research Teaching and training in Biotechnology & Animal Research Laboratory along Gurugram-faridabad road, at village Bhankri under forest division and District Faridabad, Haryana.

3. **Recommendations of FAC:**

FAC after thorough deliberation and discussion with the Representative of Haryana Government and recommended **recommended the proposal for in-principle approval** with General, Standard and following specific conditions:

- (i) *The DGPS map of the area proposed for diversion and CA areas will be submitted before stage-II approval.*



Agenda No. 4**F. No. 8-40/2018-FC**

Sub: Proposal for diversion of 252.754 ha of forest land for in favour of water resource department for construction of Judi Medium Irrigation Project under the Chhattarpur and Damoh District in the State Govt. of Madhya Pradesh-reg.

1. The above stated agenda item was considered by FAC in its meeting on 30.08.2018.
2. The proposal to obtain prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 252.754 ha of forest land in favour of water resource department by the APCCF (Land Management) and Nodal Officer, Government of Madhya Pradesh vide their letter No. F-3/53/2016/10-11/5/1591, dated 02.06.2018 for construction of Judi Medium Irrigation project in Chhattarpur and Damoh district in the State of Madhya Pradesh.

3. Recommendations of FAC:

FAC after thorough deliberation and discussion with the Nodal office FCA, Govt. M.P. and **recommended the proposal for in-principle approval** with General, Standard and following specific conditions:

- (i) *The DGPS map of the area of proposed for diversion and CA areas will be submitted before stage-II approval.*
- (ii) *The details of approved Land Use Plan will be submitted before Stage-II approval.*
- (iii) *The approved CAT plan and cost will be submitted before stage-II approval.*
- (iv) *The CA land provided in Damoh District is to be fenced by mechanical or vegetative methods immediately, to keep it safe from encroachment.*

Agenda No. 5**F. No. 8-34/2018-FC**

Sub: Proposal for diversion of 148.75 ha of Forest Land in favour of Water Resources Department, Khandwa for construction of Bham (Rajgarh) Medium Lift Irrigation Project, in Khandwa district in State of Madhya Pradesh. -reg.

1. The above stated agenda item was considered by FAC in its meeting on 30.08.2018.
2. The proposal to obtain prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 148.75 ha of Forest Land in favour of Water Resources Department, Khandwa by the APCCF (Land Management) and Nodal Officer, Government of Madhya Pradesh vide their letter No. F-3/103/2017/10-11/10/1138 Bhopal dated 23.04.2018 for construction of Bham (Rajgarh) Medium Lift Irrigation Project, in Khandwa district in State of Madhya Pradesh.

3. Recommendations of FAC:



FAC after thorough deliberation and discussion with the Nodal office FCA, Govt. M.P. and **recommended the proposal for in-principle approval** with General, Standard and following specific conditions:

- (i) *The details of approved Land Use Plan will be submitted before Stage-II approval.*
- (ii) *The Complete Compliance of FRA, 2006 will submitted before Stage-II approval.*
- (iii) *The approved CAT plan and cost will be submitted before stage-II approval.*
- (iv) *The ambiguity in number of trees marked for felling in proposed forest area has to be reconciled before Stage-II approval.*

Agenda No. 6

F. No. 8-06/2018-FC

Sub: Proposal for diversion of 107.816 ha of forest land for Tawa underground coal mining project in favour of M/S Manager, WCL, Pathakheda Region in Betul district, Madhya Pradesh -reg.

1. The above stated agenda item was considered by FAC in its meeting on 30.08.2018.
2. The proposal to obtain prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of 107.816 ha of forest land for Tawa underground coal mining project by the APCCF (Land Management) and Nodal Officer, Government of Madhya Pradesh vide their letter No. F-1/Fp/MP/MIN/20921/2016/10-11/90 Bhopal dated 09.01.2018 in favour of M/S Manager, WCL, Pathakheda Region in Betul District, Madhya Pradesh.
3. **Recommendations of FAC:**

FAC after thorough deliberation and discussion with the Nodal office FCA, Govt. M.P. and **recommended the proposal for in-principle approval** with General, Standard and following specific conditions:

- (i) *The user agency shall pay the NPV and Penal NPV for entire area (50% NPV for underground mining + 50% Penal NPV = 100% NPV) as per the Ministry's guidelines dated 29.01.2018.*
- (ii) *Appropriate action may be initiated by the State Government against the concerned officers responsible for violation.*

Agenda No. 7

F.No.8-6/2007-FC

Subject: Diversion of 1283.570 hectares of forest land for Coal Mining in Amelia Coal Block by M/s. THDC limited, in Singrauli District of Madhya Pradesh.



