



Government of India
Ministry of Environment, Forest and Climate Change
Minutes of Meeting for Forest Advisory Committee



MoM ID FC/MoM/FAC/837717/2024 **Date:** 16-05-2024
Agenda ID FC/AGENDA/FAC/534935/2024
Title of Meeting 3rd AC meeting
Meeting Venue Krishna Conference Hall
Meeting Mode Physical
Meeting Date 30-04-2024

Other Item Details:

List of FAC Members:

S.No.	Name	Designation	Email ID
1	Ramesh Kumar Pandey	Inspector General of Forest, MEF	rame*****@nic.in
2	Shri Suramya Dolarray Vora	Member (EAC)	sura*****@gmail.com
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5	Dr. Mehraj A. Shaikh	FAC MEMBER	ac.n*****@gov.in
6	Jitendra Kumar	Director General of Forest, MEF	dgfi*****@nic.in
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8	Anjan Kumar Mohanty	Additional Director General of Forest, M OEFCC	adgf*****@nic.in

Proposals considered during meeting:

1. Project Name Nuagaon Iron & Manganese Ore Mines, Shiv Dutt Sharma
Proposal Number FP/OR/MIN/QRY/438708/2023
User Agency SHAKTI DASH
Forest Land Area(Ha) 11.34
Division Bonai Division
Recommendation Raise EDS

Brief Description of Project:

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Sub: Proposal for seeking prior approval of the Central Government under Section 2 (ii) of the Forest (Conservation) Act, 1980 in favour of the Shri Shakti Dash for non-forestry use of 11.34 ha of forest land for Iron & Manganese Ore Mines (12.942 ha lease area including 1.602 ha NFL) under Sundargarh Division and District, Odisha.

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 30.04.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. Nodal Officer, Odisha and DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar attended the meeting.

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

3. The Advisory Committee after through deliberation and discussion observed the following:

i. Proposal was earlier considered by the Advisory Committee in its meeting held on 17.01.2024 wherein the Committee, after considering the various facts and examination of the proposal desired that a detailed action taken report against the user agency and erring officials under relevant local Act of the State and /or Central Act for unauthorised use of forest land without the permission may be submitted by the State Government before the next meeting.

ii. The State Government on 21.02.2024 submitted the reply to the observation of Advisory Committee, which is given as under:

a. The area considered to be under violation has been confirmed as 10.824 ha of revenue forest land as per DGPS survey by the State Government. Said area has been broken prior to the enactment of the Forest (Conservation) Act, 1980.

b. The State Government has further mentioned that it is not feasible to take action against the violation, as the violation was committed nearly 3 decades ago and the erring officials have been retired from Govt. service.

c. The user agency in accordance with the direction passed by the Hon'ble Supreme Court in the Common Cause Judgement has deposited an amount of Rs. 38,65,08,656/- along with 2% interest rate on 18.05.2022 for violations of various statutes.

d. The State Government has suggested to levy penal provisions to the tune of 20% NPV for each year of violation (08.04.1988 to 16.01.1997) and penal CA over equivalent non-forest land in lieu of forest land used in the violation of the Act.

Previous Deliberation Details:

NA

Current Deliberation Details:

Recommendation Remark:

Decision of Advisory Committee: The Committee, after deliberations and discussion with the DDG, Regional Office and Nodal Officer, Odisha desired that the Regional Office of the MoEF&CC may examine the penalties proposed by the State Government and submit its considered view on the penalty proposed by the State Government to the Ministry and the same may be placed before the Committee in its next meeting.

2. Project Name DETAIL PROJECT REPORT CUM APPROXIMATE ESTIMATE FOR DIVERSION OF 6.07 HA PRE-OCCUPIED FOREST LAND FOR SMOOTH FUNCTIONING OF 129 RCC (GREF)

Proposal Number FP/SK/DEF/406072/2022

User Agency Ministry of Defense

Forest Land Area(Ha) 6.07

Division Gangtok Division

Recommendation Accepted

Brief Description of Project:

Sub: Proposal for diversion of 6.07 ha pre-occupied forest land in favour of BRO for construction of new accommodation (05 nos HB living shelter of size 12.00 x 7.50 mtr) for smooth functioning of HQ 129 RCC (GREF) and allied units of BRO in Phenegla/ Shotak in Gangtok district of Sikkim- reg.

- 1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 30.04.2024. The corresponding agenda note may be seen at www.parivesh.nic.in. The DDGF (Central), Regional Office, MoEF&CC, Bhubaneswar also attended the meeting.**
- 2. During the meeting, all the facts and background of the proposal, along with examination of the proposal in the DSS were presented and explained by the Member Secretary before the AC for their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.**
- 3. The Advisory Committee after through deliberation and discussion observed the following:**
 - i. The proposal involves approval of 6.07 ha of forest land in Gangtok District of Sikkim. The 129 RCC has been functioning at Phenegla/Shotak using 6.07 ha of forest land and since 2008 which is located at distance of 7.50 km from Gangtok. This TF constructs and maintains road which connect Gangtok to Nathula border and another from Gangtok to Chungthang. Earlier, 46 BRTF of BRO was located in this area. The**

HQ 129 RCC at Phenegla/Shotak is supervising the logistic support of 129 RCC, 107 RCC and 86 RCC. The buildings at HQ 129 RCC are old and in deteriorated condition. Currently, the RCC is facing difficulty in accommodating the posted strength for supervising/monitoring the ongoing maintenance work.

ii. The legal status of the forest land proposed for approval is Reserved Forest land. No non-forest land is involved in the project.

iii. Vegetation density of 0.2 with 1950 project affected trees and plants, comprising of 123 trees, 706 poles, 392 herbs, 140 medicinal plants, 500 shrubs and 89 saplings has been reported in the area proposed for diversion. No felling is proposed in the proposal.

iv. Compensatory afforestation over degraded forest land of 12.14 ha Bulnuley RF of Gangtok Range under Gangtok Territorial Forest Division has been proposed. Scheme for undertaking compensatory afforestation involving financial provisions of Rs. 89,78,599/- has been submitted online. Suitability of the degraded forest land identified for rising CA has been certified by the DCF concerned. A certificate from the Chief Secretary of the State on the non-availability of the non-forest land for raising CA has been submitted by the State.

v. Area does not form the part of Protected Areas and is located at a distance of 1.98 km from the Fambonglho Wildlife Sanctuary. No rare endangered or unique species of flora and fauna have been reported in the area.

vi. As regards to violation, the State Government has mentioned that BRO was induced in Sikkim in 1964 and since then it is using the area as its camp. The provisions of the Indian Forest Act, 1927 and Van (Sanraskhan Evam Samvardhan) Adhiniyam, 1980 were not applicable in the State of Sikkim as it used to be Kingdom. After the enactment of the Adhiniyam, no new construction has been undertaken by the user agency i.e. the facility has been restricted within the area already utilized by the user agency. Citing the aforementioned facts, the State Government did not consider the proposal as a case of violation.

vii. The Committee observed that submissions made by the State regarding violations deserves consideration as the Sikkim became the 22nd State of India in 1975 while the Adhiniyam was enacted on 25.10.1980. Moreover, even after the enactment of the Adhiniyam, the land already put to non-forestry were not affected by the new enactment as long as the activity is restricted to the already broken up forest land. In the instant case, the State Government has reported that no new land use has been proposed by the user agency.

viii. The Committee further observed that since the land proposed for approval under the Adhiniyam was already under the possession of the user agency before the enactment of the Adhiniyam as well as Indian Forest Act in the area, therefore, it will not be proper to consider it as a normal case of regularization of encroachment, rather, it is an exceptional case of ex-post facto approval of pre-occupied forest land as its non-forestry use allowed prior to the enactment of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

ix. The Committee also observed that as per the existing provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 and guidelines issued by the Ministry, the use of forest land for accommodation is a non-site specific activity which is generally not allowed in the forest lands. However, keeping in view the fact that the facility has already been existing since 1964 and is catering to the strategic requirements of the country, the facility cannot be regarded as a non-site-specific activity.

Previous Deliberation Details:

NA

Current Deliberation Details:

Recommendation Remark:

Decision of Advisory Committee: The Committee, after deliberations and discussion with the DDG, Regional Office decided to recommend the proposal for regularisation of encroachment of 6.07 ha pre-occupied forest land without any penalty as Adhinyam was not in force. Further, the Committee also recommended the diversion of the same area in favour of BRO for construction of new accommodation (05 nos HB living shelter of size 12.00 x 7.50 mtr) for smooth functioning of HQ 129 RCC (GREF) and allied units of BRO in Phenegla/ Shotak in Gangtok district of Sikkim subject to fulfilment of general and standard conditions applicable to such projects.

