

**Minutes of the Meeting of Advisory Committee (AC) meeting dated 11.09.2023****Agenda No. 1****F. No. 8-112/2006-FCVol.**

**Subject: Diversion of 14.00 ha Reserved Forest land in Compartment No. 454 of Junnadev Vishala Village of Jamai Range for Bharat Open Cast Coal Mine Phase-II in favour of M/s Western Coalfield Limited in Chhindwara District, Madhya Pradesh State (Online No. FP/MP/MIN/26356/2017) - regarding.**

1. The agenda item was considered by the AC in its meeting held on 11.09.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting. They had participated in the deliberation.
4. While deliberating on the proposal, AC observed that:
  - i. The Government of Madhya Pradesh vide their letter No. F-1/FP/MP/MIN/26356/2017/3478 dated 21.10.2021 submitted the proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of 14.00 ha Reserved Forest land in Compartment No. 454 of Junnadev Vishala Village of Jamai Range for Bharat Open Cast Coal Mine Phase-II in favour of M/s Western Coalfield Limited in Chhindwara District, Madhya Pradesh State.
  - ii. The density of the proposed forest is reported as 0.4 under the Eco class 4.
  - iii. The Compensatory Afforestation has been proposed over Degraded Forest land (twice in extent to the forest land proposed to be diverted) under Chhindwara Forest Division of Madhya Pradesh State comprising an area of 29.760 ha.
  - iv. The Member Secretary informed the committee that the present proposal of 14.00 ha lies in the Compartment No. 454 and the Ministry in the past has already approved proposal for diversion of 68.704 ha forest land for underground mining and another proposal for diversion of 19.500 ha forest land for open cast mining in favour of M/s Western Coalfield Limited in the same Compartment No. 454. This implies that the State Govt./User agency is submitting the proposals in piecemeal.
  - v. The State Government has informed that earlier the user agency has taken permission for underground mining of 68.704 ha of forest land. Due to the geographical condition of this land, there was a need for open cast mining in it and in the year 2016, permission was taken for open cast mining in 19.50 ha forest area. It has been informed that as per the present requirements, there is a need for open cast mining in 14 ha of forest area and it is also possible to do open cast mining in the remaining area in the future, but this work will be done in the remaining area only when it is economically justified.
  - vi. The proposal has not been recommended by CF Chindwara and CF, Chindwara

has mentioned in his report that the Chindwara Van Mandal has done plantation over 14.00 ha area as a mitigation measure stipulated for the diversion of 19.5 ha forest land earlier and now the same area is being proposed for diversion.

- vii. The State Government has informed that, the user agency will provide funds for plantation in 28 ha of degraded forest land in the form of compensatory afforestation and 28000 saplings will be planted in the degraded forest area earmarked for CA. Apart from this, the user agency will also provide the funds for raising the saplings in view of the plantation carried out by the Forest Development Corporation on the proposed forest land over 14.00 ha area.
- viii. It has been reported that 14 ha forest land is required due to change in technology and extraction of substantial coal which is locked up in protective barrier within 68.704 ha diverted forest land for under-ground mining. However, nothing of this fact was reflected in the Mining plan. Moreover, vital project components like safety zone, infrastructure, approach road etc. have not been mentioned in the proposal and nor in the Mining plan. Also a seasonal nalah flows along the western side of mine lease boundary
- ix. The Environmental Clearance was granted by the Ministry vide letter dated 26.12.2008 keeping in view of the Stage-I approval of forest clearance for 68.704 ha forest land, out of which 19.50 ha was diverted for open-cast mining and as per Environmental Clearance condition No. B (i) which states that "*No change in mining technology and scope of working should be made without prior approval of the MoEF&CC*" whereas the State Govt. in their reply dated 25.01.2023 reported that 14 ha forest land is required due to change in technology and extraction of substantial coal which is locked up in protective barrier within 68.704 ha diverted forest land for under-ground mining.
- x. The Member Secretary informed the committee that the examination of the Mining lease boundary through GIS-DSS tool revealed that, out of 218.48 ha (218.085 ha as per KML) Mining lease area, total 150.453 ha area is coming under forest instead of 145.69 ha as reported by the State Government.
- xi. The present proposal of 14.00 ha lies in the Compartment No. 454 and the Ministry in the past has already approved proposal for diversion of 68.704 ha forest land and another proposal for diversion of 19.500 ha forest land in favour of M/s Western Coalfield Limited in the same Compartment No. 454. The total area comes to 102.204 ha forest land and looking into aspect of proposal i.e. mining, the Ministry vide letter 24.04.2023 & 28.08.2023 requested the Regional Office, Bhopal for Site Inspection Report.
- xii. The RO, Bhopal vide their letter dated 31.08.2023 submitted the Site Inspection Report wherein the proposal is recommended and in view of compliance of condition no. (ix) & (x) of Stage-II approval for diversion of 19.50 forest land it was reported that only undertaking has been given by user agency. Further it has been reported that no action has been taken to raise any demand from the user agency from the State Government and hence there has been no compliance of condition no. (ix) & (x) of Stage-II approval for diversion of 19.50 forest land.
- xiii. The AC observed that the Ministry has repeatedly written to the State regarding the discrepancy in the forest area involved and other shortcomings in the proposal. However, the State/User agency did not submit the complete proposal.
- xiv. The Environmental Clearance was granted by the Ministry vide letter dated

26.12.2008 for Ghorawari Opencast Coal Mine Project keeping in view the Stage-I approval for 68.704 ha forest land.

- xv. The Mining plan is submitted for Ghorawari Opencast Coal Mine. However, reflection of the presently proposed 14 ha area for open cast mining in the mining plan has not been found available. Moreover, vital project components like safety zone, external dump, infrastructure, approach road etc. and their reference in the mining plan has not been found available.
5. **Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh the Committee deferred the proposal for diversion of 14.00 ha Reserved Forest land for Bharat Open Cast Coal Mine Phase-II and sought the following details:
- i. The State shall submit the justification for submitting the proposals for open cast mining in piecemeal.
  - ii. As per DSS analysis of the KML file submitted with the proposal, the forest area within the mining lease has been found to be 150.453 ha. The DSS cell has used the boundary of forest available on State Forest website for analysis purpose. The State shall therefore recheck the forest area involved and take necessary action for the correction of forest area involved or for the correction of the forest boundary available on the website of the State Forest department.
  - iii. The copy of approved mining plan under which the 19.5 ha area was worked by way of open cast mining shall be provided.
  - iv. The State Govt. shall submit approved Mining plan involving details of presently proposed 14.00 ha area showing vital project components like safety zone, external dump, infrastructure, approach road etc.
  - v. The purpose wise breakup of the 14 ha area involved in the instant proposal shall be submitted.
  - vi. The 19.5 ha mined out area has not been reclaimed so far. The justification for not reclaiming the same along with the reclamation plan which was supposed to be implemented shall be submitted.
  - vii. The State shall submit point-wise status of the compliance of the conditions stipulated in the approvals accorded earlier along with the justification for non-compliance of the stipulated conditions.

## Agenda No. 2

F. No. 8-34/2021-FC

**Subject: Diversion of 151.095 ha forest land including 142.075 ha forest land in Forest Compartment No. RF-827 & RF-828 of Burhar Range of South Shahdol Forest Division and 9.020 ha Revenue forest land under various Khasra's for Bikram Coal Block Open cast & underground Coal Mining Project in favour of M/s Birla Corporation Limited under Shahdol District of Madhya Pradesh State (Online No. FP/MP/MIN/49537/2020) - regarding.**

1. The agenda item was considered by the AC in its meeting held on 11.09.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Dy. DGF (Central), RO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh attended the meeting. They had participated in the deliberation.
4. While deliberating on the proposal, AC observed that:
  - i. The Government of Madhya Pradesh vide their letter No. F1/829/2021/10- 11/4243 dated 20.12.2021 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 (ii) of the Forest (Conservation) Act, 1980 on the above mentioned subject.
  - ii. The above mentioned proposal was discussed in Forest Advisory Committee in its meeting held on 31.03.2022 wherein the said proposal was recommended.
  - iii. xviii. The proposal was accorded Stage-I approval by the Ministry vide letter number dated 21.04.2022 subject to certain conditions including the condition regarding CA land.
  - iv. Originally the Compensatory afforestation was proposed on only 114.617 ha of non-forest land (i.e. 55.811 ha in District Shehdol, 22.376 ha in District Rewa and 36.430 ha in District Sagar) as out of total area 151.095 ha proposed for diversion only 114.372 ha forest land will be used for open cast mining.
  - v. The Government of Madhya Pradesh vide their letter No. F1/829/2021/10-11/1790 dated 23.05.2022 submitted that the user agency has requested that due to some reasons that they are not able to transfer the proposed CA land of 36.430 ha area in District Sagar in favour of the State Forest Department and has requested for change of compensatory Afforestation area (Non Forest land - 36.430 ha) at Village Dighawani, District Chhindwara (earlier proposed CA area of 36.430 ha (NFL) at Village Lakshmanpura, District Sagar).
  - vi. The DFO, Chhindwara vide their letter dated 27.04.2022 informed that the proposed 36.430 ha non forest CA land at Village Dighawani, District Chhindwara is suitable for plantation.
  - vii. The Member Secretary informed the committee that on examination of the said request of State Government regarding change of compensatory Afforestation certain shortfalls was noticed and same was communicated to the State Government as well as Regional Office, Bhopal was requested to submit the Site Inspection Report of the 36.430 ha non-forest land vide Ministry letter dated 01.06.2022 and in this reference the RO, Bhopal vide their letter dated 29.06.2022 has submitted the Site Inspection Report of proposed CA site. Thereafter the Ministry vide letter dated 27.07.2022 requested the State Govt. and IRO, Bhopal to provide information in view of Ministry guideline issued vide letter no. 11-423/2011-FC dated 13.07.2021.
  - viii. The Member Secretary informed the committee that the State Government vide their letter dated 17.01.2023 has submitted that the user agency has requested that the proposed 36.430 ha non forest CA land at Village Dighawani, District Chhindwara is being received by Rawanwada Colliery as lease under the Nationalization Act 1973 and therefore the said land cannot be transferred to the Forest Department for Compensatory Afforestation and requested that the 36.185

ha non-forest land is identified in Barha-Village, Majhgawan-Tehsil in Satna District for CA in two patches bearing area 10.558 ha and 25.627 ha for Compensatory Afforestation.

- ix. The Member Secretary informed the committee that the RO, Bhopal vide their letter dated 27.06.2023 submitted the Site Inspection Report of newly proposed CA site wherein it has been reported that:
  - a. The 36.185 ha non-forest land is identified in Barha-Village, Majhgawan-Tehsil in Satna District for CA in two patches bearing area 10.558 ha and 25.627 ha.
  - b. In one patch of CA having area 10.558 ha a large portion of the area was found to be covered with MDF. Only about 6.00 ha was found to be vacant and suitable for plantation. It was estimated that about 6000 plants could be planted in this patch.
  - c. In another patch of CA having area 25.627 ha only about 3.00 ha area was found to be vacant and suitable for taking up plantation. So, a total of about 3000 plants could be planted.
  - d. Taking into consideration both the patches a total of 9000 plants could be planted. Therefore,  $36185 - 9000 = 27185$  no. of plants should be planted in Degraded Reserve/ Protected Forest area. For the same the State Govt. needs to identify a suitable area in RF/ PF for plantation of about 27,185 plants and submit the same along with KML file.
  - e. Both the patches proposed for CA are clearly outside the forest compartment boundaries.
  - f. Further it has been recommended that the proposed CA land in two patches having a total area of 36.185 ha is suitable for compensatory afforestation provided the State Govt. submits a suitable additional CA area on DFL for planting 27,185 no. of plant
- x. The Member Secretary informed the committee that as per recommendation of RO, Bhopal in their Site Inspection Report the Ministry vide letter dated 29.08.2023 requested the State Govt. that the details of suitable additional CA areas on DFL for planting 27,185 no. of plants along with KML files may be submitted for further consideration of the proposal. Also the State Govt. was requested to intimate whether any action is being taken by them to correct the online digital boundary of the forest area, as the boundary available on the DSS portal which has been found overlapping with NFL has been provided by the state only.
- xi. The Member Secretary informed the committee that the State Govt. of Madhya Pradesh vide their letter dated 31.08.2023 provided a KML file of degraded forest patch for CA in compartment No P-268, Singhpur Range of Satna District comprising an area of 40 ha and also submitted that all the digitized boundaries will be modified by the IT Wing of Madhya Pradesh Forest Department and sent to FSI soon.
- xii. The AC observed that as per the boundaries available on DSS platform, an area of approximately 2.51 ha provided for Compensatory Afforestation is overlapping with the forest boundary. In this regard the State has clarified that the area proposed for CA is NFL and does not overlap with the forest area. Further, it has been mentioned that the matter is being taken up with the FSI for correction of the same

on DSS platform. The Committee however also observed that the boundaries available on the DSS platform are also provided by the State Government and same needs to be corrected to ensure that the area proposed for CA is outside the boundaries of Forest.

**5. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Bhopal and Nodal Officer (FCA), Government of Madhya Pradesh. After going through the facts of the proposal the committee recommended to accept the revised NFL provided for Compensatory Afforestation subject to the condition that the State Govt. shall either get the boundaries of forest corrected on the DSS platform before Stage-II approval or provide other non-forest land equivalent to the area overlapping with forest boundary as per DSS analysis for Compensatory Afforestation.

### Agenda No. 3

File No.4-TNC067/2020-CHN/part

**Subject: Renewal of lease for diversion of 40 ha of forest land for Vainu Bappu Observatory in Kavalur Indian Institute of Astrophysics in Jawadi Hills in Tirupathur Forest Division in Vellore District in favour of the Administrative Officer, Indian Institute of Astrophysics, Bangalore (FP/TN/Others/37766/2018) - regarding.**

1. The Government of Tamil Nadu vide their letter dated 07.09.2020 submitted the above subject proposal to concerned Regional Office of this Ministry for seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980.
2. The said proposal has been considered by Advisory Committee (AC) in its meeting held on 11.09.2023.
3. The Nodal Officer (FCA), Government of Tamil Nadu and the Dy. Inspector General of Forest (C), Regional Office, Chennai were present in the meeting.
4. Member Secretary placed all the facts and background of the proposal, along with examination of the proposal in the DSS, before the Advisory Committee for examination and analysis. The Committee was also apprised of the provisions of other Acts, Rules and Guidelines relevant to the proposal and their significance.
5. The Advisory Committee (AC) after through deliberation and discussion observed that:
  - i. 1. It is reported by the Regional Office of this Ministry, Chennai that as per G.O. Ms. No. 1759, Food and Agriculture Department dated 05.05.1965, an extent of 40 acres of Forest land at Kavalur in Inner Jawadhi RF, North Arcot District (Now Vellore District) was ordered to be placed at the disposal of Government of India for the establishment of field Astrophysical observatory by the India Meteorological Department subject to certain conditions. In G.O. Ms. No. 3069 of Agriculture Department dated 21.10.1970, the lease period was extended for further period of five years. During expansion of activities in the observatory, especially when establishing 2.34 m optical telescope, the Institute had acquired additional forest land of 60 acres during 1976. In the G.O. Ms. No. 676, Forest & Fisheries Department dated 21.05.1980 orders were issued placing 100 acres of forest land at Kavalur in the Jawadhi hills in the possession of the Indian Institute of

