

MINUTES OF THE 14th MEETING OF THE REGIONAL EMPOWERED COMMITTEE, HELD ON 23rd MAY, 2016 UNDER THE CHAIRMANSHIP OF ADDL. PRINCIPAL CHIEF CONSERVATOR OF FORESTS (CENTRAL), AT REGIONAL OFFICE (WEST CENTRAL ZONE), MOEF&CC, NAGPUR

The following members were present:

1. Shri Kanwarjit Singh, APCCF (C), (Chairperson).
2. Shri Rajendra Lakhichand Nannaware (Member).
3. Prof. Suresh Chopane (Member).

Special Invitees:

1. Shri Suresh Gairola, Addl. PCCF & Nodal office (FCA) , Government of Maharashtra.

At the outset the members of the Regional Empowered Committee and officials of the Regional Office and the State Forest Department observed silence to pay homage to Late Shri Suresh Chandra Jena, Member REC, who left for heavenly adobe on 7.05.2016.

The following proposals were placed before the REC for discussions.

AGENDA ITEM NO. 1

Sub: Diversion of 36.487 ha of forest land in favour of Executive Engineer, Public Works Department, Kawardha for widening of Chilfi-Rekha-Salehwara Road in kawardha and Khairagarh Forest Division in Kabirdham and Rajnandangaon Districts in the State of Chhattisgarh (F. No. FC-II/CH-32/2016-NGP).

1. The Committee considered the above mentioned proposal and various facts related to the proposal as presented in the factsheet of the proposal. The Committee noted that above mentioned proposal was placed before the Committee, in its earlier meeting held on 25.02.2016 and the Committee, taking note of the absence of the authorized representative of the user agency to present the case before the Committee, recorded its displeasure and deferred the proposal.
2. The committee noted that proposal involves diversion of 36.487 ha of forest land in three forest Divisions namely Kabidham, Kawardha and Khairagarh for upgradation of existing road. The vegetation density of the area proposed for diversion ranges between 0.4 to 0.6 and there are total 3079 trees, comprised of 1219 trees below 60 cm of girth while 1860 trees above 60 cm of girth.
3. The Committee also noted that it is an existing road (existing prior to 1980, as per certificate enclosed submitted in the proposal, having total length of 60.811 km out of which 26.02 Km length falls in the forest area. The project involves widening of

Somrajit Singh

the road within the existing RoW to 2 lane (7.0 m wide with 3.5 m width of each lane and 2.5 m earthen shoulders on either side). The Committee further noted that around 14 km of road length passes through the Bhormdev Wildlife Sanctuary in 6 stretches while approx 12 km length of roads passes through the Reserved Forest and Protected Forests in 10 stretches.

4. The Committee was also apprised that proposal was considered and recommended by the State Board of Wildlife in its 6th meeting held on 23.01.2015 without any specific condition. The Committee was also informed that proposal for seeking clearance from the Standing Committee of the National Board for Wildlife is under consideration in the MoEF&CC, New Delhi and approval of the standing Committee of the NBWL is yet to be obtained.
5. The Committee, after detailed discussion and examination of the proposal in lights of facts indicated therein and also the relevant provisions of the Guidelines issued by the MoEF&CC in this regard decided that proposal may be submitted again for its consideration once the approval of the Standing Committee is obtained by the State Government.
6. The Committee also recommended that pending the approval of the Standing Committee of the NBWL following information may sought from the State Government:
 - i. A coloured map depicting the alignment of road proposed for diversion vis-a-vis Protected Areas and eco-sensitive areas.
 - ii. A copy of record of consultation / discussion of the Sub-Divisional Level Committee in support of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

AGENDA ITEM NO. 2

Sub: Proposal for amendments in certain conditions of Stage-I approval dated 13.01.2016 accorded for re-diversion of 34.0237 Ha forest land, within the total forest area diverted of 39.4777 ha in favour M/s. Gas Transportation & Infrastructure Company Limited (GTIL) for laying of Dahej - Nagothane Ethane Gas Pipeline in Dahanu, Jawhar, Thane and Alibag Forest Divisions in the State of Maharashtra – regarding (FC-II/MH-22/2015-NGP).