3. Project Name DETAILED PROJECT REPORT CUM APPROXIMATE ESTIMATE FOR THE DIVERSION OF 3.25 HA PREOCCUPIED FOREST LAND FOR SMOOTH FUNCTIONING OF HQ 758 BRTF (GREF)

Proposal Number FP/SK/DEF/406155/2022

User Agency Ministry of Defense

Forest Land Area (Ha) 3.25

Division Gangtok Division

Recommendation Accepted

Brief Description of Project:

Sub: Proposal for diversion of 3.25 ha pre-occupied forest land and construction of new accommodation (06 nos HB living shelter of size 12.00 x 7.50 m) at Chandmari for smooth functioning of HQ 758 BRTF (GREF) and allied units of BRO in Gangtok district of Sikkim- reg.

1. The agenda for above subject proposal was considered by the Advisory Committee (AC) in its meeting held on 30.04.2024. The corresponding agenda note may be seen at www.parivesh.nic.in

n. Nodal Officer, Sikkim and DDGF (Central), Regional Office, MoEF&CC, Shillong attended the meeting.

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

3. The Advisory Committee after through deliberation and discussion observed the following

i. The proposal involves ex-post facto approval of 3.25 ha of forest land in Gangtok District of Sikkim. The 758 BRTF has been functioning at Chandamari using 3.25 ha of forest land since 2008 which is located at distance of 3.0 km from Gangtok. This TF constructs and maintains road which connect Hangtok to Nathula borer and another from Gangtok to Chngthang. It is mentioned earlier 46 BRTF of BRO was located in this area. The HQ 758 BRTF at Chandmari is supervising the logistic support of 129 RCC, 107 RCC and 86 RCC. The buildings at HQ 758 BRTF are old and in deteriorated condition. Currently, the BRTF is facing difficulty in accommodating the posted strength for supervising/monitoring the ongoing maintenance work.

ii. The legal status of the forest land proposed for ex-post facto approval is Reserved Forest land. No non-forest land is involved in the project.

iii. Vegetation density of 0.2 with 428 project affected trees, comprising of 375 trees and 53 poles, has been reported in the area proposed for diversion. No felling is proposed in the proposal.

iv. Compensatory afforestation over degraded forest land of 6.5 ha Bulnuley RF of Gangtok Range in Barbin village has been proposed. Scheme for undertaking compensatory afforestation involving financial provisions of ₹25,46,270/- has been submitted online. Suitability of the degraded forest land identified for raising CA has been certified by the DCF concerned. A certificate from the Chief Secretary of the State on the non-availability of the non-forest land for raising CA has been submitted by the State.

v. As regards to violation, the State Government has mentioned that BRO was induced in Sikkim in 1964 and since then it is using the area as its camp. Further, the State Government has also mentioned that the provisions of the Indian Forest Act, 1927 and Van (Sanraskhan Evam Samvardhan) Adhiniyam, 1980 were not applicable in the State of Sikkim as it used to be Kingdom.

vi. The Committee observed that submissions made by the State regarding violations deserves consideration as the Sikkim became the 22nd State of India in 1975 while the Adhiniyam was enacted on 25.10.1980. Moreover, even after the enactment of the Adhiniyam, the land already put to non-forestry were not affected by the new enact

ment as long as the activity is restricted to the already broken up forest land. In the instant case, the State Government has reported that no new land use has been proposed by the user agency.

vii. The Committee further observed that since the land proposed for approval under the Adhiniyam was already under the possession of the user agency before the enactment of the Adhiniyama as well as Indian Forest Act in the area, therefore, it will not be proper to consider it as a normal case of regularization of encroachment, rather, it is an exceptional case of ex-post facto approval of pre-occupied forest land as its non-forestry use allowed prior to the enactment of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

viii. The Committee also observed that as per the existing provisions of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 and guidelines issued by the Ministry, the use of forest land for accommodation is a non-site-specific activity which is generally not allowed in the forest lands. However, keeping in view the fact that the facility has already been existing since 1964 and is catering to the strategic requirements of the country, the facility cannot be regarded as a non-site-specific activity.

Previous Deliberation Details:

NA

Current Deliberation Details:

Recommendation Remark:

Decision of Advisory Committee: The Committee, after deliberations and discussion with the DDG, Regional Office decided to recommend the proposal for regularisation of encroachment of 3.25 ha pre-occupied forest land without any penalty as Adhiniyam was not in force. Further, the Committee also recommended the proposal for diversion of the same land for the construction of new accommodation (06 nos HB living shelter of size 12.00 x 7.50 m) at Chandmari for smooth functioning of HQ 758 BRTF (GREF) and allied units of BRO in Gangtok district of Sikkim subject to fulfilment of general and standard conditions applicable to such projects..

4. Project Name Proposed protected forest land to be diverted for proposed CNG Station facility with existing (Pre operating) IOCL Retail Outlet on Unnao-Kanpur Road (SH-58) in Km. No.- 2 (CH. No. 1.207.00 to 1.236.45, LHS) at Plot No.-4998, 4997 & 4996, Village:-Krishna Devi Khera (Under Nagar Palika), Tehsil:-Unnao, District:-Unnao.

Proposal Number FP/UP/PetrolPump/406249/2022

User Agency INDIAN OIL CORPORATION LIMITD

Forest Land Area(Ha) 0.0406

a)

Division Social Forestry Division Unnao

Recommendation Accepted

Brief Description of Project:

Subject: Diversion of 0.0406 ha protected forest land for proposed CNG Station facility with existing (Pre operating) IOCL Retail Outlet on Unnao-Kanpur Road (SH-58) in Km. No.- 2 (CH. No. 1.207.00 to 1.236.45, LHS) at Plot No.-4998, 4997 & 4996, Village - Krishna Devi Khera (Under Nagar Palika), Tehsil - Unnao, District of Uttar Pradesh State (Proposal No: FP/UP/PetrolPump/406249/2022)- regarding.

1. The agenda item was considered by the AC in its meeting held on 30.04.2024. The corresponding agenda note may be seen at www.parivesh.nic.in.

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

3. The Dy. DGF (Central), RO, Lucknow was present in the meeting during the discussion of the above proposal. However, no representative was present from the Government of Uttar Pradesh.

4. While deliberating on the proposal, AC observed the following:

i. The Govt. of Uttar Pradesh vide their letter No 3096/81-2-2023-800(26)/2023 dated 17.08.2023 forwarded a fresh proposal to obtain prior approval of the Central Government, in terms of the Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.0406 ha protected forest land for proposed CNG Station facility with existing (Pre operating) IOCL Retail Outlet on Unnao-Kanpur Road (SH-58) in Km. No.- 2 (CH. No. 1.207.00 to 1.236.45, LHS) at Plot No.-4998, 4997 & 4996, Village -Krishna Devi Khera (Under Nagar Palika), Tehsil -Unnao, Unnao District. The proposal was electronically received on dated 06.11.2023 in the Ministry.

ii. The total forest area involved in the instant proposal is 0.0406 ha Protected Forest land.

iii. As per DSS analysis, there is no Wildlife sanctuary, National park, Tiger reserve and Tiger corridor are located within 10 Km distance from the proposed forest land for diversion. The instant proposal falls under Not Inviolable Zone or Not In-High conservation zone value as per the DSS Rule-I & Rule-II.

iv. The RO, Lucknow in their Site Inspection Report reported that part of total forest area prop

used for diversion (0.0406Ha) is already in use of existing IOCL petrol pump. As told by the contractor of petrol pump the area is in use since 2004.

v. Compensatory afforestation (CA) has been proposed over degraded forest land over an area of 0.1349 ha.

vi. The committee observed that as per component wise breakup the requirement of forest land is for the Entry/ Exit Approach to Retail Outlet. Out of the total area proposed for diversion, an area of 0.0273 ha has already been broken up/ utilized by the user agency and the State has submitted that the period of violation/work done in the instant case is between the years 2004 to 2023.

vii. The Committee observed that the State has not taken any action under IFA.1927 or local forest laws against the user agency for illegal use of forest land.