- Astrophysics for a period of 10 years from 05.09.1975.
- ii. 2. Subsequently during 2002, proposal for renewal of lease of over an extent of 100 acres (40 ha) was initiated with the request for waiver of Compensatory Afforestation in favour of user agency. The proposal was considered in the State Advisory Group (SAG) meeting held in Chennai on 13.01.2004 and it was decided to recommend the case to Government of India and also to waive the compensatory afforestation charges as a special case. Regional Office (Southern Zone), Bangalore, MoEF&CC vide letter dated 07.07.2004 have conveyed approval for renewal of lease for diversion of 40 ha of forest land for a period of 27 years from 05.09.1985 to 04.09.2012 subject to certain conditions prescribed therein.
  - iii. 3. The erstwhile Regional Office, Bengaluru placed the earlier renewal proposal before State Advisory Group (SAG) in its meeting held on 13.01.2004 and SAG recommended the proposal with exemption of compensatory afforestation as a special case. The erstwhile Regional Office, Bengaluru forwarded the proposal along with the SAG recommendations to this Ministry for approval. After prior approval of the competent authority, in the Ministry at New Delhi, the erstwhile Regional Office, Bengaluru accorded approval under FCA, 1980.
  - iv. 4. The User Agency vide IA No 3894-3896/2015 in W.P. Civil No 202/1995 approached the Hon'ble Supreme Court of India for exemption of Net Present Value (NPV). Based on the directions of the Hon'ble Supreme Court of India, the facts were placed before the Forest Advisory Committee (FAC) meeting held on 22.03.2018. After recommendations of FAC, the Ministry vide its letter No.7-79/2017-FC dated 14.08.2018 had decided the following:
    - a. The NPV may not be chargeable on total forest land which is under the possession of the institute, because institute is using up to 10 acres of forest land only for non-forestry purpose and rest of the forest land is maintained as forest. Hence the Net present value may be chargeable on 10.00 Acres of forest land, Net Present Value already deposited to be adjusted accordingly.
    - b. Extensive plantation of indigenous species will be done by the User Agency in the remaining of forest land under control of institute and no further diversion of the remaining forest land for non-forestry purpose will be done by the User Agency.
    - c. The lease period of 40 acres previously leased out forest land was extended for a period of ten years from 05.09.1975 and in respect of 60 acres forest land leased out from 18.10.1976 for a period of ten years. Since the lease of forest land has already been expired, the institute requires fresh renewal of lease. Therefore, a fresh proposal has to be submitted by the institute under the Forest Conservation Act, 1980 for 100 acres of forest land under the possession of the Institute.
    - d. The State Government will inform the terms and conditions of the lease granted to the institute specifying the period of lease.
  - v. In pursuant to decision of the Advisory Committee as indicated in para (iv) (c) above, the User Agency has applied for renewal of lease as per FCA guidelines.
  - vi. Government of Tamil Nadu vide their letter dated 07.09.2020 forwarded the instant proposal to RO of MoEF&CC, Chennai for approval.
  - vii. Purpose wise breakup of the forest area required for diversion:

Sl. No.	Particulars	Area
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		(in ha)
1	Total built up area of buildings	0.702
2	Total landscape area	1.243
3	Roads	1.073
4	Area retained as forest	36.982
<b>Total</b>		<b>40.00</b>

- viii. Legal Status of the forest land is reserved forest. Density of vegetation has been reported as 0.5 (Eco-class III) and the total No. of 89 trees are going to be affected by the said diversio
- ix. The User Agency is a Central Government agency.
- x. No violation of the Forest (Conservation) Act, 1980 has been reported by the State Government.
- xi. The proposal doesn't involve displacement of persons as reported by State Govt.
- xii. The requirement of forest land for diversion as proposed by the User Agency (UA) is unavoidable.
- xiii. The area proposed for diversion does not form a part of National Park/ Sanctuary/ Biosphere Reserve/ Elephant Corridor etc. Moreover, the area does not have importance from archaeological point of view.
- xiv. The proposed site is situated at the hillock with gently eroded slope and covered with fairly dense vegetation and reported that the area is light vulnerable for soil erosion.
- xv. DFO, Tirupattur Forest Division has reported that rare/ endangered / unique species of flora is found in the area. Wildlife like Indian Bison, spotted deer, wild boar, jungle fox, jungle cat, black napped hare, Indian rock python, monitor lizard, pea fowl, fruiting bat and varieties of birds are present in and around the forest area proposed for diversion, and no trees are present in the area utilized for non-forestry purpose, however, it has been reported that trees are in 36.982 ha of land retained as forest. However, the details of trees existing in the 36.982 ha. have not been provided.
- xvi. It is reported by the State Government that the process for settlement of rights under FRA, 2006 on the forest land proposed to be diverted has not been completed. Since the 100 acres of forest land is under the lease of Indian Institute of Astrophysics from 05.09.1975 to 04.09.2012 and still the areas are under the control of institute, Forest Rights Act, 2006 certificate on completion of process for settlement of rights under the Forest Rights Act, 2006 has not been insisted.
- xvii. As per DSS tool, the proposal is not-inviolate.
- xviii. The State government reported that the User Agency has already remitted an amount of Rs. 50.00 lakhs towards NPV and as per the decision of FAC., NPV has to be recovered from the UA for 10 acres only. If any amount is due to be repaid to the user agency that amount proposed to be utilized by the State Government for the conservation of forests in the State without repayment of excess NPV if any due to the UA.
- xix. The State Government recommended the proposal for renewal of lease for a period of 20 years i.e from 05.09.2012 upto 04.09.2032. However, the UA has proposed for diversion for period of 50 years.
- xx. The proposal was considered in REC and after its recommendation, the Regional Office, Chennai vide letter dated 21.10.2021 conveyed the Stage-I approval for



renewal of lease for a period of 40 years w.e.f. 05.09.2012 subject to certain conditions which includes that: *"The total forest area diverted under this proposal is 40 ha or 100 acres, whereas the actual forest area under the possession of the User Agency is about 10 acres only. The User Agency is required to carry out extensive plantation of indigenous species as recommended by the FAC in the remaining forest land under the control of the institute (i.e 90 acres) and State Forest Department shall extend support in selection of indigenous species and monitor to ensure successful implementation; The State Forest Dept. shall prepare a CA scheme for the above planting' In case it is not possible to Plant at the rate of minimum of 400 plants per ha on the forest land, then the balance plants shall be planted on nearby degraded forest land as per working plan prescriptions. The CA scheme in this regard shall be prepared and submitted before final approval"*

- xxi. The compliance report on conditions stipulated in the Stage-I approval dated 21.10.2021 is yet to be received from the State Government.
- xxii. The DFO vide letter dated 25.02.2022 requested the user agency to make the payment for the below mentioned activities in compliance to the conditions stipulated in the Stage-I approval:

S. N.	Description	Amount (In Rs.)
1	Net Present Value (NPV)	Rs. 32,49,741/-
2	CA over 36.42 ha which is under the control of the UA	Rs. 6,20,36,630/-
3	Construction of Forest pond proposed for Wildlife mitigation plan	Rs. 10,60,000/-
4	Construction of Checkdam proposed for SMC works (1 No x Rs.10,75,000 per unit)	Rs. 10,75,000/-
<b>Grand total required to be paid by the User Agency</b>		<b>Rs. 6,74,21,371/-</b>
<b>NPV already remitted by the User Agency on 2011</b>		<b>Rs. 50,00,000/-</b>
<b>Net amount to be paid</b>		<b>Rs. 6,24,21,371/-</b>

- xxiii. The UA vide their letter dated 29.04.2022 informed the DFO that as the forest land is having good tree growth and not being used for non-forestry purpose and as such the all the activities of IIA is funded by Department of Science and Technology (DST) ,Govt. of India in the form of Grant –in –aid and only lease amount chargeable to VBOs leased forest land is included in the budget of IIA, therefore IIA is not in position to pay the demanded amount and with the above submission the UA requested the DFO to withdraw the above mentioned demand order.
- xxiv. The PCCF, Tamil Nadu vide letter dated 06.06.2022 requested the IRO Chennai for clarification on the request made by the User Agency for issuing permission for relaying the road to the existing road width without any widening and without any tree felling. This request was placed before the REC in its meeting on 26.07.2022 and the committee recommended that as far as the exemption of CA i.e extensive plantation of indigenous species, the committee opined that the request for exemption of CA from the UA may be sent to FAC for consideration and further

instructions as it was done earlier and considering the request of relaying / repairing of existing roads inside the Institute, the REC advised that since the road was existing before 1980, appropriate guidelines (Chapter 11.6 of Guidelines issued vide F. No. 5-2/2017- FC of MoEF&CC dated 28.03.2019) shall be followed by the State Forest Department for allowing the UA to carry out the existing road relaying /repair works without widening or change in alignment.

- xxv. RO Chennai forwarded the file of instant proposal with REC recommendation to the Ministry Head Quarter for appropriate decision.
- xxvi. The Advisory Committee observed that the Ministry has already taken a decision regarding the payment of NPV and has restricted the same to 10-acre area which is in actual possession of the IIA and under non-forestry use. It was further observed that the remaining area of 90 acres which is maintained as forest is not being physically used by the User agency. This forest area actually helps in maintaining dark surroundings for better and efficient functioning of the observatory and the diversion of this land is actually a notional diversion. The Nodal Officer (FCA), Tamilnadu further clarified that the forest department is the authority competent to manage this area.
- xxvii. The Committee also observed that the extensive plantation of the indigenous species in the 90-acre forest land is not possible as the area is already stocked.

**6. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with Nodal Officer (FCA), Government of Tamil Nadu, and Dy. Inspector General of Forests (C), Regional Office, Chennai. Keeping in view the fact that the UA is only utilizing the forest area of 10 acres for the purpose of Institute, the Committee recommended to modify the Condition No. 02 of the Stage-I approval dated 21.10.2021 as below:

“The actual forest area under non-forestry use in this proposal is 10 acres only. The State Forest Department shall therefore prepare a CA scheme for planting of indigenous species on suitable degraded forest land (DFL) double in extent to the area under non-forestry use i.e. on 20 acres DFL. The CA scheme, site suitability certificate, KML file/maps of CA area along with the detail of funds deposited by the User Agency for Compensatory Afforestation shall be submitted before the Stage-II approval. The User agency shall allow the State Forest Department to manage the 90 acres forest area as per silvicultural needs.

#### **Agenda No. 4**

**File No. 8-14/2023-FC**

**Sub: Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Raga Tradecon Pvt. Ltd. for non-forestry use of 66.242 (including 2.09 ha safety zone) ha of forest land for Mining of iron ore within Netrabandha Pahar (West) Iron Ore Block in villages Baldini and Sanua under Bonal Forest Division of Sundargarh District of Odisha (Online proposal No. FP/OR/MIN/153549/2022).**

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 11.09.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Odisha and DDGF (central), MoEF&CC's RO at Bhubaneswar was present in the meeting.

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. Advisory Committee after through deliberation and discussion observed that:
  - i. Govt. of Odisha issued the notice inviting tender dated 07.07.2021 for commencement of the auction process for grant the mining Lease for Netrabandha Pahar (West) Iron Ore Block located in Koira Tahasil of Sundargarh District of Odisha along with the Mines and Minerals (Development and Regulation) Act, 1957 and the Mineral (Auction) Rules, 2015. The e-auction process was conducted in accordance with the tender document and the mineral auction Rule, 2015 for said Mineral Block and M/s Raga Tradecon Pvt. Ltd. was declared as the preferred Bidder under Rule 9(9) (iii) or Rule 10 (A) of Auction Rules having quoted a final price offer of 139.50% and, the Director of Mines, Steel & Mines Department, Government of Odisha is declared M/s Raga Tradecon Pvt. Lid as preferred bidders for grant of mining lease of Netrabandha Pahar (West) Iron ore block.
  - ii. The PCCF & HoFF, Odisha has reported that M/s Raga Tradecon Pvt. Lid has made payment of ₹5,84,05,424/- (Rupees Five crore eighty-four lakhs Five Thousand Four Hundred Twenty-four) only through treasury challan vide e-challan No.0853/4736, 0853/4730 and 0853/4729 on dated 22.10.2021 towards the first instalment being twenty percent of the upfront money. Accordingly, the Government of Odisha, Steel & Mines Department has issued letter of Intent (LoI) vide letter No.8722/IV(B)SM-53/2021/SM, Bhubaneswar, dated 28.10.2021 under Rule 10(2) of Mineral Auction Rules 2015 in favour of M/s Raga Tradecon Pvt. Lid. for grant of Mining Lease for Netrabandha Pahar (West) Iron Ore Block over an area of 74.370 ha near south of Bhaliadiha village, Koira Tahasil of Sundargarh district of Odisha for a period of 50 years.
  - iii. As per the LoI condition, the letter of intent is valid subject to the compliance of provision of the Act and the Rules made there under as amended from time to time and M/s Raga Tradecon Pvt. Ltd shall be designated as the Successful Bidder and subsequently will be granted the mining lease only upon satisfactory completion of all the requirements under the Act and Rules made there under. This Letter of Intent is valid for a period of 3 (Three) years from the date of its issuance, within which time all the above condition must be fulfilled and the mining lease deed must be executed. The valid period shall be extended for maximum period of 2 years and the total period for which the Letter of Intent would remain valid upto 5 (Five) years from the date of issuance.
  - iv. Accordingly, the Government of Odisha vide their latter No. FE-DIV-FLD-0028-2023-10F (Cons) 20/2023- 5713/FE&CC dated 28.03.2023 has submitted a proposal to obtain prior approval under section-2 (ii) of the Forest (Conservation) Act, 1980 for non-forestry use of 66.242 ha of forest land including 2.09 ha of Safety Zone in Netrabandha Pahar (west) Iron Ore Block of M/s Raga Tradecon Ltd. in in villages Baldini and Sanua under Bonal Forest Division of Sundargarh District of Odisha.
  - v. The State has also submitted the same proposal under Section 2 (iii) which has been accorded S-I approval by the Ministry vide letter No. 8-12/2023-FC dated 21.08.2023.
  - vi. The proposed forest land involved 66.242 ha area which fall in Bonai Forest

- Division. Out of 66.242 ha of forest land having 49.411 ha Proposed Reserved Forest, 8.032 ha Revenue Forest and 8.799 ha DLC Forest.
- vii. The total forest land located in the safety zone area is 2.090 ha within the applied area for diversion.
  - viii. The applied area is not highly vulnerable to erosion and does not form part of seriously eroded area.
  - ix. The applied area is composed of *Sal (Shorea robusta)*, *Sidha (Lagerstroemia parviflora)*, *Saguan (Tectona grandis)*, *Shisu (Dalbergia latifolia)*, *Amla (Emblica officinalis)*, *Kusum (Schleichera oleosa)*, *Bara (Ficus bengalensis)*, *Harida (Terminalia chebula)*, *Bahada (Terminalia belerica)*, *Char (Buchanania lanjan)*, *Jamu (Syzygium cuminii)*, *Asan (Terminalia tomentosa)*, *Kendu (Diospyros melanoxylon)*, *Mahul (Madhuca indica)*, *Kumbhi (Careya arborea)*, *Mango (Mangifera indica)* etc. are major species among flora available in the applied area.
  - x. The density of the vegetation is 0.5 and Eco-class –I and total no. of trees enumerated is 22671 (Which includes 715 nos. of trees within Safety Zone area). Out of 22671 trees, 5476 are above 30 cm girth.
  - xi. No violation has been reported under Forest (Conservation) Act, 1980.
  - xii. In this proposal 66.242 ha of forest land (including 2.09 ha of safety zone) area has been proposed for diversion for which 64.152 ha (66.242 ha - 2.090 ha) of non-forest Govt. land is required for CA. Accordingly, compensatory afforestation scheme has been prepared over 64.50 ha of Govt. non-forest land identified in village Mahupada under Koira Tahasil of Rourkela Forest Division.
  - xiii. The compensatory afforestation scheme has been prepared at the wage rate of ₹333/- per manday on the basis of one-time cost norm having provision for AN plantation @ 500 seedling per ha over 32.50 ha and @200 seedling per ha over 32.0 ha accommodating 22600 seedlings only by the DFO, Rourkela Division. Further, an area of 73.462 ha degraded reserve forest land has been identified in Mahupada RF of Bonai Division and balance nos. of seedlings (41502 nos.) have been proposed to be planted over 73.462 ha from the identified patch of degraded reserve forest i.e. a 1600 seedlings per ha over 3 ha, @1000 seedlings per ha over 5 ha and @500 seedlings per ha over 65.462 ha.
  - xiv. Total financial outlay for CA is ₹2,22,54,100/- on NFL and financial outlay of Addl. CA scheme over 73.462 ha of degraded reserve forest land identified in Mahupada RF of Bonai Forest Division has been technically approved by PCCF is ₹1,98,10,200/-
  - xv. The site suitability certificate of DFO, Rourkela Division in respect of CA land is given and in respect of Addl. CA land is also given.
  - xvi. The phased reclamation plan and scheme for Netrabandha (West) Iron Ore Block has been furnished in the Detailed Proposal (DP) duly authenticated by the DFO, Bonai Forest Division.
  - xvii. DFO, Bonai Forest Division has reported that the User Agency has filed online application dated 27.04.2022 for issue of Terms of Reference (ToR) vide Proposal No.SIA/OR/MIN/ 74953/2022 and State Environment Impact Assessment Authority, (SEIA), Odisha issued ToR vide No.4917/SEIAA dt.19.07.2022, which is valid for four years for submission of EIA/ EMP report.
  - xviii. Revised Mining Plan of Netrabandha Pahar (West) Iron Ore Block along with Progressive Mine Closure Plan over an area of 74.370 (66.242 ha forest

land and 8.128 ha non-forest land) has been approved with validity of 50 years by the Indian Bureau of Mines (IBM) vide their Letter No.MP/A/24-ORI/BHU/2021-22 dated 07.02.2022. The Mining plan along with progressive Mine closure plan of Netrabandha Pahar (West) Iron Ore Block has been provided.