1. The Committee considered the above mentioned proposal and noted that proposal has already been accorded Stage-I approval by the Regional Office vide its letter of even number dated 13.01.2016 read with the letter of even number dated 17.03.2016 after getting approval of REC.

Komayal Singh

2. The Committee also noted that the Regional Office, after due diligence and thorough examination of the matter in view of the fact that proposal is for re-diversion and the area other than proposed for re-diversion will be retained by the original user agency, in partial modification to 'in-principle' approval letter dated 13.01.2016, amended the conditions no. 6 and 8 of Stage-I approval as given under:

6. The State Government shall ensure that rights of Scheduled Tribes and Other Traditional Forest Dwellers are not affected in the area proposed for re-diversion and if required rights will be settled in accordance with the relevant provisions of the Rules and Guidelines issued by the Central Government.

8. Total net area re-diverted under this proposal is 34.0237 ha. Balance area of 5.454 ha (39.4777-34.0237=5.454 ha) will be maintained and utilized by the original user agency for purpose as specified in the original.

3. The Committee considered the submissions made by the State Government and the Nodal Officer on the representation of the User Agency to amend the conditions no. 2, 6, 7 and 8 of the Stage-I approval dated 13.01.2016. The State Government in their said letter has referred to the comments of the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra on the representation of the User Agency and has expressed its consent on the comments of the Addl. PCCF & Nodal Officer (FCA).

- i. With regards to averments made by the State government pertaining to the condition of CA, the Committee noted that land for Compensatory Afforestation at Poladpur in Raigad District has already been handed over during implementation of East-West Gas Pipeline (EWPL) by RGTIL. The Committee further noted that in lieu of original proposal for diversion of 39.477 ha of forest land, an area of 44.07 ha of village Kotwal (Bk), Tal. Poladpur, Dist Raigad by the User Agency M/s Reliance Gas Transportation Infrastructure Limited (RGTIL) has been transferred and mutated in favour of the State Forest Department. However, now the State Government has proposed for raising CA over 44.65 of alternate degraded forest land as plantation over the non-forest land is not possible only SMC works can be undertaken in the non-forest land the plantation will be raised over 44.65 ha of degraded forest land. The Committee, after examination of the matter noted that non-compliance of the conditions regarding raising of CA plantation is probably due to the fact that plantation over the non-forest land identified for CA could not be taken by the State Forest Department as the plantation already exists over the non-forest land and no further plantation can be taken up over the said land. The Committee also noted that State Government has proposed to incur the amount earmarked for afforestation over degraded forest land. The Committee is of the view that balance amount of CA realized from the User Agency towards the cost of raising and maintenance of CA may be utilized for afforestation over degraded forest land as proposed by the State

Somayaji

Government and State Government must ensure that minimum that number of trees are planted, which were felled in the diverted area.

- ii. The Committee was further informed by the User Agency, that for want of compliances of Stage-I approval, the working permission has not been accorded by the State Government in view of the condition stipulated in the Stage-I approval, stipulating that forest land shall not be handed over to the user agency till formal approval is accorded by the Central Government under the Forest (Conservation) Act, 1980. The Committee, after examination of the submission made by the User Agency noted that as per the Guidelines dated 8.01.2014, the User Agency is entitled to working permission after making payments of compensatory levies and complying with the conditions as stipulated in the MoEF&CC's Guidelines dated 8.01.2014. The Committee further observed that land under question is already diverted and the instant proposal is for re-diversion in favour of the subsidiary company of the same company, therefore, technically there is no handing over of forest land.

4. After deliberate discussion in the matter the Committee decided following:

- i. Balance amount of CA, realized from the original User Agency in lieu of diversion of 39.4777 ha of forest land, towards the cost of raising and maintenance of CA may be utilized for afforestation over degraded forest land as proposed by the State Government and the State Government must ensure that minimum that number of trees are planted, which were felled in the diverted area
- ii. The last sentence i.e. handing over of the forest land shall not be effected by the State Government till formal approval is accorded by the Central Government, appearing in the last paragraph of Stage-I approval, may be deleted as the same carries no force in light of provision of the Guidelines dated 8.01.2014. thereafter, the State Government may take action, as appropriate in accordance with the MoEF&CC's Guidelines dated 8.01.2014 to consider the grant of working permission.