Previous Deliberation Details:

NA

Current Deliberation Details:

Recommendation Remark:

Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the Dy. DGF (Central), RO, Lucknow. After going through the facts of the proposal and submissions made by the Dy. DGF (Central), RO, Lucknow, the Committee recommended the proposal for Diversion of 0.0406 ha protected forest land for proposed Entry/ Exit Approach to CNG Station facility with existing (Pre operating) IOCL Retail Outlet on Unnao-Kanpur Road (SH-58) in Km. No.- 2 (CH. No. 1.207.00 to 1.236.45, LHS) at Plot No.-4998, 4997 & 4996, Village - Krishna Devi Khera (Under Nagar Palika), Tehsil - Unnao, Unnao District of Uttar Pradesh State subject to following conditions:.

1. The User Agency shall pay the five (5) times penal NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency. The State Govt. shall take action under IFA.1927 or local forest laws against the user agency for illegal use of forest land.

5. Project Name	NAKKATI HILL STONE QUARRY NO.2
Proposal Number	FP/AS/MIN/QRY/445606/2023
User Agency	MERLE CONSTRUCTION & MARKETING PRIVATE LIMITED
Forest Land Area(Ha)	5.21
Division	Aie Valley

Brief Description of Project:

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 in favour of Merle Construction & Marketing Private Limited, Assam for non-forestry use of 5.21 Ha. of forest land for operate Nakkati Hill Stone Quarry No.2 in Nakkati Reserved Forest under Aie Valley Division in the State of Assam (Online No. FP/AS/MIN/QRY/445606/2023)– regarding.

1. The instant proposal is for operating Nakkati Hill Stone Quarry No.2 in Nakkati Reserved Forest under Aie Valley Division in the State of Assam.

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

3. The DDGF (Central), RO, Shillong and Nodal Officer, State of Assam attended the meeting.

4. While deliberating on the proposal, AC observed the following:

i. The Govt. of Assam vide their letter No.eCF No.416201/2 dated 27.12.2023 submitted a fresh proposal to obtain prior approval of the Central Government, in terms of the Section 2 (1) (ii) of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 for diversion of 5.21 ha. of forest land for operate Nakkati Hill Stone Quarry No.2 in Nakkati RF under Aie Valley Division in favour of Merle Construction & Marketing Pvt. Ltd.,

ii. The proposed diversion area is 5.21 ha and the density of vegetation is 0.4 having Eco-class 1. No trees are proposed to be felled in the proposal.

iii. Compensatory afforestation has been proposed over 5.21 ha. non-forest land in KareyaPahar Revenue Village (dag No.183 & 216) under Abhayapuri Range, Aie Valley Division of Bongaigaon District, Assam. Suitability certificate has not been sub

mitted by DFO concerned. Certificate to defray the cost of CA has been submitted by the User Agency. CA scheme for 10 years have been submitted along with the proposal.

iv. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.

v. No violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 have been reported. Certificate to this effect has been submitted by DFO concerned.

vi. The Mining plan along with progressive Mine Closure Plan has been approved by Directorate of Geology for 5.21 ha on 31.12.2022 along with the recommendation of maximum quantity of Granite gneiss rock extraction of 2,50,000 cubic meter for five years to be used for construction purposes.

vii. After examination of the proposal in the Ministry, certain shortcomings were observed and the same was communicated to the State Government. Reply to EDS raised by the Ministry was received from the State Government. Further, Regional Office, Shillong was requested to carry out site inspection of the area proposed for mining along with CA sites.

viii. Accordingly, DIGF (Central), Regional Office, Shillong carried out site inspection on 31.01.2024 and following has been mentioned:

a. The proposal is for operation of 5.21 ha of forest land for operating Nakkati Hill Stone Quarry No. 2 in Nakkati Reserved Forest under Aie Valley Division to meet huge demand of stone materials for construction and other development activities in Bongaigaon and other adjacent district of Assam.

b. Item-wise breakup of the forest land proposed for diversion is as under:

Component	Forest Land Proposed for diversion (ha.)	Non-forest land (ha.)
Quarry Area	5	0
Approach Road	0.21	0
Total	5.21	

c. Validity of Mining plan is from 31.12.2022 to 30.12.2027. Total proposed production is 2,50,000 cubic meter for five years and proposed maximum production per year is 52,000 cu.m/year.

d. The site of the proposed mine is located at the earlier approved expire

d mine approved vide Regional Office letter F. No 8-5-39/2003/RONE-A S/1840-42 dated 15.09.2012 for an area 0.5 Ha. The area is therefore disturbed to a great extent as this operation of stone extraction has been carried out in the area already.

e. The status of reclamation of the earlier approved mine could not be ascertained as the exact location of the mine(s) couldn't be ascertained as the earlier proposal were approved without KML File/GPS coordinates. No demarcation pillars are visible in the field.

f. It was also observed in the field that the area is not demarcated. The Mining Plan has no mention of safety zone. The EMP though has mentioned about 'Provision of Green belt (thick foliage) along the lease boundary and road' but no specific mention of demarcation, plantation and maintenance of 7.5 m safety zone along the mine boundary.

g. Therefore, in light of the field observations, the proposal is being recommended by the Regional Office with following conditions:

(i) The boundary of the CA land, not demarcated till date should be demarcated immediately to avoid confusion and possible encroachment.

(ii) The safety zone may be specifically mentioned in the EMP, and Mining Plan to avoid confusion, if necessary.

(iii) The State Govt. must ensure that the Safety zone is demarcated, afforested and kept intact throughout the operation

of the mine.

(iv) Regular monitoring of the project by DFO, CCF/CF to ensure strict adherence to conditions and reclamation regime.

ix. As per the submissions of the Government of Assam dated 06.04.2024, revised KML file with safety zone was submitted.

Previous Deliberation Details:

NA

Current Deliberation Details:

Recommendation Remark:

Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the DDGF (Central), RO, Shillong, and Nodal Officer, State of Assam. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee decided that the proposal shall be placed again before AC after receipt of following:

1. The State Government shall carry out a holistic study of the project along with the other proposed diversions within 1 km of the extant project. The report shall examine the ecological impact of proposed quarries being in close proximity and submit a report to the Ministry for further consideration.
2. The State Government shall submit clear justifications for seeking to quarry forest land for commercial purposes.
3. The State Government shall submit the forest boundary KML for the Nakkati RF area and for the forest area close to the CA land.
4. Area of safety zone be mentioned in component wise details in Part-I of the proposal.
5. Copy of Forest Diversion approvals earlier granted for the said Quarry along with their compliance reports to be submitted to the Regional Office, Shillong. RO, Shillong shall examine the compliance reports and submit a report to the Ministry.

6. Project Name

M/s. Sreenivasa Mineral Company

Proposal Number

FP/AP/MIN/QRY/434789/2023

User Agency

SREENIVASA MINERAL COMPANY

Forest Land Area(Ha)	3.98
Division	Ananthapuram Division
Recommendation	Raise EDS

Brief Description of Project:

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) of the Adhiniyam, 1980 in favour of M/s. Sreenivasa Minerals Company and Managing Partner Smt. A Malathi for renewal of underground' mining lease for Steatite and Dolomite from 3.98 ha of Forest Land in Compt no 593/P & 594/P in Sy no 331/1/P of Julakalva (V), Muchukota R.F., Gooty Range, Ananthapur division, Ananthapur District of Andhra Pradesh-reg.