- xix. A comprehensive Wildlife Management Plan covering the entire forest area for wildlife management of Bonai & Keonjhar Division has already been prepared. Accordingly, the User Agency has to pay @₹82,000/- per hectare for the entire area of 74.370 ha as per revised norm approved by Govt. of Odisha communicated vide Memo No.26159/F&E dt.05.12.2018 of Forest & Environment Department. The User Agency has furnished undertaking to bear the cost of Regional Wildlife Management Plan.
- xx. The area proposed to be diverted under the project and neighbouring forest area are characterized by variety of flora and fauna. There are many working mining leases exist within 10 Kms boundary of the proposed project area to be diverted. Hence, impact of this project on wildlife and wildlife habitat needs to be studied and properly addressed. Protection and monitoring of wildlife, wildlife habitat management, support to local forest dependent communities through proper eco-development measures etc. are some areas which need specific attention. Since the area is characterized by the movement of elephants, measures need to be adopted for its protection, monitoring, habitat management and mitigation of HEC issues. Surrounding Forest areas are vulnerable to fire and hence fire protection activities also need to be ensured. In the above said context a Site-Specific Wildlife Conservation Plan is suggested to be prepared and implemented. The User Agency has submitted an undertaking to bear the cost of the said plan.
- xxi. FRA certificate has been provided by the DC Sundergarh vide letter No. 3799/ITDA (FRA) dated 22.11.2022 for 66.242 ha of forest land proposed to be diverted in favour of M/s Raga Tradecon Pvt. Ltd. for Mining purpose in the district falls within the jurisdiction of Balidhi Village of Palamunda GP under Korai Tehsil. The proceeding of the DLC and SDLC has also been provided.
- xxii. The DFO, Bonai Forest Division has reported that, the total benefit of the proposal comes to ₹76860 lakhs. The total loss on forests including environmental loss comes to ₹2438.815 lakhs. Hence the Cost-Benefit Ratio is coming to 1:32.00.
- xxiii. As reported by the DFO, Bonai Forest Division in Site Inspection Report there is no displacement of people due to the project. Hence, no Rehabilitation & Resettlement Plan has been insisted upon.
- xxiv. The copy of the ownership/revenue record and the documentary evidence regarding allotment of Non-Forest Govt. land for the purpose of Compensatory Afforestation has been submitted.
- xxv. There are many non-site specific activities like Waste dump, Mineral stacking yard/Mineral Storage/processing etc. which have been proposed on forest land. The state should explore the possibility to locate the same on non-forest land.
- xxvi. Further, the committee noted that the Government of Odisha has submitted several proposals in the landscape for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980. Out of these several proposals one proposal in favour of M/s Bhusan Power & Steel Limited for non-forestry use of 112.621 ha of Forest land (including 1.808 ha earmarked for Safety Zone) in village Baldihi under Koira Tahasil and Koira Range of Bonai Forest Division of Sundergarh District within the

block area of 139.223 ha in respect of Netrabandha Pahar Iron Ore Block in Odisha State (Online proposal no. FP/OR/MIN/26965/2017) having common boundary with the instant proposal. The above said proposal was considered in the Advisory Committee meeting held on 17.07.2023 and following decisions were made.

- a. Since many proposals of iron ore mining in this land scape are in the process at the Central Government level or being proposed for diversion. Therefore, there is a need to analyse the issue at the landscape level in order to conserve the forests and biodiversity. In this regard, detailed consultations with the State Govt authorities and other stakeholders including mining lessees shall be carried out by the DDGF (C) Bhubaneswar by involving ministry officials and WII and report shall be submitted in 45 days.
  - b. Further, considering the present situation of mining in the area and rise in human elephant conflict the compensation mechanism for the victims by the user agencies needs to be developed.
  - c. The CSIR- NEERI has given its recommendation on carrying capacity vis-à-vis pollution in these area and the Suggested Ore Transportation Mode (SOTM) in 2014. After lapse of about 9 years, many changes in the landscape and fresh mining in the region, the State Govt. shall examine and report with justification, whether there is a need to re-validate the said study or a need to carry a fresh study in this regard.
- xxvii. Further, the Committee observed that the landscape where these mines are located is a good habitat for the elephants and other wildlife. The transportation of the minerals is mostly done by road which is the main reason for the Human Elephant Conflict as the number of vehicles running is very high. There is a need to reduce the transportation burden by road.
- xxviii. The Committee also observed that as a mitigation measure, the Regional Wildlife Management plan and a Site-Specific Wildlife Conservation Plan is being prepared and implemented by the State in various such mines. However, there is a need to check the efficacy of the implementation of these plans. Such plans may therefore be got vetted by the Wildlife Institute of India Dehradun.

**4. Decision of the Advisory Committee:** After detailed discussion and deliberation on the proposal with Nodal Officer (FCA) Govt. of Odisha, DDGF (Central), RO, Bhubaneswar, the AC decided that recommendation made under agenda item no. 11 discussed in the AC meeting held on 17.07.2023 will apply mutatis-mutandis to the extant proposal. The committee therefore decided to defer the proposal with following observations:

- i. Directions were given that in this regard, detailed consultations with the State Govt. authorities and other stakeholders including mining lessees shall be carried out by the DDGF (C) Bhubaneswar by involving Ministry officials and WII and report shall be submitted in 45 days. As almost 60 days have already elapsed and such report has not yet been received, DDGF(C) Bhubaneswar should expedite and submit it report latest by 30.09.2023 and present the cases in next FAC.
- ii. There are many non-site specific activities like Waste dump, Mineral stacking yard/Mineral Storage/processing etc. which have been proposed on forest land. DDGF(C) during consultation as proposed in para (i) above, shall also explore the possibility to locate the same on non-forest land.

**Agenda No. 5****Online Proposal No. FP/OR/MIN/411286/2022**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (iii) of the Forest (Conservation) Act, 1980 in favour of M/s Odisha Mining Corporation. Ltd. for grant of mining lease over 152.199 ha of forest land within total mining lease area of 153.081 ha of Chromite Block-II in the Village of Kaliapani and Forest Block No. 27 under Sukinda Tahsil of Jajpur District in Cuttack Forest Division of Odisha State (Online Proposal No. FP/OR/MIN/411286/2022).**

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 11.09.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Odisha and DDGF (central), MoEF&CC's RO at Bhubaneswar was present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. Advisory Committee after through deliberation and discussion observed that:
  - i. The Government of Odisha vide letter No. FE-DIV-FLD-0049-2023-10372/FE&CC dated 20.05.2023 through online PARIVESH 2.0 portal on 29.05.2023 submitted a proposal to obtain prior approval under section-2 (iii) of the Forest (Conservation) Act, 1980 in favour of M/s Odisha Mining Corporation. Ltd. for grant of mining lease over 152.199 ha of forest land within total mining lease area of 153.081 ha of Chromite Block-II in the Village of Kaliapani and Forest Block No. 27 under Sukinda Tahsil of Jajpur District in Cuttack Forest Division of Odisha State.
  - ii. The said mining lease for Chromites ore was granted in favour of M/s Odisha Mining Corporation Limited (OMC) by the Department of Steel & Mines, Govt. of Odisha vide letter No.7678/SM dL06.08.2022. The Department of Steel & Mines Govt. of Odisha vide letter No. 10650/SM dt. 11 11.2022 has advised to execute the Mining Lease over revised area of 153.081 ha as per the DGPS survey and execute the lease on or before 27.03.2023.
  - iii. The lease hold area of 153.081 ha is having 152.199 ha of forest land including 0.882 ha of non-forest land as per Sabik and Hal Settlement record.
  - iv. The area exhibits an undulated topography with varying elevations from 110 meters to 190 meters above Mean Sea Level (AMSL). The overall slope of the ML area is from SE to NW. The mining lease area is located at a distance of about 50 km from Jajpur-Keonjhar Road via Duburi, Tomka-Mangalpur road passes through the northern part of the ML boundary and is the only road through which entire mineral of Sukinda valley is transported to different user destinations. The evacuation of minerals from this ML can happen independently without passing through any other lease.
  - v. Scheme for mining with progressive mine closure plan over an area of 153.081 ha approved by IBM in their letter No.BBS/JJP/CR/2200/MP/2022-23 dt.13.12.2022.
  - vi. The proposed lease area does not fall within any National Park/Wild life Sanctuary/Biosphere Reserve/Elephant Corridor/Tiger Reserve. No archaeological monument or protected defense establishment is located inside the ML area as proposed for diversion.

- vii. The project was placed before the Project Screening Committee on 25.01.2023 as Agenda No.4 and got its approval. In order to meet the requirement of Chrome Ore of the Country, Steel & Mines Dept. vide letter No 7678/SM dated 06.08.2022 has granted Chrome Block-11 Mining Lease in favour of OMC for a period of 50 years under sub-rule (1) of rule 73 of the Minerals (other than Atomic and Hydro Carbons Energy Minerals) Concession Rules, 2016. Chrome Block-II mining lease of OMC covers an area of 153.081 ha, out of which 152.151 ha is in forest area which is about 99% of the total leasehold area. The chrome ore body is exposed at the bottom of the quarry and confined to forest areas.
- viii. The mining lease area comprises of Forest land of 152.199 ha only coming under Cuttack Forest Division. Out of 152.199 ha forest land PF is 59.404 ha and VF is 92.795 ha.
- ix. The area is found to be in Eco class-1 having canopy density below 0.4. The type of forest is Tropical Moist Deciduous Forest growth with mixed vegetation. *Arjuna (Terminalia arjun)*, *Asan (Terminalia tomentosa)*, *Bara (Ficus Benghalensis)*, *Dhaura (Anogeissus latifolia)*, *Jamun (Syzygium cumini)*, *Kadamba (Anthocephalus cadamba)*, *Kangara (Xylia xylocarpa)*, *Kusuma (Schleichera oleosa)*, *Mai (Lannea coromondelica)*, *Mango (Mangifera indica)*, *Neem (Azadirachta indica)*, *Aswatha (Ficus religiosa)*, *Sisoo (Dalbergia latifolia)*, *Teak (Tectona grandis)*, *Sal (Shorea robusta)* the applied area is located within Mahagiri DPF and adjoining to Mahagiri DPF. The applied area is situated in the foot hill of Mahagiri DPF and largely covered with alluvium and thick lateritic horizon.
- x. The applied area does not form part of Nation Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve or Elephant Corridor & wildlife migration corridor. Presence of elephant, pangolin, sloth bear, Python, King cobra, Hyena, Leopard has been reported in the applied area.
- xi. The Mining plan including Progressive Mine closure plan has been approved by the Regional Controller of Mines, Office of the Regional Controller of Mines, BBSR (IBM) over an area of 153.081 ha in respect of Kallapani Chromite Block-II Block in Jajpur District in favour of M/s OMC Ltd. in their letter No. BBS/JJP/CR/2200/MP/2022-23 dt. 13.12.2022.
- xii. As per the Site Inspection Report of the DFO, Cuttack Forest Division no violation under the Forest (Conservation) Act, 1980 has been committed by the user agency in the applied area. As stated by the PCCF &HOFF, Odisha, the fact has been reiterated in the field inspection report of Conservator of Forests (Nodal).
- xiii. The user agency has submitted an undertaking duly signed by the DFO, Cuttack Forest Division that the User Agency has undertaken to bear the cost of Net Present Value of the forest land included within the ML. In case the rate is enhanced upwards the differential amount shall also be paid.
- xiv. The User agency has given an undertaking to produce the relevant certificate in Form No. II of FRA, 2006 soon after getting from Collector, Jajpur for forest land of 152.199 ha involved in the Kaliapani Chromites Block-11 leased out in favour of M/s OMC Ltd. In this regard the user agency has moved to Collector, Jajpur vide its L.No.20011/OMC dL28/29.11.2022. However, as per the new FC Rules FRA certificate is not required.
- xv. The DFO, Cuttack Forest Division has reported in his site inspection report that, the project does not involve displacement of any human habitation. So, R&R plan is not required.
- xvi. The Principal Chief Conservator of Forests & HoFF, Odisha has recommended the proposal for approval under Section 2 (iii) of FC Act, 1980.
- xvii. The DSS analysis based on Google Earth (imagery available up to March, 2022)



shows that agriculture land, solid structures, mined area, kachha road, etc. are visible in the proposed area.

- xviii. Proposed forest area falls under Not-in High Conservation Value (HCV) Zone as per Decision Rule 1 and per Decision Rule 2.
- xix. Proposed area in extant proposal is located at an approx. aerial distance of 8.56 km from Simlipal-Satkosia Tiger Corridor.
- xx. The DFO in part –II at column No. 11.4 has mentioned that the proposed area has the rare/endangered/unique species of flora and fauna such as Elephant, pangolin, Sloth Bear, Python, King cobra, Hyena. Leopard.
- xxi. The State Govt. has reported that there is no violation of FC Act, 1980. However, during site inspection, DIGF (C) has noticed that a colony was established, probably by the previous lessee in the proposed area over 0.79 ha. The status of the land is reported to be non-forest land by the user agency. However, the Sabik record of this land was not made available during the inspection. So the exact nature of the land whether forest or non-forest could not be ascertained. Abandoned OB dump was found in 1.008 ha of area inside the proposed site. This is covered with vegetation. Truck parking reportedly used by previous lessee is found inside the proposed project site as well as mining worked out area by the previous lessee over 15.936 ha was also seen. A detailed report on the above may be obtained from the State Govt. / OMC.

**4. Decision of the Advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA) and DDGF (Central), RO Bhubaneswar the Committee decided to defer the proposal for seeking the following information from the State Government.

- i. Elephant movement has been reported in the proposed area, therefore the detail of the number of incidences of Human Elephant Conflict in the last five years within 10 km radius of the proposed area shall be submitted.
- ii. The State Govt. has reported that there is no violation of FC Act, 1980. However, as per site inspection, report submitted by DDGF(C), it has been noticed that a colony was established, probably by the previous lessee in the proposed area over 0.79 ha. The status of the land is reported to be non-forest land by the user agency. However, the Sabik record of this land was not made available during the inspection. So the exact nature of the land whether forest or non-forest could not be ascertained. Abandoned OB dump was found in 1.008 ha of area inside the proposed site. This is covered with vegetation. Truck parking reportedly used by previous lessee is found inside the proposed project site as well as mining worked out area by the previous lessee over 15.936 ha was also seen. A detailed report on each point of the above shall be provided.
- iii. The satellite imagery has revealed that agriculture land, solid structures, mined area, kachha road, etc. are visible in the proposed area. A detailed justification in this regard shall be submitted.
- iv. The Nodal Officer(FCA), Odisha shall make a detailed presentation on the matter, whenever the proposal is placed before the Advisory Committee.

#### **Agenda No. 6**

**File No. 8-02/2023-FC**

**Sub: Proposal for seeking prior approval of the Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980 in favour of M/s Thriveni**

**Earthmovers Private Limited for non-forestry use of 94.351 ha of forest land including 4.261ha of safety zone (3.858 ha along the ML boundary and 0.403 ha along the PWD road) within the granted Lol for MI over 131.800 ha for Laserda Pacheri Manganese & Iron Ore Block in Keonjhar district of Odisha – reg. (Online Proposal no. FP/OR/MIN/149499/2021).**

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 11.09.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Odisha and DDGF(Central), MoEF&CC's RO at Bhubaneswar was present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Proposal was considered in the last AC meeting held on 21.08.2023 wherein the Nodal Officer (FCA) could not attend the meeting and the proposal was deferred and it was decided that Nodal Officer (FCA) government of Odisha shall give a presentation before the AC on the complete proposal including the issues of elephant conservations, HEC and the details of requirement of forest land for developing water, transport and electricity facilities in the instant proposal.
4. Advisory Committee after through deliberation and discussion observed that:
  - i. The Proposal was considered in the last AC meeting held on 21.08.2023 wherein the Nodal Officer (FCA) could not attend the meeting and the proposal was deferred and it was decided that Nodal Officer (FCA) government of Odisha shall give a presentation before the AC on the complete proposal including the issues of elephant conservations, HEC and the details of requirement of forest land for developing water, transport and electricity facilities in the instant proposal.
  - ii. Government of Odisha vide letter No. FE-DIV-FLD-0002-2023-381/FE&CC dated 07.01.2023 submitted a proposal to obtain prior approval under section-2 of the Forest (Conservation) Act, 1980 for non-forestry use of 94.351 ha of forest land including 4.261 ha of Safety Zone (3.858 ha along the ML boundary and 0.403 ha along the PWD road) within the granted Lol for ML over 131.800 ha in Laserda Pacheri Manganese & Iron Ore Block of M/s Thriveni Earth Movers private Limited in Keonjhar district of Odisha.
  - iii. Government of Odisha, Steel & Mines Department issued the Letter of Intent (Lol) vide letter No.IV(MISC)SM-06/2017/848/SM, Bhubaneswar dated 27.01.2017 under Rule 18(1) of Mineral Auction Rules 2015 for grant of Composite License (CL) in favour of M/s Thriveni Earthmovers Pvt. Ltd (TEMPL).
  - iv. The total area over 131.800 ha consists of 53.467 ha of Revenue Forest, 40.884 ha of Non-Forest land recorded as forest as on 25.10.1980 and 37.449 ha of Non-Forest land.
  - v. The area proposed for diversion does not form a part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor.
  - vi. No archaeological heritage/ defence establishment or any other important monuments located in the proposed area for diversion.
  - vii. There is no rare/ endangered/ unique species of flora and fauna in the forest area proposed for diversion.
  - viii. As per Site Inspection report of DFO, Keonjhar Forest Division, the proposed site for the project does not come under eco-sensitive zone of any protected area.
  - ix. As reported by the User Agency the project will generate permanent employment

to 335 persons and temporary employment to 35 persons. The estimated cost of the project is 9600 lakhs.