1. The above stated agenda item was considered by FAC in its meeting on 30.08.2018.
2. The proposals to obtain prior approval of the Central Government under the Forest (Conservation) Act, 1980, for diversion of 1283.57 hectares of forest land was submitted by the APCCF (Land Management) & Nodal Officer, FCA, 1980, Madhya Pradesh vide his letter No. F-1/437/06/10-11/281 dated 01.02.2007 in Amelia Coal Blocks in favour of M. P. State Mining Corporation Limited (MPSMCL) in Singrauli District of Madhya Pradesh. The Sainik Mining & Allied Services Limited (SMASL) had entered into the joint venture with MPSMCL. The FAC in its meeting held on 09.08.2007 recommended the proposal with specific and general conditions. The proposal was rejected by the MOEF vide letter dated 02.03.2009 due to the Hon'ble Supreme Court order dated 20.02.2009 as per recommendation of CEC. The proposal was reconsidered after requests from the Government of MP and placed in FAC meeting held on 29-30 April 2014. The same area was part of 204 mining proposals cancelled by the Supreme Court and which were later reallocated to various agencies. This block was allotted to the THDC India Limited for supply of coal to Khurja Super Thermal Power Project (STPP), Bulandsaha, UP vide order of Ministry of Coal, Govt of India F. No. 103/11/2016-NA dated 17.01.2017. The THDC India Limited submitted the revised maps and KML files after resurveying the area along with the MP State Forest Department for which APCCF (LM), Govt of MP submitted the letter dated 02.07.2018. It was placed before FAC in its meeting on 26.07.2018. Since the FAC observed that the information before them is not sufficient, the same was placed with complete information before FAC again on 30.08.2018.

3. **Recommendations of FAC:**

FAC after thorough deliberation and discussion with the Nodal officer (FCA) of M.P. and recommended to constitute a Sub-Committee of the FAC to visit Amelia Coal Block and submit a report within 15 days, to FAC for further action on it.

Agenda No. 8

F. No. 8-53/2009-FC (Vol.)

Sub: Proposal for diversion of 16.268 ha. of forest land for regularization of already existing Mandideep Industrial Area in favour of Industrial Center Development of Corporation, Bhopal in Raisen District Madhya Pradesh State. Reg.

1. The above stated agenda item was considered by FAC in its meeting on 30.08.2018.
2. The Ministry accorded in-principal approval for diversion of 197.93 ha. forest land for Industrial Department in Raisen District in Mandideep Area by the State Government of Madhya Pradesh vide Ministry's letter F. No. 8-53/2009-FC dated 20.12.2017.
3. However, the user agency has acquired additional forest land of 16.268 ha in addition to the above diverted land, in violation under FC Act, 1980. The instant proposal is for regularisation 16.268 ha. forest land being utilised for Mandideep Industrial Area, by the APCCF (Land Management) and Nodal Officer, Forest (Conservation) Act, 1980 vide their letter No. F-5/819/2018/10-11/1312 Bhopal dated 07.05.2018 in favour of



7b

Industrial Center Development of Corporation, Bhopal in Raisen District Madhya Pradesh State.

4. The proposal was also considered in the REC in its meeting held on 23.04.2018. REC observed that since the earlier approval for 197.93 ha was accorded by Ministry (Head office) the instant proposal should also be processed at the level of Government of India, New Delhi and accordingly forwarded the same.