1. The above stated agenda was considered by Advisory Committee (AC) in its meeting on 30.04.2024.
4. The corresponding details of the agenda may be seen at www.parivesh.nic.in.
2. During the meeting, all the facts and background of the proposal, along with the examination of the proposal in the DSS were presented and explained by Member Secretary before the Advisory Committee (AC). Committee was also apprised of the relevant provisions under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 Rules and Guidelines.
3. The DDGF (Central) Regional Office Chennai and the Nodal Officer Government of Andhra Pradesh was present in the meeting.
4. The Advisory Committee (AC) after thorough deliberation and discussion observed the following:
 - i. The Government of Andhra Pradesh has submitted the above-mentioned proposal through PARIVESH 2.0 portal to 26.09.2023 to Regional Office Chennai.
 - ii. As per sub rule (8) of rule 16 of Van (Sanrakshan Evam Samvardhan) Rules, 2023, any provisions of extant rules will be applicable on the proposals which are yet to be granted '*in-principle*' approval under the Adhiniyam. As per rule 10(2) of Van (Sanrakshan Evam Samvardhan) Rules,2023, the proposals for mining shall be examined and disposed of by the Central Govt. (MoEFCC) at HO level. Accordingly, the Regional Office Chennai has submitted the above proposal to the Ministry on 12.02.2024. To further process these types of proposals, there is a need to change the scenario.
 - iii. The status of the User Agency is Private. The proposed forest area falls within the Anantapur Forest Division of Andhra Pradesh. The User Agency has submitted the renewal application for 10 years. The validity of the mining lease is upto 2043 as per record.
 - iv. The legal status of the proposed forest land is Reserved Forests and density of vegetation is 0.2 and Eco Class III. As the proposal for UG mines therefore, no tree felling has been proposed in the instant proposal.
 - v. The Divisional Forest Officer Anantapur Forest Division reported that the area is prone to soil erosion.
 - vi. It was noted that the this is a renewal case and underground mining. CA is not applicable.
 - vii. As per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023 the compliance of the FRA is to be ensured by the State Govt.
 - viii. The DFO in his SIR has reported that the user agency has furnished the 1* renewal proposal for approval of the DGPS sketch approved by GIS cell O/o the PCCF., i.e., to an extent of 3.98 ha as against original area of 4.05 ha in compartment No. 593/p and 594/p of Sy. No. 300/1/p of Julakalva village, Mutchukota RF, Gooty Range of Ananthapuramu district for a period of 10 years. In this regard, an ERRATA proceedings has been Issued by the Director of Mines and Geology, Ibrahimpatnam vide proceedings No. 12514/D11-ATP/2022, dated 03.08.2023, stating that "the extent wherever occurred as '4.05' ha shall be read as '3.98' ha, as the total area originally leased out has been arrived as 3.98 ha instead of 4.05 ha with a difference between 0.070 ha and percentage of allowance of survey error is 1.7% which is permissible as per survey guidelines, subject to conditions that the lease shall renew / obtain forest clearance under section 2 of Forest (Conservation) Act, 1980 and also renew statutory clearances for the revised extent of 3.98 ha in accordance the provisions of Forest (Conservation) Act, Rules in the subject area". Further, the DFO has informed that the user agency has taken up 11 pits in underground mining area. The User agency has also taken up plantation work on overburden dumps. The

species of Hardwickia binata (Narepi), Grewia rotundifolia (Jana), Vitex altissima (Nemali adugu), Terminalia anogeissiana (Yelama), Azadirachta indica (Neer), Peltophorum pterocarpum, etc., are existing in the mining lease area.

ix. The EC has already been granted by APPCB vide letter Lr No DEIAA/AP/ATP/2018/2685/69 dated 16.05.2018.

x. The State Govt. has recommended the proposal.

xi. Further, the FC approval was granted by the RO(SZ), Bangalore vide letter No. FCA/11.2/72/MI N/AP/713, dt.08.07.2002 and State Government in G.O.Ms.No.79, EFS&T (For.I) dept., dt.31.07.2002 have accorded Stage-II approval for diversion of 4.05 ha of forest land in Compartment no.593/P and 594/P of Julakalva Village, Mutchukota RF, Gooty Range, Ananthapuramu Division, Ananthapuramu District for mining lease for extraction of Steatite and Dolomite in favour of M/s. Srinivasa Mineral Company for a period of 10 years. Subsequently, the Government in G.O.Ms.No.233, Industries & Commerce (M.III) dept., dt.31.07.2003 has granted mining lease in favour of M/s Sreenivasa Minerals for a period of 20 years subject to obtaining forest clearance from forest department well in advance before completing 10 years period. As per the mining department the Mining lease period was valid upto 30.07.2023 at the time of grant of Stage-II approval.

xii. Further, the 2nd FC approval was granted by the Regional Office (South Eastern Zone), Chennai vide letter No. 4-APB005/2014-CHN/2529, dt.26.12.2016 and the State Government in G.O.Ms.No.16, EFS&T (Section. II) dept., dt.16.02.2017, have accorded Stage-II approval diversion of 4.05 ha of forest land in Compartment no.593/P and 594/P of Julakalva Village, Mutchukota RF, Gooty Range, Ananthapuramu Division, for renewal of mining lease for Steatite and Dolomite in favour of M/s. Srinivasa Mineral Company. Subsequently, the Government of India, Ministry of Environment, Forests & Climate Change, Regional Office (South Eastern Zone), Chennai in Lr.F.no.4-APB005/2014-CHN/0530, dt.04.02.2017 have issued corrigendum with regard to the period of diversion of the forest land as follows:

"The period of diversion of the said forest land under this approval shall be for a period of 10 years or for a period co-terminus with the period of the mining lease granted in accordance with the provisions of the MM (D&R) Amendment Act, 2015 or rule framed thereunder but not exceeding 10 years, whichever is earlier;

xiii. Further, the Director of Mines and Geology, A.P, Ibrahimpatnam vide letter dt.08.05.2023 has forwarded the proposal for 1st renewal of quarry lease for Dolomite & Steatite over an extent of 4.050 ha of forest land in Compartment nos.593/P and 594/P of Sy.no.300/1/P of Julakalva Village, Muthukur RF, Gooty Range, Ananthapuramu District in favour of M/s. Sreenivasa Mineral Company, Mg. Partner: Smt A. Malathi and requested to accord forest clearance well in advance under Section 2 of the Forest (Conservation) Act, 1980. The Director of Mines and Geology, A.P. Ibrahimpatnam in Lr.no.12514/D11-ATP/2022, dt.13.06.2023 has also informed the details of mineral availability, annual production etc. in the State of Andhra Pradesh as follows

Name of the Mineral	No. of existing lease	Capacity of each mine in cbm/mt	Average annual production cbm/mt	Future requirement this mineral cbm/mt	Present requirement (out of Col.no.5)
1	2	3	4	5	6
Dolomite	6	60,000 MT	3,000 MT	45,000 MTA	15,000 MTA
Steatite		90,000	5,000 MT	80,000 MTA	25,000 MTA

xiv. M/s Sreenivasa Mineral Company, Anantapuramu has already given non-forest land for Compensatory Afforestation purpose over an extent of 4.08 ha in two bits i.e., 2.20 ha and 1.88 ha during earlier lease period and hence no further CA is required at this stage during 2nd renewal. CA area 4.08 ha in two bits i.e., 2.20 ha and 1.88 ha have already notified under section 4 vide G.O.Ms.No.25, EFS&T (For.1) Dept. dt.28.04.2011. Copy of Gazette Notification was uploaded by the District Forest Officer, Anantapuramu in additional Information in Part-II. The user agency has also deposited an amount of ₹12.67 lakh through NEFT challan no.1428, dt.18.03.2016 in Acct.no.15059MIN179632013025 of Corporation Bank, FCS Bangalore, 21/1, 3rd Floor Jellita Towers Mission Road, Bangalore vide UTR no. ANDBH16078649835 dt.18.03.2016 towards NPV as per the rate worked out for Eco-class III, open forests @ ₹6.26 lakh per ha and demand raised by him at 50% for underground mining.

xv. It was noted that there are cluster of mines (M/s White Field Minerals, M/s AVSR Minerals, M/s Nagalingeswara Mines and Minerals, M/s Rama Minerals) in this forest area which are using the forest road from Tabjula to BT road for transportation of mined material. The existing forest road which is being used by the above mine owners including the M/s Sreenivasa Minerals was not mentioned in the Gazette Notification however exists more than 100 years. In the subject proposal, the forest area recommended for diversion for renewal is 3.98 ha (mining area:3.14 ha and safety zone area:0.84 ha) without indicating the approach road area which the above mining owners are utilising existing forest road for transportation of minerals. In this regard the State Government may provide the status of this road and whether there is any violation of the Adhinyam, 1980 in this regard is noted.

xvi. As per DSS, the area for CA is identified as NFL and Scrub type, however, as per the monitoring report submitted by the RO the status of the CA plantation is good and seems satisfactory. However, in this regard the State Government may officer their comments.

xvii. Further, the original area was 4.05 ha and now the area has been reduced up to 3.98 ha. In this regards the State Government is requested to provide the status of the safety zone as per para 7.9 of the consolidated Guidelines and Clarification issued under the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 on 29.11.2023.