- x. Earlier the user agency had applied FDP u/s 2 (iii) & 2 (ii) of FC Act, 1980 as per guideline dt. 01.04.2015 of MoEF&CC, Govt. of India. Now, the user agency has rectified the application and applied the entire forest land over 94.351 ha only under Section 2 (ii) of FC Act, 1980 within the granted ML area over 131.800 ha.
- xi. The User Agency has furnished an undertaking duly countersigned by the DFO, Keonjhar Forest Division that the forest area involved in this proposal is unavoidable and barest minimum forest area.
- xii. The State has informed that there is small patch of non-forest land available for waste dumping and other ancillary activities. Most of the non-forest land is under mineralised zone area. The User Agency has taken the available non-forest land over 23.016 ha for the above said purpose. The forest land which is adjoining to the non-forest land and non- mineralised area is being taken for waste dump and ancillary activities like storing and sizing of mineral, mineral stacking area etc. Though the said mine is for both manganese and Iron, in Manganese the waste generation is more and sizing and storing of mineral is very vital part. In Laserda part, only 3.209 ha of private non-forest is coming which is within the proposed mining area. The above activities are very essential for mining and are shown in the Mining Plan approved by IBM.
- xiii. The total forest land located in the safety zone area of the Mining lease is 4.261 ha and non-forest land is 1.853. Hence the total safety zone area is 6.11 ha. The density of vegetation is 0.3 and Eco-Value Class-I. Total no. of tree has been enumerated above 30 cm girth is 2696 and below 30 cm girth is 4399. The tree enumeration in non-forest Private land over 35.77 ha and 1.684 ha in non-forest Govt. land will be carried out during processing of R&R plan and submitted before final approval.
- xiv. Non-forest land of 90.493 ha (excluding 3.858 ha earmarked for Safety zone) equal in extent to the forest land proposed for diversion, the Non-Forest Govt. land over 91.00 ha in village Uperbirikala under BJP Range of Banspal Tahasil allotted vide letter No.2366/Rev dt.07.12.2021 of Collector, Keonjhar for raising Compensatory Afforestation.
- xv. The CA scheme has provision for AR plantation @1000 seedlings per ha over 39 ha (NFL) there by accommodating 39000 seedlings. The balance 52 ha (NFL) will be treated as ANR without gap plantation model for which provision for SMC measure has been kept over 91 ha. In order to accommodate the balance seedling of 52000 nos., the DFO, Keonjhar Forest Division has identified degraded forest land of 104 ha in Jyotipur RF under Champua Range of Keonjhar Division and prepared the CA Scheme over an area of 104 ha of degraded forest land at the current wage rate of Rs.333/- per manday with provision for ANR plantation @500 seedlings per ha with 10 years' maintenance with required SMC measure (one-time cost norm). Compensatory Afforestation schemes in respect of aforementioned Non-forest land over 91.00 ha and de-graded forest land over 104.00 ha.
- xvi. The financial outlay of CA scheme over 91 ha non-forest Govt. land identified in Uperbirikela village of BJP Range has been technically approved by PCCF (FD & NO, FC Act) for ₹2,78,03,600/-.
- xvii. The financial outlay of Addl. CA scheme over 104 ha degraded forest land identified in Jyotipur RF of Champua Range has been technically approved by PCCF (FD & NO, FC Act) for ₹3,13,62,800/-.
- xviii. The project involves displacement of 25 families out of which 23 scheduled tribes and 2 other category families. The User Agency has submitted an undertaking duly

- countersigned by the DFO, Keonjhar Division that the approved R&R Plan will be submitted prior to final approval of the diversion proposal over 94.351 ha within 131.80 ha of mining lease area.
- xix. The certificate under Forest Rights Act (FRA), 2006, the Lol holder has applied to Collector, Keonjhar for issue of certificate under FRA, 2006 vide letter No.78 dated 16.10.2021. The User Agency has submitted an undertaking duly countersigned by the DFO, Keonjhar Forest Division to submit the certificate under FRA, 2006 during the compliance Stage-I approval.
  - xx. Term of Reference (ToR) for Laserda-Pacheri block has been issued by the Director, Member Secretary, MoEF& CC, New Delhi vide letter No.87 dated 01.12.2021.
  - xxi. Protection and monitoring of wildlife, wildlife habitat management, support to local forest dependent communities through proper eco-development measures etc. are some of the areas which need specific attention. Since the area is characterized by the movement of elephants, measures need to be adopted for its protection, monitoring, habitat management and mitigation of HEC issues. In the above said context, a Site-Specific Wildlife Conservation Plan is suggested to be prepared and implemented. The User Agency has submitted an undertaking duly countersigned by the DFO, Keonjhar Division to bear the cost of the said plan.
  - xxii. To reduce the impact of this project on wildlife and wildlife habitat Regional Wildlife Management Plan will be implemented at the cost of the UA.
  - xxiii. Approved Mining Plan of Laserda Pacheri Iron and Manganese Block along with progressive mine closure plan over an area of 131.800 ha in Keonjhar district is given. The Mining Plan along with progressive mine closure plan is also given.
  - xxiv. The total benefit of the proposal comes to ₹126850 lakhs. The total loss on forests including environmental loss comes to ₹3244.4589 lakhs. Hence, the Cost-Benefit Ratio is coming to 1:39.09.
  - xxv. Regarding violation of FC Act it has been noticed that afresh lease granted through e-auction to M/s Thriveni Earthmovers Pvt. Ltd by the Department of Steel & Mines, Govt. of Odisha vide No.IV (B)SM-100/2007-433/SM, dated 19.01.2019 as a Composite License. Lol holder has carried out exploration through putting bore holes and 1 no. of trial pit of size 17m x 10 m for which Lol holders had obtained Stage-II forest clearance vide F. No. 8-62/2017-FC dt.08.10.2018 of MoEF& CC, Govt. of India. However, 3.666 ha (Forest 3.312 ha and Non-Forest 0.354 ha) of land was disturbed by old pits over 2.491 ha and 1.175 ha for road prior to grant of Composite License. Hence as per the Site Inspection Report of DFO, Keonjhar Division, the Lol holder has not violated under FC Act, 1980.As per satellite time series analysis, pits are dug over almost last 20-25 years ago.
  - xxvi. From the SIR of the DFO, Keonjhar Forest Division and RCCF, Rourkela Circle following observations have been noticed:
    - a. There are 48 existing small illegal mining pits covering 2.5 ha land at least more than 10-year-old.
    - b. There are 25 nos. houses exists within sabik forest land inside lease area, needs to be rehabilitated, for which R&R work is going on.
    - c. Plenty of old Bara trees exists inside lease area not to be felled as a keystone species.
    - d. Dry seasonal first order stream in Pacheri block (Dhanurjaypur-Kanarda village) draining into Karoriver.

- e. Seasonal Elephant movement is seen at 3 km distance from the project site.
  - f. Complete retaining wall and catch drain should be erected along Karo river side boundary of lease area including two dump site along river.
  - g. All snag trees are to be kept as such for conservation of wildlife.
  - h. Lease area and safety zone pillars are at place as per norm including demarcation of Revenue and Sabik forest land.
  - i. Tree felling as per approved mining plan must be gradual and must satisfy the criteria of bare minimum requirement.
- xxvii. Proposed area for diversion does not fall in High Conservation Value Zone based on Decision Rule 1 and Decision Rule 2.
- xxviii. DDGF (C) Regional office Bhubaneswar during the Site visit has noticed that a good number of old Banyan trees exists inside the lease area. These trees should be felled only when it is absolutely necessary to be felled. Efforts should be made to conserve the Banyan trees.
- xxix. Regarding violation, it has been noticed by Regional Office that there are 48 existing small illegal mining pits covering 2.5 Ha land at least more than 10 years old. During site visit, mining pits were covered with vegetation. This illegal mining activity is not attributed to the user agency.
- xxx. The Karo River is crossing between two blocks of the Mining lease. The mining project will affect the catchment of this Karo river. So there is a need for soil and moisture conservation measures in the rest catchment of this river and the forest lands in and around the proposed site. Safety zone with plantation of at least 50meter width may be maintained along the lease boundary close to river. The user agency will construct bridge over the Karo River to connect the two patches of the mining lease. No excavated materials should be rolled down into the Karo River.
- xxxi. Protection and monitoring of wildlife, wildlife habitat management, support to local forest dependent communities through proper eco-development measures etc. are some of the areas which need specific attention. Since the area is characterized by the movement of elephants, measures proposed for their protection and mitigation of HEC issues are required to be examined.
- xxxii. The Committee also observed that there is a need to examine the evacuation plan for minerals and how to meet the requirement of Water, transport and electricity.

**5. Decision of the Advisory Committee:** After detailed discussion and deliberation on the proposal with Nodal Officer (FCA) Govt. of Odisha, DDGF (Central), RO, Bhubaneswar, the AC decided that recommendation made under agenda item no. 11 discussed in the AC meeting held on 17.07.2023 will apply mutatis-mutandis to the extant proposal. The committee therefore decided to defer the proposal with following observations:

- i. Directions were given that in this regard, detailed consultations with the State Govt. authorities and other stakeholders including mining lessees shall be carried out by the DDGF (C) Bhubaneswar by involving ministry officials and WII and report shall be submitted in 45 days. As almost 60 days have already elapsed and such report has not yet been received, DDGF(C) Bhubaneswar should expedite and submit it report latest by 30.09.2023 and present all the cases in next FAC.
- ii. Regarding violation, it has been noticed by Regional Office that there are 48

existing small illegal mining pits covering 2.5 Ha land at least more than 10 years old. During site visit, mining pits were covered with vegetation. DDGF(C) should get details from the division about the agency to which this illegal mining activity is attributed.

- iii. The Karo River is crossing between two blocks of the Mining lease. The mining project will affect the catchment of this Karo river. So there is a need for soil and moisture conservation measures in the rest catchment of this river and the forest lands in and around the proposed site.
- iv. Protection and monitoring of wildlife, wildlife habitat management, support to local forest dependent communities through proper eco-development measures etc. are some of the areas which need specific attention. Since the area is characterized by the movement of elephants, measures proposed for their protection and mitigation of HEC issues are required to be examined.
- v. The Committee also observed that there is a need to examine the evacuation plan for minerals and how to meet the requirement of Water, transport and electricity

### **Agenda No. 7**

**File No. 8-25/2022-FC**

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of Anil Kumar Sharma Power of Attorney of Late Chandni Prasad Sharma for non-forestry use of 67.352 ha forest land for Iron & Manganese Ore Mining in village Raikela, Bahamba & Tensa under Bonai Sub-Division in Sundargarh District of Odisha (Online Proposal No. FP/OR/MIN/39199/2019)**

1. The above subject agenda item was considered by the Advisory Committee in its meeting held on 11.09.2023. The corresponding agenda note may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in). Nodal Officer (FCA), Odisha and DDGF (central), MoEF&CC's RO at Bhubaneswar was present in the meeting.
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.
3. The Proposal was considered in the last AC meeting held on 21.08.2023 wherein the Nodal Officer (FCA) could not attend the meeting and the proposal was deferred and it was decided that the Nodal Officer (FCA) government of Odisha shall give a presentation before the AC on the complete proposal including the details of court case, permissions granted and the violation of FCA,1980 in the instant proposal as well the details of requirement of forest land for developing water, transport and electricity facilities. The Nodal Officer shall also give justification as to why the mining should not be restricted to already broken up area only.
4. Advisory Committee after through deliberation and discussion observed that:
  - i. Government of Odisha vide their letter No. FE-DIV-FLD-0068-2022-15274 dated 30.08.2022 submitted above subject proposal seeking prior approval of Central Government under Section-2 (ii) of Forest Conservation Act, 1980.
  - ii. The Mining lease area for Iron & Manganese Ore over 69.606 ha is located in Raikela, Bahamba and Tensa villages in Bonai Sub-Division of Sundargarh

District, Odisha was granted in favour of M/s Chandi Prasad Sharma vide Govt. of Odisha, Department of Mining & Geology in Proceeding No.10903/MD, Bhubaneswar dated 25.09.1985.

- iii. The Mining lease deed over an area of 69.606 ha was executed on 17.04.1986 for a period of 20 years from 17.04.1986 to 16.4.2006. The District Collector, Sundargarh had granted surface right over an area of 9.862 Ac (3.991 ha) vide Order No.512 dated 09.06.1986. The lessee started mining operation with effect from 15.09.1986 over the granted surface right area. Further, the District Collector Sundargarh had also granted surface right over an area of 7.860 acres (3.180 ha) vide Order No.788 dated 06.09.1991.
- iv. The lessee had made application for renewal of the mining lease on dated 14.04.2005. Mining Operation was continued in already broken up area over 6.884 ha till 16.04.2006. The lease got expired on 16.04.2006 and the mining operations got stopped vide Office Letter No.7726/Mines Dated 17.04.2006 of Deputy Director of Mines, Koira Circle, Koira. The lessee filed Writ Petition in the Hon'ble High Court of Orissa vide WP (C) No.7623/2006 challenging the aforesaid order of stoppage of mining operations.
- v. The Hon'ble High Court of Orissa passed an Order on 02.06.2006 which says that "if the lease in question granted in favour of the petitioner is still subsisting, he may be permitted to operate the mines in respect of the broken areas, however mining shall not be operated in virgin areas". As per the said Order of Hon'ble High Court of Orissa, the lessee resumed the mining operation from 15.07.2006 and continued till 09.03.2007 by the order of the Hon'ble High Court of Orissa in the Misc. Case No.2467/2007.
- vi. The Divisional Forest Officer, Bonai Forest Division had raised a demand for payment of NPV for ₹4,94,32,680/- vide Letter No.2886/6F dt.05.06.2010 and the lessee had paid the above amount of NPV vide demand draft No.094765 dated 25.06.2010 in favour of Compensatory Afforestation Fund (CAF)-Odisha A/C No.CA 1585, Corporation Bank, Lodhi Road, New Delhi and after payment of NPV, the lessee was allowed to resume mining operation over the already broken up area of 6.884 ha upto one year vide order No.20258/Mines Dated 13.08.2010 of the Divisional Forest Officer, Bonai Forest Division.
- vii. The Divisional Forest Officer, Bonai Forest Division directed the lessee to stop all mining operation with immediate effect vide letter No.1210/6F dated 22.02.2011.
- viii. The mining operations in the ML started from 15.09.1986 and continued till 31.03.1994. The mining operation got temporarily stopped by the lessee w.e.f. 01.04.1994 to 31.03.1995. Again, the mining operation started from 01.04.1995 and continued till 16.04.2006. After Payment of NPV for the total forest area, mining continued till 21.02.2011.
- ix. The lease was declared lapsed w.e.f. 22.02.2013 vide Govt. Proceeding No.5947/III (B) SM 06/2010/S&M dt. 26.06.2013 The lessee challenged the lapsing order before the Revisional Authority by filling Revision Application bearing No.22/(31)/2013/RC-I, Department of Mines, Govt. of India New Delhi. The Revisional Authority vide Common order No.105/2016 to 160/2016 dated 11.05.2016 set aside the impugned order dated 26.06.2013 of the Govt. of Odisha and remanded back to the State Govt. for suitable re-consideration in line with Hon'ble Apex Court direction on the provisions of lapsing expeditiously. The Govt. in Steel & Mines Department vide their Order No.9841/S&M dated 23.11.2021 became pleased to decide not to declare and record the Iron & Manganese Mining Lease over an area of 69.606 ha in village Raikela-Bahamba-Tensa of Sundargarh District of Sri C.P. Sharma as lapsed under Rule 20 (6) of MC Rules, 2016 and amended vide MC (4th Amendment) Rules, 2021 without prejudice to any other