5. **Recommendations of FAC:**

FAC after thorough deliberation and discussion with the Nodal officer FCA, Govt. M.P. and **recommended the proposal for in-principle approval** with General, Standard and following specific conditions:

- (i) *The user agency shall pay the NPV and Penal NPV for entire area (50% NPV for underground mining + 50% Penal NPV = 100% NPV) as per the Ministry's guideline dated 29.01.2018.*
- (ii) *Purpose wise breakup of forest land proposed for diversion shall be submitted before Stage-II approval.*
- (iii) *The compliance report of conditions stipulated in the Stage-I approval letter dated 20.12.2017 for diversion of 197.93 ha shall be submitted before Stage-II approval of the instant proposal.*


Agenda No. 9

File No. 8-44/ 2018-FC

Sub.: Proposal for diversion of 104.095 ha of forest land in Bellampally RF of Bellampally Forest Division in Mancherla District for grant of Mining lease for Kalyani Khani No. 6 incline (Underground Mining) in favour of M/s. Singareni Collieries Company Limited, Mandamarri Area, Mancherla District, Telangana State-regarding.

1. The above stated agenda item was considered by FAC in its meeting on 30.08.2018.
2. The State Government of Telangana, Environment, Forests, Science & Technology (For.I) Department vide their letter No. 1443/For. I (1)/2018 dated 26th May, 2018 (**Pg. 1-260/c**) submitted 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 104.095 ha of forest land in Bellampally RF of Bellampally Forest Division in Mancherla District for grant of Mining lease for Kalyani Khani No. 6 incline (Underground Mining) in favour of M/s. Singareni Collieries Company Limited, Mandamarri Area, Mancherla District, Telangana State.
3. **Recommendations of FAC:**
FAC after thorough deliberation and discussion with the PCCF Govt. Telangana and **recommended the proposal for in-principle approval** with General, Standard and following specific conditions:

- (i) *Environment clearance shall be obtained before the grant of Stage II clearance.*



- (ii) *The User agency shall maintain and enrich further the forest crop above surface, so that the density would attain at least 0.6.*
- (iii) *The Cost benefit analysis report shall be submitted according to MoEF&CC guideline dated 01.08.2017.*

Agenda No. 10

File No. 8-216/1985-FC (pt. I)

Sub: 2nd renewal of Tandur mining lease for a reduced area of 4902 ha of forest land out of existing lease area of 7273.0 ha in Bellampally forest division of Adilabad circle in favour of M/s. SCCL. reg.,

1. The above stated agenda item was considered by FAC in its meeting on 30.08.2018.
2. Government of Telangana vide their letter dated 13th November 2014 submitted 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 4,902.00 hectares of forest land in favour of M/s. Singareni Colliery Company Limited for 2nd Renewal of Tandur Mining Lease. As was informed by UA, only 4902 ha of land is coal bearing out of the total lease area of 7273ha.
3. Regional office had recommended in 2014 for approval for 1427.22 ha, since this much area was under working mines.

4. Recommendations of FAC:

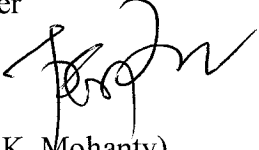
FAC after thorough deliberation and discussion with the Nodai Officer (FCA), Govt. of Telangana and **recommended the proposal for in-principle approval** with General, Standard and following specific conditions:

- (i) *The State Government shall take possession of 5845.78 ha (7273-1427.22 = 5845.78 ha.) and revised the lease agreement/LoI for 1427.22 ha. before Stage-II approval.*
- (ii) *The approved revised mining plan for 1427.22 ha. shall be submitted before Stage-II approval.*
- (iii) *The user agency shall submit DGPS maps for 1427.22 ha of forest land and also demarcate the same.*
- (iv) *The user agency shall demarcate of encroached area i.e. 688.44 ha. of forest land on the DGPS map.*
- (v) *The user agency shall pay the NPV for 1427.22 ha and penal NPV for 37.25 ha @20% of NPV per year since 01.01.2015*




(vi) The user agency shall take up plantations double the degraded area for the encroachment.

Confirmed through mail
Dr. Sanjay V. Deshmukh)
Member

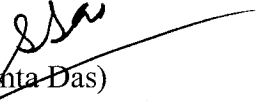

(A. K. Mohanty)
Inspector General of Forests (FC)

(Not Present)
(Dr Rajesh Kaushal)
Member

Confirmed through mail
(S. D. Vora)
Member


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

(Not Present)
Additional Commissioner (Soil Conservation)
Ministry of Agriculture (Member)


(Siddhanta Das)
Director General of Forests & Special Secretary