Previous Deliberation Details:

NA

Current Deliberation Details:

Recommendation Remark:

Decision of the Advisory Committee: The Committee after detailed discussion and deliberation with the DDGF, RO Chennai, Nodal Officer, Government of Andhra Pradesh and after going through the facts of the proposal, decided to seek the following information from the State Government:

- 1. The State Government may provide the status of the road which is being used by the several mines owner in the area. In this regard the State Govt. shall clarify whether there is any violation of the Adhinyam, 1980 in this regard?**
- 2. The original area was 4.05 ha and now the area has been reduced up to 3.98 ha. In this regard the State Government shall provide the compliance of the safety zone as per para 7.9**

of the consolidated Guidelines and Clarification issued under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 on 29.11.2023.

3. As per DSS, the area for CA is identified as NFL and Scrub type, however, as per the monitoring report submitted by the RO the status of the CA plantation is good. In this regard the State Government shall provide the details and status of the plantation on the said land.

7. Project Name	NAKKATI HILL STONE QUARRY NO. 3
Proposal Number	FP/AS/MIN/QRY/444664/2023
User Agency	MERLE CONSTRUCTION & MARKETING PRIVATE LIMITED
Forest Land Area(Ha)	5.34
Division	Aie Valley
Recommendation	Raise EDS

Brief Description of Project:

Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 in favour of Merle Construction & Marketing Private Limited, Assam for non-forestry use of 5.34 ha. of forest land for operate Nakkati Hill Stone Quarry No.3 in Nakkati Reserved Forest under Aie Valley Division in the State of Assam (Online No. FP/AS/MIN/QRY/444664/2023)- reg.

1. The instant proposal is for operating Nakkati Hill Stone Quarry No.3 in Nakkati Reserved Forest under Aie Valley Division in the State of Assam.

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

3. The DDGF (Central), RO, Shillong and Nodal Officer, State of Assam attended the meeting.

4. While deliberating on the proposal, AC observed that:

i. The Govt. of Assam vide their letter No.eCF No.416179/3 dated 27.12.2023 submitted a fresh proposal to obtain prior approval of the Central Government, in terms of the Section 2 (1) (ii) of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 for diversion of 5.34 ha. of forest land for operate Nakkati Hill Stone Quarry No.3 in Nakkati RF under Aie Valley Division in favour of Merle Construction & Marketing Pvt. Ltd.

ii. The proposed diversion area is 5.34 ha and the density of vegetation is 0.4 having Eco-class 1. No trees are proposed to be felled in the proposal.

iii. Compensatory afforestation has been proposed over 5.34 ha. non-forest land in Kareya Pahar Revenue Village (dag No.183 & 216) under Abhayapuri Range, Aie Valley Division of Bongaigaon District, Assam. Suitability certificate has not been submitted by DFO concerned. Certificate to defray the cost of CA has been submitted by the User Agency. CA scheme for 10 years have been submitted along with the proposal.

iv. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, Schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / Defence establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.

v. No violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 have been reported. Certificate to this effect has been submitted by DFO concerned.

vi. The Mining plan along with progressive Mine Closure Plan approved by Directorate of Geology for 5.34 ha on 31.12.2022 along with the recommendation of maximum quantity of Granite gneiss rock extraction of 2,50,000 cubic meter for five years to be used for construction purposes.

vii. After examination of the proposal in the Ministry, certain shortcomings were observed and the same was communicated to the State Government. Reply to EDS raised by the Ministry was received from the State Government. Further, Regional Office, Shillong was requested to carry out site inspection of the area proposed for mining along with CA sites.

viii. Accordingly, DIGF (Central), Regional Office, Shillong carried out site inspection on 31.01.2024 and following has been mentioned:

a. The proposal is for operation of 5.34 ha of forest land for operating Nakkati Hill Stone Quarry No. 3 in Nakkati Reserved Forest under Aie Valley Division to meet huge demand of stone materials for construction and other development activities in Bongaigaon and other adjacent district of Assam.

b. Item-wise breakup of the forest land proposed for diversion is as under:

Component	Forest Land Proposed for diversion (ha.)	Non-forest land (ha.)
Quarry Area	5	0
Approach Road	0.34	0
Total	5.34	

c. Validity of Mining plan is from 31.12.2022 to 30.12.2027. Total proposed production is 2,50,000 cubic meter for five years and proposed maximum production per year is 52,000 cu.m/year.

d. The site of the proposed mine is located at the earlier approved expired mine approved vide Regional Office letter no. 8-5-42/2003/RONE-AS/3119-21 dated 18.11.2005 for an area of 1 Ha. The area is therefore disturbed to a great extent as this operation of stone extraction has been carried out in the area. However, it appears that the earlier approved mine has not been reclaimed and that the exact location of these mines couldn't be ascertained as the earlier proposal were approved without KML File/GPS coordinates. However as per the DFO and local staff, the mines were located on the spot where the present propos

al is located.

e. During filed visit, it was informed by the officials and the representative of user agency about the presence of a cave nearby the diverted land wherein the locals worship a deity once in the month of January every year. A No Objection Certificate (NOC) has been sought from the Village head in this regard vide the Regional Office letter No. 3ASC/212/ 2023/GHY/5266-67, dated 07.02.2024.

f. It was also observed that the site of Compensatory Afforestation has not been demarcated though handed over to the department. The RO, Shillong sought information to the State Govt. vide letter F. No. 3ASC/212/2023/GHY/5266-67, dated 07.02.2024 on the above. The State Govt. vide its letter No. eCF No. 416179/13, dated 07.04.2024 submitted the NOC (No Objection Certificate) from the local authority and order of DFO, Aie Valley Division to demarcate the CA land with boundary pillar for 5.34 ha and 5.21 ha. vide letter dated 15.03.2024.

g. Therefore, in light of the field observations, the proposal is being recommended with following conditions:

(i) The boundary of the CA land, not demarcated till date should be demarcated immediately to avoid confusion and possible encroachment.

(ii) The safety zone may be specifically mentioned in the EMP, and Mining Plan to avoid confusion, if necessary.

(iii) The State Govt. must ensure that the Safety zone is demarcated, afforested and kept intact throughout the operation of the mine.

(iv) Regular monitoring of the project by DFO, CCF/CF to ensure strict adherence to conditions and reclamation regime.

ix. As per the submissions of the Government of Assam dated 06.04.2024, revised KML file with safety zone was submitted.

Previous Deliberation Details:

NA

Current Deliberation Details:

Recommendation Remark:

Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the DDGF (Central), RO, Shillong, and Nodal Officer, State of Assam. After going through the facts of the proposal and submissions made by the Nodal Officer, the Committee decided that the proposal shall be placed again before AC after receipt of following:

- 1. The State Government shall carry out a holistic study of the project along with the other proposed diversions within 1 km of the extant project. The report shall examine the ecological impact of proposed quarries being in close proximity and submit a report to the Ministry for further consideration.**
- 2. The State Government shall submit clear justifications for seeking to quarry forest land for commercial purposes.**

3. The State Government shall submit the forest boundary KML for the Nakkati RF area and for the forest area close to the CA land.
4. Area of safety zone be mentioned in component wise details in Part-I of the proposal.
5. Copy of Forest Diversion approvals earlier granted for the said Quarry along with their compliance reports to be submitted to the Regional Office, Shillong. RO, Shillong shall examine the compliance reports and submit a report to the Ministry.

8. Project Name GOI USO SATURATION PROJECT WITH BSNL FOR 4G MOBILE COVERAGE

Proposal Number FP/CG/CommPost/451813/2023

User Agency BHARAT SANCHAR NIGAM LIMITED

Forest Land Area(Ha) 0.12

Division DHAMTARI DIVISION

Recommendation Accepted

Brief Description of Project:

Sub: Proposal for seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 0.120 ha. of forest land and for USOF 4G Saturation Project with BSNL for 4G Mobile Coverage in Dhamtari Forest division in Dhamtari District, Chhattisgarh. (FP/CG/CommPost/451813/2023)- reg.