- proceeding pending against the lessee before any Court of Law or authority.
- x. As per the judgment passed by the Hon'ble Supreme Court in W.P. (C) No.114/2014 dated 02.07.2017, the lessee had been demanded a sum of Rs.10,00,20,185.687 towards compensation for production of minerals without or in excess of Environment Clearance vide Letter No.5074/Mines date 02.09.2017 of the DDM, Koira. The lessee has paid the compensation amount along with applicable interest. Further the lessee had been demanded a sum of ₹43,71,184.05 towards compensation for production of minerals made in excess of the lower of the approved limit under Mining Plan/ Consent to Operate vide Letter No.5995/Mines Date 24.10.2017 of the DDM, Koira, and the lessee has also paid the demanded amount.
  - xi. The land schedule of ML area of 69.606 ha comprises of DLC forest of 52.922 ha, Revenue Forest of 5.479 ha, PRF of 8.951 ha and non-forest of 2.254 ha. The User Agency has applied for diversion of 67.352 ha of forest land including 10.684 ha (Safety Zone-2.836 ha + 50 mtr wide Nala-5.408 ha + 10 mtr along the Public Road-2.44 ha) to be maintained as Green Belt.
  - xii. The proposed lease area does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Eco-Sensitive Zone. There is no archaeological monument within the applied area.
  - xiii. The total cost of this project is about Rs.117.03 Crores This project will generate regular employment of 70 persons and temporary employment of 300 persons.
  - xiv. The density of vegetation is 0.5 and Eco-Value Class-I. The total tree enumeration over the applied forest area of 67.352 ha is 10,116 which are above 30 cm girth. Out of this 1,875 no. of trees enumerated in Safety Zone/ Green belt area of 10.684 ha are required to be maintained as such.
  - xv. The Compensatory Afforestation is required over 64.516 ha (67.352 ha - 2.836 ha) of non-forest land and the same has been provided.
  - xvi. The CA scheme has been prepared by the DFO, Rourkela Forest Division in Block Plantation mode @ 1600 seedlings per ha over 32 ha and 1000 seedlings per ha over 26 ha with provision of 10 years' maintenance with required SMC measures to be adopted and provision of Wire Mesh fencing around the CA land as per provision of one-time cost norm basis.
  - xvii. The land suitability certificate for raising of CA furnished by the RO, Banki. Financial outlay of CA scheme has been technically approved by CCF (FD & NO, FC Act) for ₹6,55,40,000.
  - xviii. The project does not involve displacement of any human habitation. Hence, resettlement and rehabilitation plan is not required for this project.
  - xix. The User Agency has deposited ₹4,94,32,680/- towards NPV for the entire forest area involved in the Mining Lease on 25.06.2010 vide DD No.094965 dt.25.06.2010. Further, the User Agency has submitted an undertaking to deposit the additional NPV if so determined as per the direction of the Hon'ble Supreme Court of India.
  - xx. Complete FRA certificate has not been provided.
  - xxi. The User Agency has granted the Environmental Clearance vide Letter No. J-11015/481/2007-IA dtd.16.06.2008 of Govt. of India, MoEF.
  - xxii. Regional Wildlife Management Plan and Site Specific Wildlife Conservation Plan has been proposed to be implemented by the SFD at the cost of the UA.
  - xxiii. The Mining Plan with Progressive Mine Closure Plan have been approved by the Indian Bureau of Mines dated 03.03.2021 which is valid up to 31.03.2026.
  - xxiv. Regarding violation, it has been noticed that the mining lease got executed on 17.04.1986 over 69.606 ha which includes 10.380 ha of Revenue Forest land. Execution of ML on forest land without prior approval under Forest (Conservation)



Act, 1980 is a violation. Later, it has been detected that the above said ML includes 8.951 ha of Sarkunda PRF. During Site Inspection, it has been detected that 0.050 ha of PRF patch also got broken up during the previous mining activities. A forest offence case has been booked against the lessee for violation over 0.050 ha of PRF area broken up during the previous mining activities under the provision of Orissa Forest Act, 1972 vide OR No.170 (BS) of 2021-22 on 25.02.2022.

- xxv. A Temple is located inside the proposed area. The Regional office has recommended that the temple shall be kept untouched. As per the present Mining Plan the temple area has not been included.
- xxvi. Superintending Engineer, Rourkela Irrigation Division has suggested that the following measures may be taken for protection of the adjoining nala:
  - a. Embankment on both side of the Nalla to be ensured for preventing Pollution of streams.
  - b. Vegetation improvement on both side of the stream needs to be ensured (50 m. on both side.
  - c. Artificial trenches (Canals) surrounding overburden dumping to be ensured for avoiding erosion of overburden to the streams.
  - d. Water quality need to be checked regularly.
- xxvii. The Hon'ble High Court of Orissa passed an Order on 02.06.2006 which says that "if the lease in question granted in favour of the petitioner is still subsisting, he may be permitted to operate the mines in respect of the broken areas, however mining shall not be operated in virgin areas". As per the said Order of Hon'ble High Court of Orissa, the lessee resumed the mining operation from 15.07.2006 and continued till 09.03.2007 by the order of the Hon'ble High Court of Orissa in the Misc. Case No.2467/2007. The present status of said case is however not known.
- xxviii. The Divisional Forest Officer, Bonai Forest Division had raised a demand for payment of NPV for ₹4,94,32,680/- vide Letter No.2886/6F dt.05.06.2010 and the lessee had paid the above amount of NPV vide demand draft No.094765 dated 25.06.2010 in favour of Compensatory Afforestation Fund (CAF)-Odisha A/C No.CA 1585, Corporation Bank, Lodhi Road, New Delhi and after payment of NPV, the lessee was allowed to resume mining operation over the already broken up area of 6.884 ha upto one year vide order No.20258/Mines Dated 13.08.2010 of the Divisional Forest Officer, Bonai Forest Division. The provision under which the permission for mining was accorded vide order No.20258/Mines Dated 13.08.2010 is required to be clarified by the State.

**5. Decision of the Advisory Committee:** After thorough deliberation and discussion with Nodal Officer (FCA) and DDGF (Central), RO Bhubaneswar the Committee decided to defer the proposal for seeking the following information form the State Government.

- i. It has been informed that the Divisional Forest Officer, Bonai Forest Division had raised a demand for payment of NPV for ₹4,94,32,680/- vide Letter No.2886/6F dt.05.06.2010 and the lessee had paid the above amount of NPV vide demand draft No.094765 dated 25.06.2010 in favour of Compensatory Afforestation Fund (CAF)-Odisha A/C No.CA 1585, Corporation Bank, Lodhi Road, New Delhi and after payment of NPV, the lessee was allowed to resume mining operation over

the already broken up area of 6.884 ha upto one year vide order No.20258/Mines Dated 13.08.2010 of the Divisional Forest Officer, Bonai Forest Division. The provision under which the permission for mining was accorded vide order No.20258/Mines Dated 13.08.2010 is required to be clarified by the State.

- ii. The present status of the forest offence case booked against the lessee for violation over 0.050 ha of PRF area broken up during the previous mining activities under the provision of Orissa Forest Act, 1972 vide OR No.170 (BS) of 2021-22 on 25.02.2022 shall be submitted.
- iii. The State Government shall examine and intimate whether any action under Section 3A and 3B against the officials responsible for violation of FCA, 1980 has been taken or not. A detailed report shall be submitted in this regard.
- iv. Compensatory Afforestation in lieu of the forest area involved in the safety zone is to be raised over the equivalent non-forest land instead of proposed 1.5 times degraded forest land. All details of the non-forest land so identified and the CA Scheme, Land Suitability certificate, KML file etc. shall be submitted.
- v. As per DSS analysis, part of the non-forest land identified for raising CA overlaps with the Reserve Forest land. The state shall re-examine the matter and ensure that the area proposed for CA is not forest land and initiate the action for correction of the forest boundaries on DSS platform, if applicable.
- vi. The State Govt. shall submit a justification as to why the mining should not be restricted to already broken up area only which was earlier permitted by the court.

### **Agenda No. 8**

**File No. 8-29/2021-FC**

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

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 11.09.2023. The corresponding details of the agenda may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).
2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS wrt the identified CA land were presented and explained by Member Secretary before the AC. Committee was also apprised of the relevant provisions under other Acts, Rules and guidelines relevant to the proposal and their significance.
3. The DIGF (C) Regional Office representing DDGF(C), Bangalore and Nodal Officer FCA, Government of Karnataka were present during the discussion of the above mentioned proposal.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed that:
  - i. The Government of Karnataka vide letter dated 17.11.2021 submitted the above mentioned proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980.
  - ii. The Ministry accorded Stage-I/In-Principle approval on 12.07.2021 with the certain

conditions.

- iii. The IRO, Bangalore vide their letter dated 05.04.2023 forwarded SIR of the CA areas which were newly identified by the State Govt.
  - iv. The Government of Karnataka vide letter dated 17.03.2023 addressed to IRO, Bangalore has proposed change in part of the proposed non-forest land for Compensatory Afforestation (CA). It was reported that the User Agency had previously identified 160.4 ha of non-forest land for compensatory afforestation in Dhabaka village (381.18 acres or 154.26 ha) and Chimgaon village (17.00 acres or 6.68 ha) in Bidar district of Karnataka. However, only a part of the CA land (88.9 ha) identified has been acquired and remaining CA land as per User Agency could not be acquired due to non-availability of landowners, migration, lacunae in title and other legal issues. The newly proposed area is in Sy. Nos. 1/5, 1/7 & 1/9 of Kundacheri village (45.95 ha.) and Sy Nos. 84/2 & 84/7 of Sannapulikutu village (32.15 ha) of Kodagu District. As per the DSS analysis carried out by this office, the proposed CA area is having dense vegetation.
  - v. The matter for accepting the revised CA land was considered by the Advisory Committee (AC) in its meeting held on 17.07.2023.
  - vi. Decision of the Advisory Committee meeting held on 17.07.2023 is reproduced as below: The Committee had detailed discussion and deliberation with Nodal officer (FCA), Govt. of Karnataka and DDG (C) Bangalore. After going through the facts of the proposal, Court order and submissions made by the Nodal Officer, the Committee deferred the proposal seeking the following details: -
    - a. The State Government shall examine the legal status of Compensatory Afforestation areas keeping in view the order dated 3rd December 2021 passed by the Court of the Senior Civil Judge, Virajpet in O.S. No 34/2013 and submit a detailed report in this regard.
    - b. The State Govt. shall ensure that the land identified for Compensatory Afforestation is non-forest land and submit a certificate clearly specifying that the land identified for the Compensatory Afforestation is Non-Forest land.
    - c. The State shall ensure that the land identified for CA is free from all encumbrances and submit a certificate in this regard.
5. The Government of Karnataka vide their letter No. FEE 57 FLL 2021 (e) dated 28.08.2023 in response to observation of AC held on 17.07.2023 submitted that that the court case mentioned is pertaining to Tata Coffee Ltd who were given forest land for 999 years and later reduced to 99 years in Virajpet taluk. The present land identified for the purpose of CA is in no way concerned with the Tata coffee land. These proposed CA lands are in Madikeri taluk as against Tata Coffee land in Virajpet taluk. Further, the said proposed CA lands were not Forest land at any point of time and not leased lands. Moreover, Nodal Officer (FCA), confirmed that the land being provided is free from encumbrances and a kind of redeem sagu land which can be alienated in favour of Forest Dept. and also showed relevant documents in favour of his assurance given before AC.
6. AC also observed that the DCF vide letter dt 31.08.2023 has provided a certificate stating that the proposed compensatory afforestation land is not belonging to notified forest and it is completely non-forest land.
- 7. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with DIGF (C) Regional Office representing DDGF(C), Bangalore and Nodal officer (FCA), Govt. of Karnataka. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee recommended for accepting the

revised CA land identified by the User Agency with a condition that: -

(i) The newly identified CA land of 78.1 ha in two parcels (i.e. 32.15 ha and 45.95 ha) in Sy. Nos. 1/5, 1/7 & 1/9 of Kundacheri village (45.95 ha.) and Sy Nos. 84/2 & 84/7 of Sannapulikotu village (32.15 ha) of Kodagu District and the part of CA land earlier identified i.e. 88.9 ha (total 78.1+88.9= 167 ha) shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. 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 will be submitted by the State Government prior to Stage-II approval.

### **Agenda No. 9**

**File No. 8-39/2003-FC (Pt.)**

**Sub: Transfer of forest clearance of Karadikolla Iron Ore Mines (ML No.2487) in respect of diversion of 86.12 ha of forest land in North-Eastern Block (NEB) Range, Karadikolla Village, Sandur Taluk, Ballari District Range, present FC leaseholder M/s Lakshminarayan Mines Company to M/s MSPL Limited, Hosapete, the successful bidder in e-auction conducted by Mines and Geology Department. – regarding.**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 11.09.2023. The corresponding details of the agenda may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS wrt the identified CA land were presented and explained by Member Secretary before the AC. Committee was also apprised of the relevant provisions under other Acts, Rules and guidelines relevant to the proposal and their significance.

3. The DIGF (C) Regional Office representing DDGF(C), Bangalore and Nodal Officer FCA, Government of Karnataka were present during the discussion of the above mentioned proposal.

4. The Advisory Committee (AC) after thorough deliberation and discussion observed that:

(i) The instant mining in the area started in 1963 over 175.63 ha. which was renewed in 1983 for 20 years w.e.f. 21.05.1983. Thereafter, the lessee surrendered back 70.41 ha. from the mining lease to the State Forest Department with reclamation charges and retained 105.22 ha.

(ii) The mining lease was renewed vide Ministry's letter No. 8-83/1991-FC 27.03.1997 over 105.22 ha. under Forest (Conservation) Act, 1980 for a period of maximum 30 years to be co terminus with lease under MMRD Act. With certain conditions including the condition to stipulate the CA. The mining lease is expiring on 20.05.2003.

(iii) Further, the proposal come for second renewal. Ministry vide its letter dt 08.07.2003 conveyed its approval under section 2 of FCA 1980 for renewal of diversion of 105.22 ha of ML 1876 in favour of M/s Lakshminarayana mining company with certain condition including the condition that the lease period shall be co-terminus with the lease granted

under MMDR Act 1957.

(iv) The said mine was an C-category mine and was cancelled by CEC.

(v) MSPL was declared as the successful bidder through e-auction for the reduced area of 86.12 ha as per the CEC sketch.

(vi) Further the Govt. of Karnataka vide letter dt 10.05.2019 submitted a proposal for transfer of forest clearance of Karadikolla Iron Ore Mines (ML No.2487) in respect of diversion of 86.12 ha. of forest land in North-Eastern Block (NEB) Range, Karadikolla Village, Sandur Taluk, Ballari District Range, present FC leaseholder M/s Lakshminarayan Mines Company to M/s MSPL Limited, Hosapete, the successful bidder in e-auction conducted by Mines and Geology Department.

(vii) The State Govt. in the instant case earlier recommended the proposal for transfer for a period of currency of the present FC i.e. up to 20.05.2023.

(viii) Therefore, the Ministry vide its letter dt 25.10.2019 conveyed its approval for transfer of final forest clearance from leaseholder M/s Lakshminarayan Mines Company to M/s MSPL Limited, Hosapete with a condition that the approval granted under the provisions of FCA 1980 is valid upto 20.05.2023.

(ix) It was noted that as per the Lol dt 26.10.2016, as per Rule 10(2) of MMDR Act 2015, the ML over an area of 86.12 ha of forest land was granted for 50 years.

(x) With reference to the Section 8B of the Mines and Minerals (Development and Regulation) Amendment Act, 2021 read with this Ministry's Guideline dt 07.07.2021, the FC can be made co-terminus with the validity of the Mining lease.

(xi) Further, MSPL on 14.05.2022 submitted the representation to accord the validity of the FC for 50 Years. The representation was forwarded to the Govt. of Karnataka on 05.07.2022 with a request to furnish comments and followed by a reminder letter on 23.03.2023.

(xii) The PCCF (HoFF) in response to Ministry letters dt 05.07.2022 and 23.03.2023 has forwarded a letter dt 01.04.2023 addressed to Addl. Chief Secretary, Govt. of Karnataka. Vide this letter it was informed that: -

a. The UA has now (re) submitted an online proposal (FORM-B PART-I i.e. for renewal) seeking approval under Section 2 of the Forest (Conservation) Act, 1980 for FC renewal of forest Clearance for the instant proposal i.e. 86.087 hectare of forest land in Siddapura Village, North Eastern (NE) Block, Sandur North Range and Taluk, Ballari District for Karadikolla Iron Ore Mine, M.L. No. 0010 (Erstwhile lessee M/s Lakshminarayana Mining Company). The same was accepted by Nodal Officer (FCA) on 18-10-2021 for further processing.

b. Further, UA also applied the above proposal [PART-I. II and III] seeking Stage-I approval under Section 2 of Forest (Conservation) Act, 1980. After examination of the same certain inconsistencies were identified like the UA has not identified the required CA land. UA has only submitted an undertaking. In this regard the Nodal has raised an EDS and the proposal is pending with UA.

(xiii) The AC also deliberated the above proposal on the basis of the Ministry's

guidelines dated 01.04.2015, 07.07.2021, 05.09.2021, 27.04.2022, 13.09.2022 and 21.03.2023.

(xiv) The State Govt. vide its letter dated 01.08.2023 informed that the request of MSPL that their transfer should also have been co-terminus with the mining period as done wrt to the similar two proposals (i.e. renewal of 32.68 ha and renewal of 21.03 ha of M/s JSW) may be considered and the user agency may be given reasonable time for completing the provision of providing the Compensatory Afforestation land formalities may be considered. As they have provided copies of the agreement of sale and other related documents with respect to non-forest land for CA purpose.

(xv) After analysing the State Govt. letter, the Ministry vide its letter dt 14.08.2023 requested the State Govt. forward the complete details of the Compensatory Afforestation like approved CA scheme with cost structure, CA suitability certificate, non-encumbrance certificate, DGPS maps, Topo sheet map along with KML/shape files of the CA area identified to this Ministry.

(xvi) The RO, Bangalore vide letter no. F. No.4-KRA1240/2020-BAN dated 24.08.2023 forwarded the Site visit report of the newly CA areas. The observations of RO are reproduced below:

(a) The Status of the proposed CA land, claimed by the User Agency as Non-Forest Land is not tenable, as the Reserve Forest notification of the Belgaum Collectorate has included these areas under the category of Reserve Forests. Documents provided by the forest Department reveals that 3421.61 ha of forest area in Gavali village, Bhimagad Wild Life Sanctuary has not been surveyed for a long time (25 to 30 years by the Working plan office. Also, the Management Plan of Bhimgad Wildlife Sanctuary (2019-20 to 2028-29) mentions the inclusion of forest areas in and around the Gavali village within the sanctuary area. The DSS analysis of the KML file (of the Proposed CA land) provided by the User Agency revealed that major portions of the CA area fall inside the Bhimgad Wildlife Sanctuary.

Hence, considering all the above facts, a detailed survey of the areas proposed by the user agency for CA, needs to be carried out by the State Forest department and a certificate that the proposed CA area does not fall inside the forest/wildlife area boundary, need to be obtained from the State Government.

(b) The CA site suitability report has not been being provided by the State Forest Department and hence needs to be incorporated in the proposal.

(c) As per the mandatory requirements under the FC guidelines, encumbrance free non-forest land is a prerequisite. However, the RTC indicates the presence of encumbrances. Hence, a letter from each of the present owners of the land, stating their willingness to sell the land to the User Agency must be submitted, even if it is proved to be non-forest lands.

(d) The proposed CA land comprises of Evergreen and Semi-Evergreen forests with a high density. Natural Grasslands are found interspersed with thick vegetation comprising of flora species like *Terminalia chebula*, *Careya arborea*, *Artocarpus lakoocha*, *Myristica malabarica* etc. The area also has the presence of wild fauna species namely tigers, melanistic panther, king cobra, wrought on free tailed bats etc. Although the area is not suitable for raising plantations, it has the potential to generate and compensate for the ecosystem goods and services lost from non-forest use. As the land is not suitable for

taking up plantation activity, suitable degraded forest land may be identified as per guidelines of Forest Conservation Rules, 2003, Chapter 2 (2.1) and 2.3. (vi).

(xvii) The PCCF & Nodal officer, Govt. of Karnataka vide letter dt 31.08.2023 addressed to ACS, Govt. of Karnataka informed that the document submitted by MSPL vide letter dt 09.07.2023 with regard to non-forest land of 86.12 ha of Gawali Village, Belagavi District such as topo-Map, Village Map, KML files, purchase agreement, SIR of RFO/ACF, non-encumbrance certificate etc is annexed. However, the annexure mentioned was not received in the Ministry. Further, the recommendation of the State Govt, i.e. ACS, Govt. of Karnataka is still awaited.

(xviii) The KML files of the newly identified CA lands were analysed by the DSS team and the major observations are as below:

- a. CA has been proposed in four patches which are partially falling in Bhimgad Wildlife Sanctuary.
- b. The proposed CA sites are falling in non-forest land (as per the recorded forest area (RF/PF) boundary available on DSS). Further, the same has been verified with the help of Survey of India Open Series Toposheet map (source: <https://onlinemaps.surveyofindia.gov.in>) and it is found that the proposed CA sites are not falling in RF/PF.
- c. Dense vegetation is visible in the proposed CA land as seen through high resolution Google Earth image.

5. AC also observed that Government of Karnataka vide their letter 30.08.2023 requested the Ministry to consider transfer of forest clearance in favour successful bidders at MoEF&CC level for the auctioned 'C' Category mines in accordance with the provisions of the guidelines dated 7.07.2021. The matter was also deliberated by the AC in detail as part of Agenda 11, policy issue No. 1 along with this proposal as the matter is related.

With regards to the above representation, the Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division, observed that enabling provisions have been provided in the guidelines dated 1.04.2015 read with guidelines dated 7.07.2021 to consider the transfer of approvals granted to Category 'C' mining leases in accordance with the directions contained in the Hon'ble Supreme Court order dated 30.07.2015. The Committee accordingly recommended that approvals granted in the past to Category 'C' mines may be considered analogous to renewal of approval granted under the FC Act, 1980 and the same may be considered by the Ministry in the manner, as given below:

- Approval granted under the Forest (Conservation) Act, 1980 to erstwhile user agency may be transferred by the Ministry in favour of the successful bidder in MoEF&CC, New Delhi on case to case basis in accordance with the provisions of the MoEF&CC's guidelines dated 7.07.2021. The State Government while submitting such proposals for transfer of approval to the Ministry shall submit the updated status and detail of compensatory afforestation, status of payment of NPV, implementation of Reclamation and Rehabilitation Plan, funds utilization by the Special Purpose Vehicle for the conservation and protection of forests, action taken report on the violations of the Forest (Conservation) Act, 1980 committed by the erstwhile agency and status of approval of the forest land located in the safety zone.
- In respect of mining leases where application of transfer of approval was made in

time and the Ministry considered the transfer request but the validity of FC approval was assessed from the date of original period of grant of lease while the successful bidder has been issued fresh Lol for a period of 50 years. In such cases, the ex-post facto approval will be granted by the MoEF&CC for extending the validity of approval granted under the Forest (Conservation) Act, 1980 to make it co-terminus with the validity of lease granted under the MMDR Act, 1957 provided compliance of all conditions stipulated in the FC approval granted to erstwhile agency including raising of CA and payment of NPV are complied with by the State and the user agency. In case of non-compliances, if any, the working permission with conditions for a period not exceeding one year will be granted by the Central Government to enable the State/user agency to comply with the conditions of approval granted under the Forest (Conservation) Act, 1980 as per the extant guidelines issued by the Ministry.

- In case the State Government/user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within a period of one year, the approval of the Central Government granted under the Forest Conservation) Act, 1980 shall be deemed to be cancelled.

**6. Decision of the Advisory Committee** The Committee had detailed discussion and deliberation with DIGF (C) Regional Office representing DDGF(C), Bangalore and Nodal officer (FCA), Govt. of Karnataka. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee has recommended for ex-post facto approval for the time lapsed (i.e. from 21.05.2023) and to extend the validity of the FC which will be now co-terminus with the validity of lease granted under the MMDR Act, 1957 with following conditions:

- i. Since, the compliance wrt the CA land and afforestation is not complete in the instant proposal, a working permission for a period not exceeding one year is hereby granted by the Central Government to enable the State Govt/user agency to comply with the conditions of approval granted under the Forest (Conservation) Act, 1980.
- ii. The required levies as per prevalent rates and guidelines (NPV for land to be diverted and safety zone along with CA levies) shall be deposited by the user agency before handing over the forest area to the user agency for any further mining activities.
- iii. In case the State Government/user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within a period of one year, the approval of the Central Government granted under the Forest Conservation) Act, 1980 shall be deemed to be cancelled.
- iv. The State Govt. shall submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency and the conditions stipulated as per transfer approval letter dated 25.10.2019 within one year along with the required copy of the original notification declaring the non-forest land identified for CA 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.
- v. The State Govt. shall ensure the compliance of the relevant guidelines/clarifications issued by this Ministry and directions of the Hon'ble Supreme Court with regards to cases involving transfer of C-category mines.
- vi. The State Govt. shall ensure that there is no violation of Forest (Conservation) Act, 1980 and directions given by the Hon'ble Supreme Court of India in the matter.



**Agenda No. 10****File No. 8-21/2020-FC**

**Sub: Proposal for diversion of 64.86 hectare of forest land (60.66 ha. for mining + 4.2 ha. for approach road) in Swamimalai (SM) Block Forest, near Dharmapura village, Sandur Taluk, Ballari District for Narsimha Iron Ore Mine ML No.2148 [an auctioned C-category mine] erstwhile Lessee Sri H.G. Rangangouda] in favour of M/s MSPL Limited, Hosapete, Ballari District (Lol holder). -regarding (Online Proposal No.FP/KA/MIN/39986/2019).**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 11.09.2023. The corresponding details of the agenda may be seen at [www.parivesh.nic.in](http://www.parivesh.nic.in).

2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS wrt the identified CA land were presented and explained by Member Secretary before the AC. Committee was also apprised of the relevant provisions under other Acts, Rules and guidelines relevant to the proposal and their significance.

3. The DIGF (C) Regional Office representing DDGF(C), Bangalore and Nodal Officer FCA, Government of Karnataka were present during the discussion of the above mentioned proposal.

4. The Advisory Committee (AC) after thorough deliberation and discussion observed that:

- i. The Government of Karnataka vide letter dated 30.09.2020 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980.
- ii. The proposal in the subject line was an auctioned C-Category mine and involves 64.86 hectare of forest land (60.66 ha. for mining + 4.2 ha. for approach road).
- iii. The previous mining lease for ML No. 2148 was renewed under the MMDR Act, 1957 by Govt. of Karnataka for 20 years from 21-07-1992 to 20-07-2012.
- iv. The proposal was previously considered in three FAC meeting held on 23.12.2021, 15.07.2022 and 21.09.2022.
- v. FAC on its meeting held on 23.12.2021 recommended the proposal for the in-principle approval, subject to the general, standard and following specific conditions:
  - a. 4.2 ha of non-forest land contiguous to notified forest land (in respect of diversion of 4.2 ha of forest land for approach road) shall be identified, mutated in the name of State Forest Department and notified as RF/PF. UA shall also pay the cost of CA to be taken up on this land.
  - b. NPV shall be paid for 60.66 ha, if same was not paid by the previous leasee. For the 4.2 ha, NPV shall be paid as per admissibility.
  - c. The encroachment made on 21.61 ha outside the lease area by the previous leasee shall be dealt as per provisions under the Indian Forest Act 1927 or the State Forest Act, and/or the guidelines given by Hon'ble Supreme Court.

- d. The State Government shall comply with the directions of the Hon'ble Court given in their order dated:13-04-2012 in the WP (Criminal) 562 of 2009.
  - e. The approval under the provisions of FCA 1980 is subject to the valid letter of intent to the user agency.
  - f. Safety zone shall be maintained all along the proposed mining area as per the present guidelines.
- vi. The file was processed for approval of Hon'ble Minister, EF&CC for accepting the recommendation of FAC but the approval of Hon'ble MEF&CC was not obtained. The Secretary, EF&CC and DGF&SS, sought certain clarification like: -
- a. What area was illegally mined and what area was illegally used for dumping? Is there any restoration plan in place for such areas?
  - b. Whether there is uniformity in our approach towards dealing with such C-category cases?
  - c. It may be clarified as to whether all conditions are being fulfilled as per Supreme Court directions. Also, is the NPV calculated and deposited as per the revised rate?
- vii. Meanwhile based on the amendments in MMDR Act, the division issued two guidelines with respect to amendments of MMDR Act. The FC Division has issued guidelines dt 07.07.2021 and 27.04.2022. The applicability of the guidelines issued on C- category mines were under active deliberation with Ministry of Mines and within the Ministry.
- viii. Further MSPL vide representation dt 11.05.2022 has requested to consider this proposal under the category of transfer of lease quoting this Ministry guideline dt 27.04.2022.
- ix. The proposal was once again placed before FAC on 15.07.2022 to decide whether this proposal may be treated under the category of transfer of leases instead of fresh FC clearance as per the guidelines issued dt 27.04.22.
- x. FAC on 15.07.2022 recommended the proposal in present preposition cannot be treated as lease transfer and therefore, the proposal as treated earlier as fresh proposal will continue to exist. However, the proposal is deferred in want of CA land.
- a. The State Government will provide the detailed report in regard of CA land provided earlier.
  - b. The State Government to identify new CA land and submit the proposal.
  - c. State Government to submit timeline for implementation of R&R plan of leased area in question.
- xi. Further, the User Agency i.e. M/s MSPL has forwarded a representation stating that the CA lands offered by previous lessee i.e. HG Ranganagowda as compensatory lands are C&D revenue Lands and not forest Lands. The UA has submitted the RTC records and Government orders.
- xii. The matter was once again considered in the FAC meeting held on 21.09.2022. In this meeting the FAC recommended that the proposal was deferred on want of CA land and the information as per the decision of FAC on 15.07.2022. Further, it was

also recommended that only after identification of the CA land the proposal shall be considered for Stage-I approval. Until such CA land is available the matter shall not be taken up for consideration by FAC.

- xiii. The UA vide letter dt 24.07.2023 informed that, they have identified purchased & executed purchase agreement with Land owners for 60.66 ha of CA land as per the minutes of FAC minutes dated 21.09.2022. Further it was requested to consider their proposal for FC transfer with a condition to transfer the identified CA land within three years from the date of FC transfer as being extended to other "C" category mining leases.
- xiv. The Ministry vide its letter dt 14.08.2023 requested the State Govt. to kindly examine the matter and furnish their comments to this Ministry. Further, the State Govt. was also requested to forward the CA suitability certificate, Toposheet Map, non-encumbrance certificate and CA scheme along with KML files of the identified CA land as mentioned in the representation. In addition, the State Govt. is also requested to submit its reply as per observations of the Advisory Committee meeting dated 15.07.2002.
- xv. The PCCF & Nodal Officer vide letter dt 28.08.2023 addressed to ACS, Govt. of Karnataka informed that M/S MSPL has identified the non-forest patta land in various survey number (i.e. Sy No. 71/15, 71/8, 71/7, 71/6, 71/10, 71/9, 71/3, part of 72/6 and part of 71/16) and have executed the purchase agreement with land owners to the extent of 60.66 ha as per FAC minutes dt 15.07.2022 and 21.09.2022. Further, it was stated that UA has requested to appraise this Ministry about CA land compliance and also recommend to MoEF to accord the transfer of forest clearance for a period co-terminus with the period of Mining lease proposed to be accorded under MMDR Act and to permit considerable time for mutating the CA land in the name of Forest Dept. similar to other two cases of M/s JSW Ltd for erstwhile leases Hothur Traders, ML No. 2313 and M/s Tungabhadra minerals Ltd. ML No. 2366.
- xvi. Further, PCCF & Nodal officer, Govt. of Karnataka has recommended for considering the reasonable time as sought by UA for completing the CA land formalities like mutating it in the name of Forest Dept, submitting the CA scheme, declaring the land as RF/PF etc.
- xvii. The RO, Bangalore vide his letter F. No.4-KRA1240/2020-BAN dated 24.08.2023 forwarded the Site visit report of the newly CA areas. The observation of RO is reproduced below:

(a) The Status of the proposed CA land, claimed by the User Agency as Non-Forest Land is not tenable, as the Reserve Forest notification of the Belgaum Collectorate has included these areas under the category of Reserve Forests. Documents provided by the forest Department reveals that 3421.61 ha of forest area in Gavali village, Bhimagad Wild Life Sanctuary has not been surveyed for a long time (25 to 30 years by the Working plan office. Also, the Management Plan of Bhimgad Wildlife Sanctuary (2019-20 to 2028-29) mentions the inclusion of forest areas in and around the Gavali village within the sanctuary area. The DSS analysis of the KML file (of the Proposed CA land) provided by the User Agency revealed that major portions of the CA area fall inside the Bhimgad Wildlife Sanctuary.

Hence, considering all the above facts, a detailed survey of the areas proposed by the user agency for CA, needs to be carried out by the State Forest department and a certificate that the proposed CA area does not fall inside the forest/wildlife area boundary, need to be obtained from the State Government.

(b) The CA site suitability report has not been being provided by the State Forest Department and hence needs to be incorporated in the proposal.

(c) As per the mandatory requirements under the FC guidelines, encumbrance free non-forest land is a prerequisite. However, the RTC indicates the presence of encumbrances. Hence, a letter from each of the present owners of the land, stating their willingness to sell the land to the User Agency must be submitted, even if it is proved to be non-forest lands.