- i. Government of Chhattisgarh vide their letter no. No. F 5-58/2023/10-2 dated 16.01.2024 submitted the above-mentioned proposal seeking prior approval of the Central Government under Section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- ii. The proposed diversion area is 0.120 ha and the density of vegetation is 0.5 having Eco-class 3. No trees are proposed to be felled in the proposal.
- iii. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defense establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.
- iv. The State Government has submitted that the User Agency started tower construction work at 01 out of 06 places in Forest com no. 109 of village Chandanpur. Due to violations, the construction work has been stopped by issuing POR number 1478/22 dated 11.10.2023 against the User Agency. Currently the tower construction work is closed. In this case, the penalty for the violation committed by the Sub-Divisional Officer, Department of Telecommunications, Dhamtari of ₹10000 (Rupees ten thousand only) was recovered through receipt number 17553/55 dated 25.11.2023 and filed with the treasury through bank challan number 66972993/02 dated 28.11.2023. The amount of fine against the violation was deposited by the Sub-Divisional Officer, Telecommunication Department, Dhamtari, on the submission of a memorandum in the case by the Deputy Divisional Forest Officer, Dhamtari, under the compounding process and after recovery of ₹10,000 as compensation, the case was and closed.
- v. After examination of the proposal in the Ministry, certain shortcomings were observed and the same was communicated to the State Government on 23.02.2024. Reply to EDS raised by the Ministry was

s received from the State Government on 05.03.2024. Further, Sub-office, Raipur was requested to carry out site inspection of the area proposed for diversion on 23.02.2024 and 27.03.2024.

vi. Site inspection was carried out by Sub-office, Raipur on 03.04.2024 and following has been mentioned:

a. The District Collector of Dhamtari, in his letter dated 02/12/2022, stated that the proposed area is a remote/Left Wing Extremism (LWE) affected area, highly sensitive from the perspective of law and order. Enhancing the telecommunication system will significantly aid to law and order in these sensitive regions. It is also mentioned that on the basis of the request made by Electronics and Information Technology Department vide letter number 1029/R-1126/E.S.Pro./2022/56. dated 22.09.2022 and letter number/ M.P.D.J.S./P.S./M.H. 2022-23 dated 23.11.2022, work can be started by Bharat Sanchar Nigam Limited at the above-mentioned 11 places. Out of the 11 places (village site), 6 places are situated within forest lands as Forest Village (Vangram).

b. The area proposed for diversion is 0.120 ha Reserved Forest in Dhamtari Forest division.

c. Village wise details are as under:

Sl. No.	Name of Village	Forest Land Comparison no.	Area (In ha.)
1.	Pardhi	RF-69	0.020
2.	Chandanpur	RF-109	0.020
3.	Kurmajhar	RF-134 A	0.020
4.	Palwadi	RF-99	0.020
5.	Sonarindaihan	RF-24 A	0.020
6.	Giroladih	RF-36	0.020
Total			0.120

d. Violations have been committed against the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in 05 sites. Land has been broken in 05 sites; however, tower has been installed partially in Chandanpur village. Details are as under:

Sl. No.	Name of Vangram (Forest Village)	Area (In ha.)	Worked area	Violated area (in Sq. m)	Violation Reported (Yes/No)
1.	Pardhi (RF 69)	0.020	The surface area broken by the User agency for foundation work based on the dimensions of 7 meters in 1	126 m ² (0.0126)	No

			length, 7 meters in width, and 1 meter in depth.	ha)	
2.	Chandanpur (RF-109)	0.020	Constructed 1 incomplete the BSNL 4G tower	200 m ² (0.020 ha)	Yes. P.O.R. Serial number 1478/22 dated 11.10.2023
3.	Kurmajhar (RF-134 A)	0.020	The surface area broken by the User agency for foundation work based on the dimensions of 7 meters in length, 7 meters in width, and 1 meter in depth.	126 m ² (0.0126 ha)	No
4.	Palwadi (RF-99)	0.020	Platform Construction work completed by the User agency for 4G tower	200 m ² (0.020)	No
5.	Sonarindaihan (RF-24 A)	0.020	Platform Construction work completed by the User agency for 4G tower	200 m ² (0.020)	No
6.	Gioladih (RF-36)	0.02	No work (hence no violation)	Nil	-

vii. P.O.R. has been issued in one case only. The State Government has already informed in the proposal of Chandanpur (0.02 ha) that the user agency has partly constructed one BSNL 4G tower without the prior approval of the Central Government under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and has violated the provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. In this particular case, the Forest Department filed P.O.R. (Serial number 1478/22 dated 11.10.2023) for the violation.

viii. For the remaining 4 village sites, namely, Pardhi, Kurmajhar, Palwadi, and Sonarindaihan, F.O.R. have not been filed in court for the violations. The representative of the User agency has informed that all construction work was stopped from the date of the first POR dated 11/10/2023.

5. The Committee observed that the User Agency is Bharat Sanchar Nigam Limited, which is a Central Govt. agency and execution of work by the agency implies that some permission would have been given by an authority of BSNL, which amounts to violation of provisions of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

1. The instant proposal is for construction of 4G towers by Bharat Sanchar Nigam Limited (BSNL) in Dhamtari Forest division in Dhamtari District, Chhattisgarh for saturation of 4G network in the State of Chhattisgarh. Area proposed for diversion is 0.120 ha. of Reserved Forest in Dhamtari Forest division.

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 f

or their examination and analysis. Committee was also apprised of the relevant provisions under other Acts, Rules and Guidelines relevant to the proposal and their significance.

3. The DDGF (Central), Regional Office, Chennai (having additional charge of regional Office, Nagpur) and Nodal Office, State of Chhattisgarh attended the meeting.

4. While deliberating on the proposal, AC observed the following:

Previous Deliberation Details:

NA

Current Deliberation Details:

Recommendation Remark:

Decision of the Advisory Committee: The Committee after detailed discussion and deliberation with the DDGF (Central), Regional Office, Chennai (having additional charge of regional Office, Nagpur) and Nodal Officer, State of Chhattisgarh recommended the proposal for diversion of 0.120 ha. of forest land for USOF 4G Saturation Project with BSNL for 4G Mobile Coverage in Dhamtari Forest division in Dhamtari District Chhattisgarh subject to the general, standard and following specific conditions:

1. The User Agency shall pay the five (5) times penal NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.
2. The State Government shall initiate the action under section 3A and /or 3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for violation of provisions of said Adhiniyam.

9. Project Name Proposal for Chitalmari Stone Quarry No.2 in Chitalmari RF under Goalpara Division

Proposal Number FP/AS/MIN/QRY/442734/2023

User Agency YFC-TTC(JV)

Forest Land Area(Ha) 5.23

Division Goalpara Division

Recommendation Accepted

Brief Description of Project:

Subject: Proposal for diversion of 5.23 ha. of forest land for Chitalmari Stone Quarry No. 2 in Chitalmari Reserve Forest under Goalpara Division to provide construction materials for widening/improvement to 4 lane for package-8 of Bilasipara-Guwahati Road (N.H.-17) in favour of YFC-TTC(JV) in Goalpara district, Assam. (FP/AS/MIN/QRY/442734/2023)– regarding.

1. The instant proposal is for Chitalmari Stone Quarry No. 2 in Chitalmari Reserve Forest under Goalpara Division to provide construction materials for widening/improvement to 4 lane for package-8 of Bilasipara-Guwahati Road (NH-17).

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

3. The DDGF (Central), RO, Sillong and Nodal Officer, State of Assam attended the meeting.

4. While deliberating on the proposal, AC observed the following:

i. The Govt. of Assam vide their letter No.CF No.392817/2 dated 31.10.2023 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 5.23 ha. of forest land for Chitalmari Stone Quarry No. 2 in Chitalmari Reserve Forest under Goalpara Division to provide construction materials for widening/improvement to 4 lane for package-8 of Bilasipara-Guwahati Road (N.H.-17) in favour of YFC-TTC(JV) in Goalpara district, Assam.

ii. The proposed diversion area is 5.23 ha and the density of vegetation is 0.35 having Eco-class 1. 634 trees are proposed to be felled in the proposal.

iii. Compensatory afforestation has been proposed over 5.46 ha. non-forest land in 41B-00K-00 L vide Dag No. 197 & 365 of Pub Dairong from Matia Revenue Circle, Dist- Goalpara under Central Range, Krishnai of Goalpara Division (T) Goalpara, Assam. Suitability certificate has not been submitted by DFO concerned. Certificate to defray the cost of CA has been submitted by the User Agency. CA scheme for 10 years have been submitted along with the proposal.

iv. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of the boundary of any PAs. No endangered, schedule-I species, etc. have been reported in the area proposed for diversion. No protected archaeological / heritage site / defense establishment or any other important monuments is located in the area has been reported. Certificates to this effect has been submitted by DFO concerned.