(d) The proposed CA land comprises of Evergreen and Semi-Evergreen forests with a high density. Natural Grasslands are found interspersed with thick vegetation comprising of flora species like *Terminalia chebula*, *Careya arborea*, *Artocarpus lakoocha*, *Myristica malabarica* etc. The area also has the presence of wild fauna species namely tigers, melanistic panther, king cobra, wroughton free tailed bats etc. Although the area is not suitable for raising plantations, it has the potential to generate and compensate for the ecosystem goods and services lost from non-forest use. As the land is not suitable for taking up plantation activity, suitable degraded forest land may be identified as per guidelines of Forest Conservation Rules, 2003, Chapter 2 (2.1) and 2.3. (vi).

xviii. This Ministry on 31.08.2023 has forwarded the site inspection report submitted by the RO Bangalore via email to the State Govt. with a request to submit the comments on the above SIR carried out by the RO Bangalore and also submit the reply vide Ministry's letter dated 14.08.2023.

xix. The KML files of the newly identified CA lands were analysed by the DSS team and the major observations are as below:

- a. CA has been proposed in four patches which are partially falling in Bhimgad Wildlife Sanctuary.
- b. The proposed CA sites are falling in non-forest land (as per the recorded forest area (RF/PF) boundary available on DSS). Further, the same has been verified with the help of Survey of India Open Series Toposheet map (source: <https://onlinemaps.surveyofindia.gov.in>) and it is found that the proposed CA sites are not falling in RF/PF.
- c. Dense vegetation is visible in the proposed CA land as seen through high resolution Google Earth images.

5. AC also observed that Government of Karnataka vide their letter 30.08.2023 requested the Ministry to consider transfer of forest clearance in favour successful bidders at MoEF&CC level for the auctioned 'C' Category mines in accordance with the provisions of the guidelines dated 7.07.2021. The matter was also deliberated by the AC in detail as part of Agenda 11, policy issue No. 1 along with this proposal as the matter is related.

With regards to the above representation, the Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division, observed that enabling provisions have been provided in the guidelines dated 1.04.2015 read with guidelines dated 7.07.2021 to consider the transfer of approvals granted to Category 'C' mining leases in accordance with the directions contained in the Hon'ble Supreme Court order dated 30.07.2015. The Committee accordingly recommended that approvals granted in the past to Category 'C' mines may be considered analogous to renewal of approval granted

under the FC Act, 1980 and the same may be considered by the Ministry in the manner, as given below:

- Approval granted under the Forest (Conservation) Act, 1980 to erstwhile user agency may be transferred by the Ministry in favour of the successful bidder in MoEF&CC, New Delhi on case to case basis in accordance with the provisions of the MoEF&CC's guidelines dated 7.07.2021. The State Government while submitting such proposals for transfer of approval to the Ministry shall submit the updated status and detail of compensatory afforestation, status of payment of NPV, implementation of Reclamation and Rehabilitation Plan, funds utilization by the Special Purpose Vehicle for the conservation and protection of forests, action taken report on the violations of the Forest (Conservation) Act, 1980 committed by the erstwhile agency and status of approval of the forest land located in the safety zone.
- In respect of mining leases where application of transfer of approval was made in time and the Ministry considered the transfer request but the validity of FC approval was assessed from the date of original period of grant of lease while the successful bidder has been issued fresh Lol for a period of 50 years. In such cases, the ex-post facto approval will be granted by the MoEF&CC for extending the validity of approval granted under the Forest (Conservation) Act, 1980 to make it co-terminus with the validity of lease granted under the MMDR Act, 1957 provided compliance of all conditions stipulated in the FC approval granted to erstwhile agency including raising of CA and payment of NPV are complied with by the State and the user agency. In case of non-compliances, if any, the working permission with conditions for a period not exceeding one year will be granted by the Central Government to enable the State/user agency to comply with the conditions of approval granted under the Forest (Conservation) Act, 1980 as per the extant guidelines issued by the Ministry.
- In case the State Government/user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within a period of one year, the approval of the Central Government granted under the Forest (Conservation) Act, 1980 shall be deemed to be cancelled.

6. AC further observed that the PCCF (HoFF) vide letter dt 23.06.2020 informed that the previous mining lease for ML No. 2148 renewed under the MMRD Act, 1957 by Government of Karnataka (Commerce and Industries Department) had validity for a period of 20 years from 21-07-1992 to 20-07-2012. As per the directions and orders by the Hon'ble Supreme Court in WP No. 562/2009, the Central Empowered Committee (CEC) carried out joint survey and digitization of the lease area and arrived at the actual mining lease extent as 60.66 hectare only. Based on the survey, the mining lease was categorised by the CEC as 'C' Category mine and was subsequently cancelled as per the Hon'ble Supreme Court order dated 18-04-2013. The mining lease extent of 60.66 hectare has since been e-auctioned by the Department of Mines & Geology in favour of instant User Agency (M/s MSPL Limited, Hosapet). Accordingly, the Director, Department of Mines & Geology, Bengaluru has issued a Letter of Intent vide o. DMG-17012/812018/2019-20 dated 23-12-2019 for an extent of 60.66 hectare in favour of the User Agency. Thus, the User Agency has submitted the instant proposal under the FC Act, 1980.

7. The AC also observed that for the first time, the clearance under Forest (Conservation) Act, 1980 for the mining lease/ approach road /ancillary activities concerned was accorded in following three (3) stages.

- a. Government of India (MoEF, New Delhi) vide letter F. No. 8-5/2003-FC dated 07108-07-2003 [Stage-II approval] and the Government of Karnataka vide Order No. FEE 26 FFM 2002 dated 16-08-2003 [formal sanction of forest diversion] for an extent of 41.16 ha of already broken up forest land for the Mining Lease (ML) No. 2148 in favour of Mis H. G. Rangangouda, Hosapete for a period of 20 years' co-terminus with mining lease under MMDR Act.
- b. Government of India (MoEF, Regional Office, Bengaluru) vide letter No. 4KRC 246/2006-BANI dated 07-12-2006 [Stage-II approval] and the Government of Karnataka vide Order No. FEE 82 FFM 2006 dated 19-12-2006 for an extent of 23.75 ha (19.55 ha for mining and dumping + 4.20 ha for approach road) in favour of M/s H. G. Rangangouda, Hosapete for a period of 20 years co-terminus with mining lease under MMDR Act.
- c. Government of India (MoEF, New Delhi) vide letter F. o. 8-5/2003-FC dated 05-02-2007 [Stage-II approval] and the Government of Karnataka vide Order No. FEE 191 FFM 2006 dated 22-03-2007 for an extent of additional 3.30 ha of forest land for dumping of waste material in favour of M/s H. G. Rangangouda, Hosapete in respect of already approved proposal for a period co-terminus with the approval granted on 08-07-2003 for diversion of 41.16 ha.

The Forest Clearance being co-terminus with the mining lease under MMDR Act has expired on 20-07-2012., and the User Agency had applied in FORM-A under the FC Act, 1980 for the mining lease extent (60.66 ha) as well as the approach road (4.2 ha) thereby totalling 64.86 ha.

8. PCCF& Nodal Officer, Govt. of Karnataka vide letter dt 28.08.2023 has recommended for providing reasonable time for completing the provision of providing CA land formalities.

9. The PCCF& Nodal Officer, Govt. of Karnataka informed that the erstwhile lessee has applied for renewal of lease as per the rules on 11.07.2011, i.e. 12 months prior to expiry of lease and as per prevalent Rule 24 A (6) of MCR 1960, the lease is deemed to have been renewed for a further period of 20 years i.e. till 20.07.2032 and hence the lease has not lapsed. Further, as per the order of the Hon'ble Supreme Court dated 30.07.2015 as extracted below:

*"The existing statutory approvals/clearances in favour of the lessee of the erstwhile Category 'C; mining leases will be transferred in favour of the new lessees. The concerned authority will take expeditious action for the grant of the statutory approvals such as the environmental clearance and approval/TWP under the Forest (Conservation) Act, 1980"*

Accordingly, The PCCF& Nodal Officer, Govt. of Karnataka has requested to consider the instant proposal for transfer of lease in view of the above facts.

**10. Decision of the Advisory Committee:** The Committee had detailed discussion and deliberation with DIGF (C) Regional Office representing DDGF(C), Bangalore and Nodal officer (FCA), Govt. of Karnataka. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee agreed with the recommendation of the State Govt and Nodal Officer to consider the instant proposal for transfer. Accordingly, AC recommended to transfer the FC approval for diversion of 64.86 hectare of forest land (60.66 ha. for mining + 4.2 ha. for approach road) in Swamimalai (SM) Block Forest, near Dharmapura village, Sandur Taluk, Ballari District for Narsimha Iron Ore Mine ML No.2148 [an auctioned C-category mine] erstwhile Lessee Sri H.G.

Rangangouda] in favour of M/s MSPL Limited, Hosapete, Ballari District (LoI holder) which will be now co-terminus with the validity of lease granted under the MMDR Act, 1957 with following conditions:

- i. Since, the compliance wrt the CA land and afforestation is not complete in the instant proposal, a working permission for a period not exceeding one year is hereby granted by the Central Government to enable the State Govt/user agency to comply with the conditions of approval granted under the Forest (Conservation) Act, 1980.
- ii. The required levies as per prevalent rates and guidelines (NPV for land to be diverted and safety zone along with CA levies) shall be deposited by the user agency before handing over the forest area to the user agency for any further mining activities.
- iii. In case the State Government/user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within a period of one year, the approval of the Central Government granted under the Forest Conservation) Act, 1980 shall be deemed to be cancelled.
- iv. The State Govt. shall submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency and the conditions stipulated as per transfer approval letter dated 25.10.2019 within one year along with the required copy of the original notification declaring the non-forest land identified for CA 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.
- v. The State Govt. shall ensure the compliance of the relevant guidelines/clarifications issued by this Ministry and directions of the Hon'ble Supreme Court with regards to cases involving transfer of C-category mines.
- vi. The State Govt. shall ensure that there is no violation of Forest (Conservation) Act, 1980 and directions given by the Hon'ble Supreme Court of India in the matter.

### **Additional Agenda No. 1**

**File No. 8-67-2006-FC**

**Sub: Proposal for transfer of lease No. 2552 over an extent of 134.00 hectare of forest land in Donimalai Forest Block, Sandur Taluk, Ballari District as per Rule – 37 of MCR 1960 from Sri M Srinivasalu to M/s. Shree Gavisiddeshwara Minerals, Bangalore-Reg**

1. The above stated agenda item was considered by Advisory Committee (AC) in its meeting on 11.09.2023 as an additional agenda with the permission of chairperson, AC.
2. During the meeting, all the facts and background of the proposal was explained by Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and guidelines relevant to the proposal and their significance.
3. The DIGF (C) Regional Office representing DDGF(C), Bangalore and Nodal Officer FCA, Government of Karnataka were present during the discussion of the above mentioned proposal.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed

that:

- i. The Government of Karnataka vide their letter dated 20.06.2006 submitted a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land over an area of 134.00 ha in Donimalai Reserve Forest of Sandur Taluk, Bellary District for extraction of Iron ore in favour of M/s. M. Srinivasalu, Bellary.
- ii. This Ministry accorded final approval under the Forest (Conservation) Act, 1980 on dated 11.12.2006 with the certain conditions.
- iii. The Government of Karnataka vide their letter No. FEE 12 FFM 2021 (P) dated 30.07.2021 forwarded this proposal for transfer of lease from Sri M Srinivasalu to M/s. Shree Gavisiddeshwara Minerals, Bangalore.
- iv. It was requested to accord approval for "*Transfer of lease No.2552 over an extent of 134.00 hectare in Donimalai Forest Block, Sandur Taluk, Ballari District as per Rule-37 of MCR 1960 from Sri M Srinivasalu to M/s Shree Gavisiddeshwara Minerals, Bangalore*" subject to condition of payment transfer fee of Rs.1,00,000/- OR @10% of NPV amount whichever is lesser. (as per the guidelines of Government of India Forest (Conservation)- 1980 para 5.1 of Chapter 5 and para 5.1 (d).).
- v. After analysing the proposal, the Ministry vide its letter dt 06.09.2021 requested the state govt. to submit the Kml files of the area diverted and the CA land, status of the plantation of CA land, copy of notification of CA land declared as RF/PF etc
- vi. In response to this the State Government on 18.02.2022 informed that the Assistant Commissioner, Kolar Sub- division, Kolar vide order dated 23-12-2015 cancelled the land transfer order of the identified CA land since order for transferring the land in favour of private company was not issued by the DC Kolar District. This land was mutated in the name for Forest department for the purpose of CA.
- vii. The State Govt. further stated that consequent on transfer of lease from Sri M. Srinivasalu to M/s Gavisiddeshwara Minerals the user agency may be made liable to identify the new non-forest land for the said purpose. Further, this is a running mine and the materials is not released by the Monitoring Committee till the transfer of FC takes place.
- viii. The Ministry on 04.04.2022 requested the State Government to identify the new Non-forest land for the purpose of CA land in lieu of diversion of 134.00 ha of forest land.
- ix. The Ministry also requested the State Govt. and IRO Bangalore to submit the below mentioned information: -
  - x. How many such cases are there wherein the Ministry or IRO Bangalore has accorded the approval and the identified and mutated CA land has been cancelled by the State Government.
  - xi. How many such cases are there wherein the Ministry or IRO Bangalore has accorded the final approval and till date the identified & mutated CA land (NFL) has not been declared as RF/PF under section 4 or 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act.
- xii. In response to this the State Govt. informed that a total of 1669.09 acres has been cancelled by Assistant Commissioner, Kolar District. In this respect a meeting was held on 19.03.2022 under the chairmanship of Additional Chief Secretary (Forest, Environment of Ecology Dept.). Further a meeting was also held on 29.06.2022 under the chairmanship of Hon'ble Forest, Food and Civil Supplies Minister which was attended by the concerned Revenue and Forest Officials. Further, it was informed that this matter is being looked into on priority and suitable remedial



action will be taken to resolve the issue in time bound manner.

- xiii. The matter was discussed in the AC meeting held on 21.09.2022, wherein the proposal for transfer of lease was deferred till the State govt. identify and submit the CA land as per conditions (condition no. 1 (i) & (iv)) of the Stage-I approval letter dt 13.09.2006) for further consideration. In addition, the mining and allied activity shall continue to be in abeyance in the instant proposal till decision in the matter.
- xiv. The Govt. of Karnataka vide their letter No. FEE 12 FFM 2021 dated 11.09.2023 forwarding the reply and the point wise reply given as under:

S. No.	Observations raised by the MoEF&CC on 04.04.2022	Reply submitted by the State Govt. on 11.09.2023
1.	<p>State Government is requested to kindly identify the new Non- forest land for the purpose of CA land is lieu of diversion of 134.00 ha of forest land. The State Government is also requested to forward the CA suitability certificate, CA Scheme with maintenance for 10 years and the KML files of CA land identified to the Ministry for further analysis Further. It is also informed that State Government after identifying the new CA land may submit the proposal for change of CA land to this Ministry along with the proposal for transfer of lease from Sri. M Srinivasalu to M/s Shree Gavisiddeshwara Minerals.</p>	<p>In this regard the State Govt. informed that:</p> <p>i. Hon'ble Forest, Food and Civil Supplies Minister of Karnataka had held a meeting in the regard on 29-06-2022 wherein it was decided to request Revenue Department to identify 200 ha of Revenue land for CA purpose in lieu of cancelled CA land in Kolar District.</p> <p>ii. Recently, with regard to the identification of non-forest land for CA purpose, the same was discussed in the high-lever meeting held under the Chairmanship of Hon'ble Chief Minister of Karnataka in the presence of the Hon'ble Forest Ecology and Environment Minister Hon'ble Mines &amp; Geology and Horticulture Minister and senior officers of Forest, Revenue and Mines Department on 27-07-2023 with regard to achieving the target of annual revenue collection by the Department of Mines and Geology The Minutes of the Meeting 18-08-2023 has been hereby enclosed (the issue has been mentioned in the Agenda No. (iii). In the meeting, the Hon'ble Chief Minister of Karnataka directed that the subject of reserving Revenue land for CA purpose should be placed before the cabinet for approval (Forests, Environment and Ecology Department has already identified 4163.62 Ha of Revenue land for this purpose).</p>

Further, it was stated that the lessee has given a representation dt 23.08.2023 in which they have requested for smooth transfer of forest clearance from M. Srinivasalu to M/s Gavisiddeshwara Minerals (ML No. 2552). Further the UA have also stated that " if State Govt. fails to provide alternate CA land as per the direction of the Competent Authority, UA will provide suitable CA land". Accordingly, UA have requested to provide sufficient time for providing alternative CA land from State Govt. or UA.