v. No violation of Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 have been reported. Certificate to this effect has been submitted by DFO concerned.

vi. After examination of the proposal in the Ministry, certain shortcomings were observed and the same was communicated to the State Government. Reply to EDS raised by the Ministry was received from the State Government. Further, Regional Office, Shillong was requested to carry out site inspection of the area proposed for mining along with CA sites.

vii. Accordingly, DIGF (Central), Regional Office, Shillong vide letter dated 11.01.2024 uploaded site inspection report and following has been mentioned:

a. The area in which mining is proposed is under degraded forest land with few trees. The access to the mine is through an already existing ChitalmariQuary No. 2 of 1 ha approved by the Ministry vide letter No. 3-AS B 041/2017-SHI/435-36, dated 16.04.2018. The mine has since expired in May 2023 and mining in the area is stopped. The same has been monitored at the same time. The area in which the mine is located is degraded is nearby villages. It is about 7 kms away from the national highway. The working of this mine will have its impact on the proposed site (5.23 ha) but may also indirectly adversely impact the nearby forest also. However, the area is already degraded and not frequented by wild animals as it has already been impacted by the existing mine. if strict monitoring of the mining activities, enforcement of the safety zone and its afforestation etc. are ensured, the impact will be negligible considering the area being already mined and degraded.

b. Item-wise breakup of the forest land proposed for diversion is as under:

District	Forest Division	Component-wise break up (ha)	Legal Status
Goalpara	Goalpara	(i) Stone Mahal - 4.3 (ii) Safety Zone - 0.7 (iii) Approach Road -0.23	Reserved Forest.
Total		5.23	

c. As per the submitted Mining plan:

1. Validity of Mining plan is from 05.07.2023 to 04.07.2025.
2. The quarry is designed to work for 250 days per year on single shift.

3. Mining permitted for 2 years with quantity of 8,10,000 Cu M of stones i.e. 405000 Cu M per year approx. The year wise production is as under: -

(i) 1st Year- 495700 Cu M and

(ii) 2nd Year -314300 Cu M.

d. The site has been inspected and the area is said to have stone suitable for use in the many roads (and other infrastructure) projects. With the expiry and exhaustion of the nearby 1 ha Chital mari Quarry no 2 approved earlier, the need for boulders is much felt. The proposal for the stone quarry is recommended with usual conditions and strict compliance of demarcation and afforestation of the 7.5 mt safety zone with quarterly monitoring from the DFO.

e. The proposal is recommended with suggested condition that:

(i) The State Govt. has to ensure that the Safety zone is demarcated, afforested and kept intact throughout the operation of the mine.

(ii) Regular monitoring of the project by DFO, CCF/CF to ensure strict adherence to conditions and reclamation regime

Previous Deliberation Details:

NA

Current Deliberation Details:

Recommendation Remark:

Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the DDGF (Central), RO, Shillong, and Nodal Officer, State of Assam. The Committee recommended the proposal for grant of Stage-I clearance for diversion of 5.23 ha. of forest land for Chitalmari Stone Quarry No. 2 in Chitalmari Reserve Forest under Goalpara Division to provide construction materials for widening/improvement to 4 lanes for package-8 of Bilasipara-Guwahati Road (N.H.-17) in favour of YFC-TTC(JV) in Goalpara district, Assam with general, standard and following specific conditions:

- 1. Site Suitability certificate for CA land shall be submitted by concerned DFO.**
- 2. The State Government to initiate action against violations detected in a small portion of the proposed area for diversion, as per the Site Inspection Report of the RO, and submit an action taken report to the Ministry.**
- 3. Furthermore, the Committee stated that the final approval for the proposal, if granted, shall have validity co-terminus with the Mining lease.**

10. Project Name	12.9 MW Chirchind-II HEP
Proposal Number	FP/HP/REDIV/465305/2024
User Agency	SHIVALIK ENERGY PRIVATE LIMITED
Forest Land Area(Ha)	0.0
Division	Chamba Division
Recommendation	Accepted

Brief Description of Project:

Subject: Proposal for seeking prior approval of the Central Government under section 2 (1) of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 in f/o M/s Shivalik Energy Pvt. Ltd. for Ex-post facto approval of 0.1668 ha of forest land for construction of 12.90 MW Chirchind-II HEP, within the jurisdiction of Bharmour/Chamba Forest Division, District Chamba in the State of Himachal Pradesh. (Online Proposal No. FP/HP/REDIV/465305/2024)– regarding.

1. The instant proposal is for ex-post facto approval of 0.1668 ha of forest land for construction of 12.90 MW Chirchind-II HEP, within the jurisdiction of Bharmour/Chamba Forest Division.
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, Nagpur, and Nodal Officer, State of Himachal Pradesh attended the meeting.
4. While deliberating on the proposal, AC observed the following:
 - i. In the extant proposal, the State Government of Himachal Pradesh vide online proposal no. FP/HP/REDIV/465305/2024 sought prior approval of the Central Government under section 2 (1) of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 in f/o M/s Shivalik Energy Pvt. Ltd. for Ex-post facto approval of 0.1668 ha of forest land for construction of 12.90 MW Chirchind-II HEP, within the jurisdiction of Bharmour/Chamba Forest Division, District Chamba in the State of Himachal Pradesh.
 - ii. The said land proposed for diversion is an extension of the earlier diverted land of 3.9392Ha forest land.
 - iii. Initially, the Government of Himachal Pradesh vide their letter No.Ft.48-677/2013 (FCA) dated 07.02.2014 submitted the fresh proposal to obtain prior approval of the Central Government under section 2 (1) (ii) of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 for diversion of 3.9392 ha of forest land in favour of M/S Shivalik Energy Pvt. Ltd. for the construction of 9.90 MW Chirchind-II SHEP, within the jurisdiction of Bharmour/Chamba Forest Division, District Chamba, Himachal Pradesh.
 - iv. After carefully examination of the above proposal by the Regional Office, Chandigarh, MoEF&CC vide letter F.No.9-HPB702/2014-CHA dated 27.02.2014 granted in-principle/Stage-I to the said proposal under Section 2 (1) (ii) of the Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980. Based on the satisfactory compliance report of the Stage-I approval letter dated 27.02.2014. The IRO, Shimla, MoEF&CC vide letter F.No.9-HPB702/2014-CHA dated 26.07.2021 granted final approval/Stage-II approval.
 - v. The Government of Himachal Pradesh vide their letter No.FFE-B-F002/30/2023 dated 23.09.2023 submitted representation regarding illegal muck dumping and deviation from Approved Layout Plan, increase in Project Capacity to 12.9 MW (Approved for 9.9 MW) thereby violation of FCA, 1980 by M/s. Shivalik Energy Pvt. Limited for construction of Chirchind –II SHEP in Bharmour Forest Division.

on of Chamba Forest Circle. Further, it was informed that the User Agency had indulged in certain activities that are in violation of the provisions of FCA, 1980 and stipulations imposed in Stage-II approval.

vi. The above facts were placed before 65th Regional Empowered Committee held on 25.01.2024 by Regional Office, Chandigarh. The REC observed that the original proposal submitted by the State Govt. was for 9.90 MW and now there is increase in the project capacity from 9.90 MW to 12.90 MW and violation/deviation of conditions (10, 15, 18 & 20) imposed in the Stage-II letter, further the REC noted the salient features of the proposal as under:

a. The proposal was for diversion of 3.9392 ha. of forest land in favour of M/s. Shivalik Energy Private Limited, for construction of 9.90 MW Chirchind-II SHEP, within the jurisdiction of Bharmour/Chamba Forest Division.

b. The legal status of the forest land proposed for diversion 3.9392 ha. is protected forest in Bharmour/Chamba Forest Division Forest Division.

c. The extant proposal was submitted by the State Govt. on the old PARIVESH portal. In the extant proposal Stage-I was accorded on 27.02.2014 and final approval accorded by the then IRO, Shimla on 26.07.2021. Further, formal order was issued by the State Govt. on 23.12.2021.

d. Violation of Forest (Conservation) Act, 1980 (Now, Van SanvardhanEvamSanrakshanAdhiniyam, 1980) has been reported by the APCCF (Monitoring & Evaluation) Shimla and CF Chamba reported that Project Proponent (PP), without prior approval under FCA, 1980, has changed the alignment during construction and violated the condition No.10,15,18 & 20 imposed in Stage-II approval. Neither Project Proponent nor Director (Energy) ever, requested Forest Department for change of their DPR nor about the change in capacity from 9.90 MW to 12.90 MW. The Director (Energy) enhanced the capacity of the project allowed the Project Proponent to deviate from the approved layout plan without getting approval from MoEF&CC, Govt. of India.

e. The details of violation/deviations submitted by the State Government was examined in the said meeting.

vii. The REC heard and deliberated on the submission made by the Nodal Officer, DFO, Bilaspur Forest Division and User Agency and examined the proposal online on PARIVESH portal including KML files and DGPS maps of project and CA areas. The REC observed that the original approval was for 9.90 MW and now there is violations of final approval besides enhancement of the capacity from 9.90 MW to 12.90 MW without prior approval of the Competent Authority.

viii. Hence, the REC agreed to report the case of violation of conditions to the MoEF&CC for taking appropriate action as per the provisions of the Consolidated Guidelines and Clarifications on Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 and Van (SanrakshanEvamSamvardhan) Rules, 2023, MoEF&CC and further direction to the user agency in view of the enhanced capacity from 9.90 MW to 12.90 MW.

ix. After examination of the proposal in the Ministry, Sub-office, Shimla through Regional Office, Chandigarh was directed as under:

a. As there is violation of conditions stipulated in Stage- II approval, the respective Regional Office may take action as per provisions contained in Para 1.16 of Chapter- 1 (General clarifications and court orders) in consolidated guidelines and clarifications issued under Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 and Van (SanrakshanEvamSamvardhan) Rules, 2023. Further no Forest land will be allowed to be used in violation of stipulated conditions and approved land use.

b. In case there is a need for change in land use/re-diversion or there is any additional requirement of Forest land, the proposal for the same has to be submitted by the State Government as per prescribed procedure.

x. As per directions of the Ministry, Sub-office, Shimla vide their letter dated 04.03.2024 instructed State Government as under:

a. As per provision at para (iii) and (iv) of 1.16: Ex-post Facto approval and Penal Provisions of the Consolidated Guidelines and Clarifications on Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 and Van (SanrakshanEvamSamvardhan) Rules, 2023, MoEF&CC, two times penal NPV plus 12% sim

ple interest from the date of actual violation committed may be realised from User Agency and Action taken may be informed to this office.

b. The User agency shall submit fresh application for change of land use as per FORM- E online in P ARIVESH portal.

xi. As per the above directions, Nodal Officer-cum-Addl.PCCF, State of Himachal Pradesh vide letter no. FT.48-2677/2013(FCA) dated 22.03.2024 has informed Sub-office, Shimla that an amount of two times NPV plus 12% simple interest has been realized by the User Agency and deposited in Ad-hoc C AMPA account.

xii. A fresh proposal for an area of 0.1668 has been submitted by the State Government on Parivesh 2. 0. The proposed diversion area is 0.1668 ha and the density of vegetation is 0.4 having Eco-class 6. 6 6 trees are proposed to be felled in the proposal.

xiii. It has been mentioned in the proposal that proposed project does not fall within 10 km radius of t he boundary of any PAs. No endangered, schedule-I species, etc. have been reported in the area propo sed for diversion. No protected archaeological / heritage site / defense establishment or any other imp ortant monuments is located in the area has been reported. Certificates to this effect has been submitte d by DFO concerned.

xiv. The State Government has submitted that DFO, Bharmour has mentioned in his inspection report that the elevations of weir sites have been changed and in addition, work like Escape Tunnel, Diversio n Tunnel, Switch Yard on three additional khasra no's 1/1 and 2/1 in Samra, 375/8/1, 375/8/2, 375/8/3 in Uraihas been executed by the User Agency. Further, DFO, Bharmour has mentioned in Part- II that Charge Sheet has been framed against erring Forest Officials and damage report has been issued agai nst project proponent for violation of provisions of Van (SanrakshanEvamSamvardhan) Adhiniyam, 1 980.

xv. Site Inspection has been carried out by Regional Office, Chandigarh from 16.04.2024 to 21.04.20 24 and following is mentioned:

1. The Government of Himachal Pradesh vide their letter dated 07.02.2014 submitted proposal for div ersion of 3.9392 ha of forest land in favour of M/S Shivalik Energy Pvt. Ltd. for the construction of 9. 90 MW Chirchind-II SHEP, within the jurisdiction of Bharmour/Chamba Forest Division, District Ch amba, Himachal Pradesh. Regional Office, Chandigarh granted in-principle/Stage-I to the said propos al on 27.02.2014. Based on the satisfactory compliance report, the then IRO, Shimla, MoEF&CC vide letter dated 26.07.2021 granted final approval/Stage-II approval.

2. Subsequently, the State Govt. vide their letter dated 23.09.2023 reported illegal muck dumping, dev iation from approved Layout Plan and increase in project capacity to 12.9 MW (original approval was for 9.9 MW) thereby violation of Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 by M/s. Shiv alik Energy Pvt. Limited for construction of Chirchind- II SHEP in Bharmour Forest Division of Cha mba Forest Circle. The instant re-diversion proposal pertains to the deviation from the original layout and capacity enhancement.

3. Item-wise break-up details of the forest land proposed for re-diversion is as under:

Sl. No.	Component	Forest Land (ha.)	Non-Forest Land (ha.)
1	Diversion Drift Temporary	0.0062	0
2	Silt Flushing Channel/Single Flushing Channel	0.024	0

3	Muck Dumping Site/ Switchyard/CPS/ Escape cum cable Tunnel	0.1366	0
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4. The instant proposal of re-diversion is related with the violation of Van (SanrakshanEvamSamvardhan) Adhiniyam, 1980 in the original proposal for diversion of 3.9392 ha of forest land in favour of M/S Shivalik Energy Pvt. Ltd. for the construction of 9.90 MW Chirchind-II SHEP. The proposed diversion area is other than approved area by deviation from the original site. It has been observed during the Site inspection that, most of the works on 0.1668 ha area has been executed by the project proponent. However, as on date construction work has been halted by the User Agency.

5. Illegal Muck Dumping was carried out on the proposed site, now the said land has been proposed under diversion area for components (Silt Flushing Channel/Muck dumping site/Switch yard/Centre Pulling Station). It was observed during the field visit, a 33 KV transformer has been constructed. Also, 03 temporary structures were found on the proposed site. Escape tunnel has already been constructed on proposed area.

6. Since user agency has increased the capacity of the project from 9.9 MW to 12.9 MW, therefore requirement of CAT plan is mandatory, if considered the diversion holistically.

xvi. The Committee was also informed that the dam capacity was increased from 9.90 MW to 12.90 MW by the User Agency with the approval of Directorate of Energy, Department of Power, Government of Himachal Pradesh.

Previous Deliberation Details:

NA

Current Deliberation Details:

Recommendation Remark:

Decision of the Advisory Committee: The Committee had detailed discussion and deliberation with the DDGF (Central), RO, Chandigarh, and Nodal Officer, State of Himachal Pradesh. The Committee recommended the proposal for ex-post facto approval of 0.1668 ha of forest land for construction of 12.90 MW Chirchind-II HEP, within the jurisdiction of Bharmour/Chamba Forest Division, District Chamba in the State of Himachal Pradesh with general, standard and following specific conditions:

1. Five times penal NPV along with 12% simple interest from the date of raising of such demand and shall be paid by the User Agency for area being diverted i.e. 0.1668 ha.
2. User Agency shall submit approved copy of CAT plan and amount towards the same shall be deposited into CAMPA account and details of the same may be submitted along with Stage- I compliance report.

The Committee also granted in-principle approval to the levy of two times Penal NPV already levied on the User Agency based on the Regional Office's communication to the State Government dated 04.03.2024. The State Government shall ensure that the Penal NPV is levied to the extent of land use changed by the User Agency pertaining to the area already diverted i.e. 3.9392 ha. Further, the Regional Office, Chandigarh shall conduct site inspection of 8-10 randomly selected hydel projects in Himachal Pradesh where Forest land has been diverted to ensure that no change in approved land use plan has been undertaken by the User Agency without prior approval.

l of competent authority.

The Committee also directed that the Department of Power, Government of Himachal Pradesh be instructed not to issue any orders that may amount to change in conditions of Forest Clearance given for dams where there is involvement of Forest land, without seeking prior permission of the Central Government. Any such orders issued, without prior approval of the Central Government, may be brought to the attention of the Ministry at the earliest.

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