**5. Decision of the Advisory Committee** The Committee had detailed discussion and deliberation with DIGF (C) Regional Office representing DDGF(C), Bangalore and Nodal officer (FCA), Govt. of Karnataka. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee agreed with the recommendation of the State Govt and Nodal Officer to consider the instant proposal for transfer. Accordingly, AC recommended to transfer the FC approval for transfer of lease No. 2552 over an extent of 134.00 hectare of forest land in Donimalai Forest Block, Sandur Taluk, Ballari District as per Rule – 37 of MCR 1960 from Sri M Srinivasalu to M/s. Shree Gavisiddeshwara Minerals, Bangalore which will be now co-terminus with the validity of lease granted under the MMDR Act, 1957 with following conditions:

- i. Since, the compliance wrt the CA land and afforestation is not complete in the instant proposal, a working permission for a period not exceeding one year is hereby granted by the Central Government to enable the State Govt/user agency to comply with the conditions of approval granted under the Forest (Conservation) Act, 1980.
- ii. The required levies as per prevalent rates and guidelines (NPV for land to be diverted and safety zone along with CA levies) shall be deposited by the user agency before handing over the forest area to the user agency for any further mining activities.
- iii. In case the State Government/user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within a period of one year, the approval of the Central Government granted under the Forest Conservation) Act, 1980 shall be deemed to be cancelled.
- iv. The State Govt. shall submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency and the conditions stipulated as per transfer approval letter within one year along with the required copy of the original notification declaring the non-forest land identified for CA 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.
- v. The State Govt. shall ensure that there is no violation of Forest (Conservation) Act, 1980 and directions given by the Hon'ble Supreme Court of India in the matter.

## **Agenda No.11**

### **Policy Agenda No. 1**

**Sub: Transfer of approvals granted under the Forest (Conservation) Act, 1980 to mining leases allotted to new lessee as per the provisions of the Mines and Minerals (Development and Regulation) Amendment Act, 2020 & 2021**

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 11.09.2023. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.

2. The Advisory Committee, after examination of the matter, observed as under:
- i. The Government of Karnataka vide their letter 30.08.2023 requested the Ministry to consider transfer of forest clearance in favour successful bidders at MoEF&CC level for the auctioned 'C' Category mines in accordance with the provisions of the guidelines dated 7.07.2021. Submissions made by the Government of Karnataka are given as under:
    - a. The Government of India vide letter dated 07.07.2021 has issued guidelines under FC Act 1980 for transfer of approvals granted under the Forest (Conservation) Act, 1980 to mining leases allotted to the new lessee as per the provisions of mines and minerals (Development and Regulation) amendment Act 2021, subject to certain condition therein.
    - b. Subsequently, responding to the Government of Karnataka's letters dated 20.08.2021 and 22.09.2021, the Government of India vide letter dated 27.04.2021 has issued clarification stating that **"FC proposals of the new lessee, in respect of cancelled leases which are currently under consideration in the State and Central Government, may be dealt as a transfer of lease case, at Ministry level at New Delhi, with condition as applicable or reported by the State Government"**.
    - c. Responding to subsequent queries contained in the Government of Karnataka's letter dated 17.06.2022, the Ministry, based on the recommendation of the Advisory Committee, has provided the following clarification on 15.09.2022 wherein inter-alia it was clarified that provisions of Guidelines dated 7.07.2021 are not applicable in case of a lease which has been lapsed or terminated or cancelled by the Central Government or State Government or by any court of law. Therefore, a 'C' Category mine shall have to apply afresh and transfer in this case shall not be tenable.
  - ii. In a High level meeting conducted in the State of Karnataka, adverting to the Hon'ble Supreme Court order dated 30.07.2015, wherein Hon'ble Apex Court directed to transfer the existing statutory approvals in favour of successful bidder, the Government of Karnataka opined all statutory approval/clearances should be transferred to the successful bidders. However, due to limitation contained in the Ministry's letter dated 15.09.2022, a number of cases pertaining to the Category 'C' mines cannot resume mining operations which need to be considered by the Ministry and accordingly, the matter has been referred to the MoEF&CC for further consideration.
  - iii. The Committee further observed that as per the extant guidelines, the proposals pertaining to Category 'C' mining leases are considered afresh by the Ministry.
  - iv. The Committee took note of the directions contained in the Hon'ble Supreme Court's order dated 18.04.2013 passed in W. P. No. 562 of 2009 wherein the Apex Court had cancelled the category 'C' mines and directed the Government of Karnataka for their reallootement by following auction process. In the same order the Hon'ble Court allowed the mining operations in respect of Category 'A and Category 'B' mines wherein the extent of violation was relatively lesser.
  - v. The Committee also note that section 8B of the MMDR Amendment Act, 2021 also inter-alia provides that valid licenses and approvals will continue to remain valid even after the termination of the lease. Moreover, with a view to ensure resumption of mining operations after the auction of the Category 'C' mines, the Hon'ble Supreme Court in its order dated 30.07.2015 while reviewing the progress of

auction of the cancelled Category 'C' mines inter-alia directed that ***“the existing statutory approval/clearances in favour of the lessee of the erstwhile category 'C' leases will be transferred in favour of new lessees. The concerned authority will take expeditious action for grant of statutory approval such as Environment Clearance, TWP/Forest Clearance under the Forest Conservation Act 1980”***.

- vi. In the above background the Committee opined that Category 'C' mines with valid approvals granted under the Forest (Conservation) Act, 1980 can be considered for transfer in favour of the successful bidder. The Committee was informed that there are leases whose lease validity, in terms of MMDR Act, 1957 as amended from time to time, has already been expired or due to expire. In such circumstances, the following situations may arise for the consideration of the Ministry:
  - a. Cases where application for transfer of approval was made before the expiry of lease, but the lease expired till the process of transfer of FC approval attained finality.
  - b. Cases where application of transfer of approval was made in time and the Ministry considered the transfer request but the validity of FC approval was assessed from the date of original period of grant of lease while the successful bidder has been issued fresh Lol for a period of 50 years.
  - c. Cases which are fit for transfer of approval but decision on the same could not be taken for want of incomplete compliance of approval granted in the past.
- vii. The Hon'ble Supreme Court in its order dated 4.08.2006 passed in the W.P. No. 202 of 1995 while specifying the procedure to be adopted for renewal of approval granted under the FC Act for mining leases and grant of temporary working permission inter-alia directed that ***“All proposals for grant of F.C. Act clearances and T.W.Ps. in respect of mining leases shall be placed before the F.A.C. Where the F.A.C., by order recommends the grant of a clearance or a T.W.P., the M.O.E.F. shall, within a period of four weeks from the date of such order, issue orders for the grant of clearance on the usual terms, including those relating to payment of N.P.V.; Provided where a T.W.P. is being granted, it shall only be for a period not exceeding one year and upon payment of N.P.V. for the already broken up area;***
- viii. The Committee noted that cases pertaining to Category 'C' mining leases may be considered analogous to renewal of a approval granted under the FC Act and the same deserves consideration in light of directions contained in the Hon'ble Supreme Court order dated 30.07.2015.

**3. Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division, observed that enabling provisions have been provided in the guidelines dated 1.04.2015 read with guidelines dated 7.07.2021 to consider the transfer of approvals granted to Category 'C' mining leases in accordance with the directions contained in the Hon'ble Supreme Court order dated 30.07.2015. The Committee accordingly recommended that approvals granted in the past to Category 'C' mines may be considered analogous to renewal of approval granted under the FC Act, 1980 and the same may be considered by the Ministry in the manner, as given below:

- i. Approval granted under the Forest (Conservation) Act, 1980 to erstwhile user agency may be transferred by the Ministry in favour of the successful bidder in MoEF&CC, New Delhi on case to case basis in accordance with the provisions of the MoEF&CC's guidelines dated 7.07.2021. The State Government while submitting such proposals for transfer of approval to the Ministry shall submit the updated status and detail of compensatory afforestation, status of payment of NPV, implementation of Reclamation and Rehabilitation Plan, funds utilization by the Special Purpose Vehicle for the conservation and protection of forests, action taken report on the violations of the Forest (Conservation) Act, 1980 committed by the erstwhile agency and status of approval of the forest land located in the safety zone.
- ii. In respect of mining leases where application of transfer of approval was made in time and the Ministry considered the transfer request but the validity of FC approval was assessed from the date of original period of grant of lease while the successful bidder has been issued fresh Lol for a period of 50 years. In such cases, the ex-post facto approval will be granted by the MoEF&CC for extending the validity of approval granted under the Forest (Conservation) Act, 1980 to make it co-terminus with the validity of lease granted under the MMDR Act, 1957 provided compliance of all conditions stipulated in the FC approval granted to erstwhile agency including raising of CA and payment of NPV are complied with by the State and the user agency. In case of non-compliances, if any, the working permission with conditions for a period not exceeding one year will be granted by the Central Government to enable the State/user agency to comply with the conditions of approval granted under the Forest (Conservation) Act, 1980 as per the extant guidelines issued by the Ministry.
- iii. In case the State Government/user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within a period of one year, the approval of the Central Government granted under the Forest Conservation) Act, 1980 shall be deemed to be cancelled.

## **Policy Agenda No. 2**

### **Sub: Cumulative Impact Assessments Studies to assess the carrying capacities of the major River Basin of the country – reg.**

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 11.09.2023. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.
2. The Advisory Committee, after examination of the matter, observed as under:
  - i. The Committee observed that Cumulative Impact Study of a basin reflects the cumulative impact of commissioned/upcoming hydropower projects in the basin on environmental flow bio-diversity, muck disposal sites, traffic flow in the region, R&R issues, etc. Similarly, the Carrying Capacity Study of a river basin is important to plan optimal number of power projects in a basin.
  - ii. The Committee noted that the Ministry, in the year 2011, requested all State Governments to get such studies done for river basins in their State within a period of two years and after the completion of the carrying capacity, the recommendation made in such study report would be made a pre-requisite for considering EC/FC cases of projects of any basin. As per details made available before the Committee, such studies have been completed in five states for the 13 river basins

- viz. Bichom, Lohit, Subansiri, Siang, Kemeng, Dibang river, Tawang, Teesta, Sutlej, Chenab, Beas, Ganga and Yamuna basins
- iii. The Committee observed that in most of the CIAS, detailed recommendation after assessment have been made primarily in respect of projects of more than 25 MW of installed capacity. Although most of the studies have generally taken into consideration the hydel project of 5 MW and above capacity while assessing the various parameters of deciding the maintainability of any particular project, however, almost all small projects of 25 MW and below capacity have been recommended for construction or operations as per their plans i.e. with compliance of conditions of maintaining the percentage of average values of discharge in lean, monsoon and other months based on 90% dependable year which is 20% for lean season, 30% in Monsoon and 25% in post Monsoon season.
  - iv. The Committee further observed that the environmental flow is an important aspect in the development of hydropower projects. Release of environmental flow is to be ensured immediately downstream of the diversion structure at all times to sustain the ecology and environment of project area. For assessment of environmental flow focus is on the characteristic features of the natural flow regime of the river. The most important of these are degree of perennially; magnitude of base flows in the dry and wet season; magnitude, timing and duration of floods in the wet season; and small pulses of higher flow, that occur between dry and wet months. Attention is then given to which flow features are considered most important for maintaining or achieving the desired future condition of the river, and thus should not be eradicated during development of the river's water resources.
  - v. The Committee further observed that recently a number of projects mostly of below 5 MW installed capacity are being received from the Hilly States such as Himachal Pradesh, Uttarakhand, Arunachal Pradesh and Sikkim. Many of these smaller tributaries are constructed on second or third order tributaries. Even smaller projects on third order tributaries may impede with the natural flow of rivulet and thereby impact the aquatic fauna as these projects are of smaller installed capacity but their number is relatively higher. It is important to note here that such small third order tributaries act as breeding places for trout and other important aquatic fauna. Depending upon water temperature, migratory species such as mahseer and trout start upward migration during pre-monsoon period and migrate back to lower reaches during post monsoon period.
  - vi. The Committee also noted that for want of availability of long terms plan of the State to harness hydel potential in a particular river basin and detail of any credible assessment of impact of such smaller projects on the hydrological regimes and aquatic fauna, it is difficult for the ministry to take further view on such small hydel projects.

**3. Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division, observed that as subject matter is dealt by the Impact Assessment Division of the Ministry, it will therefore be appropriate that expert views in the matter may be obtained from the IA Division of the Ministry and matter may again be placed before the Committee in its next meeting.

#### **Additional Policy Agenda No. 1**

**Sub: Maintenance of Safety Zone along the inner boundary of mining lease; review of guidelines given under para 7.8 of the Handbook of Forest (Conservation) Act, 1980 vis-à-vis applicability of raising compensatory afforestation in lieu of safety**

**zone area – reg.**

1. The policy agenda item was considered by the Advisory Committee in its meeting held on 11.09.2023. The Member Secretary briefed the Advisory Committee about the issue and development took place in the matter.

2. The Advisory Committee, after examination of the matter, observed as under:

i. The Ministry has issued guidelines from time to time for the maintenance of safety zone along the boundary of mining lease. As per extant guidelines safety zone is to be maintained in the form of 7.5-meter-wide strip along the inner boundary of the mining lease. The chronological developments occurred in the maintenance of safety zone is given as under:

ii. The relevant guidelines of raising afforestation in lieu of forest land located in the safety zone, as given under para 2.6 (ii) of the Handbook are given as under:

**2.6. Provision for plantation of specified number of trees by way of CA in certain cases:**

*(ii) In respect of diversion of forest land for safety zone around a mine, User Agency shall deposit the amount for afforestation on degraded forest land, to be selected elsewhere measuring one and a half time the area of forest land under safety zone with the State Forest Department in addition to depositing funds with State Forest Department for the protection and regeneration of the Safety Zone area. The State Forest Department shall execute the afforestation.*

iii. The Committee further noted that the basic purpose of maintaining the safety zone around a mining leases was to provide screening and protection to nearby forests area from the dust and noise pollution to be generated from the mining operations. The above guidelines of raising CA over degraded forest land, 1.5 times the forest area located in the safety zone, hold good when the safety zone was used to maintained along the outer boundary of a mining leases i.e. safety zone was not used to be part of the mining lease and the forest area located in the safety zone was used to be intimated but not include in the diversion proposal. The area of the safety zone was used to be kept intact and was used to enriched with the plantation and assisted natural generation. Accordingly, provisions of normal CA were not made applicable on such forest land located in the safety zone.

iv. Subsequently, in the year 2015, with the issuance of clarification by the Ministry to maintain the safety zone within the mining lease i.e. along the inner boundary of the mining lease, the practice of maintaining the safety zone along the outer boundary was done away with and in case of existing leases where safety zone was being maintained along the outer boundary of mining lease, guidelines were issued to obtain the approval of such forest area under the Forest (Conservation) Act, 1980. However, guidelines on raising CA in lieu of forest land located in the safety zone have not been reviewed so far.

v. The Committee further noted that the recent proposals received from many States, includes normal CA proposal in lieu of safety zone i.e. compensatory afforestation either over equivalent non-forest land or degraded forest land is proposed while in some proposal CA is proposed over degraded forest land, 1.5 times the forest area located in the safety zone. This discrepancy needs to be addressed in light of recent guidelines issued by the Ministry on safety zone.

vi. The Committee further noted that in many cases the area earmarked for safety zone is also proposed for mining. In such cases prior approval of the Central

Government for change in the land use is mandatory and the compensatory afforestation is charged over equivalent non-forest land or degraded forest land as applicable.

- vii. The Committee also took note of the fact the Ministry on 10.11.2022 has issued guidelines wherein it was directed to obtain the approval under the FC Act in respect of forest land located in the safety zone by 30.09.2023.

**3. Decision of the Advisory Committee:** The Advisory Committee, after deliberations and discussion with the Regional Officers and official of the Forest Conservation Division, observed that as per the provisions of the recent guidelines in vogue, the safety zone is part of mining lease and is accordingly, included in the area proposed for diversion of forest land, located in the mining lease, under the Forest (Conservation) Act, 1980. Accordingly, the Committee recommended that the following:

- i. Provisions of the raising compensatory afforestation, as applicable in the entire forest area proposed for diversion, will be applicable in lieu of forest land located in the safety zone as well.
- ii. The State Government and the Union territory Administration shall ensure provision of safety zone is complied with as per Ministry's guidelines issued time to time and in cases where no proposal is submitted for approval under the FCA in respect of forest land located in safety zone is obtained, invocation of penal provisions of the FCA shall be ensured.
- iii. The previous guidelines issued with regards to safety zone will cease to apply henceforth.

\*\*\*\*

**(Confirmed through email)**

Dr. Naveen Chandra Bisht  
(non-official Member)

**( Confirmed through email)**

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

**(Confirmed through email)**

Shri Manoj Pant  
(non-official Member)

**(Confirmed through email )**

Dr. Mehraj A. Shaikh  
Deputy Commissioner (NRM)  
(Member)

**(Confirmed through email)**

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

**(Confirmed)**

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

**(Confirmed)**

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



**(Approved)**

Shri C. P. Goyal

(Director General of Forests and Special Secretary)

(Chairperson)