AENDA ITEM NO. 3

Sub: Diversion of 15.19 ha of Zudupi Jungle land in favour Chief General Manager, Western Coalfields Limited (WCL) for open cast coal mining in Singori Block in Nagpur Forest Division in Nagpur District in the State of Maharashtra – regarding (F. NO. 6-MHC 026/2014-BHO).

1. The Committee considered the above mentioned proposal and various facts related to the proposal as presented in the factsheet and file of the proposal. The Committee noted that above mentioned proposal was placed before the Committee, in its earlier

Romay Singh

meeting held on 18.07.2015 and 18.12.2015 and the Committee, after consideration of the various facts related to the proposal sought certain additional information from the State Government. The Committee also noted that the State Government has submitted reply to the observation of the REC meeting dated 18.12.2015, however, after examination of the same the Committee did not find it satisfactory as the statement indicating the use of forest land for various activities has not been provided neither SOI toposheet depicting the land use for mining has also not been submitted. Accordingly, the Committee desired that same information may be submitted by the State Government.

2. The Committee considered the above mentioned proposal and observed that another proposal involving an area of 0.96 ha in favour MAHAGENCO Limited for laying of Ash pipeline has also been submitted by the State Government, area of which is included within the area of 15.19 ha of forest land proposed for diversion by the State Government in favour of M/s WCL Limited for open cast coal mining in Singori Block in Nagpur Forest Division in Nagpur District.
3. The committee also noted the submission made by the State Government in the proposal is related to diversion of 0.96 ha wherein inter-alia following is reported:
 - i. It is mentioned by the State Government that Maharashtra State Power Generation Corporation Limited (MAHAGENCO) during the period 1998 to 2003 acquired land in villages Saholi, Singori, Garanda and Hinguna measuring 18.42 ha for laying of Ash Disposal Pipeline for disposal of ash generated from Khparkheda Thermal Power Station in Nandgaon ash bund. It is mentioned that after acquisition of land by the MAHAGENCO, the WCL in the year 2014 has informed that they are proposing to develop open cast mine at Singori Block and the land is proposed to be acquired under the CBA and Land Acquisition Act. As the land acquired by the MAHAGENCO overlaps with the land proposed to be acquired by the WCL for their open cast coal mine project, it was decided to divert the pipeline along the periphery of the proposed land to be acquired by the WCL and WCL shall provide alternate corridor along the periphery of acquired land.
 - ii. The WCL, with the approval of the MoC, conveyed vide letter No. WCL/L&R/AK/661 dated 10.06.2009, transferred the land to the MAHAGENCO on lease hold basis on 7.06.2010. Meanwhile the ash generated was disposed off into the Waregaon ash bund and the capacity of the same is at the stage of exhaustion and resulting into the pollution of the Kanhan river due over flow of ash from Waregaon ash bund. Taking cognizance of the pollution of Kanhan river, by the State Pollution Control Board and the Municipal Commissioner, Nagpur, notices were issued to the MAHAGENCO, forcing MAHAGENCO to suspend the operation of 1340 MW generation at Khaperkheda unless commission of the ash disposal pipeline at Nandgaon.

Somnath Singh

- iii. The alternate land for which WCL agreed to provide to the MAHAGENCO, after mediation by the Addl. District Judge, Nagpur, in pursuance to civil suite no. 405 of 2014 filed by the WCL against the MAHAGENCO for construction of RCC pillars for laying of pipeline to Nangaon in the area of WCL, consists of forest land of 11.05 ha in Survey No. 97 in village Dorli.
4. The User Agency has informed the Committee that the area is low lying and is adjacent to Kanhan river and to ensure protection of the area from water flowing into their lease they need to construct an embankment wall around their mining lease. The Committee was further informed by the user agency that they have provided NOC for laying of Ash Bund pipe line over an area of 0.96 ha on the outer boundary of their lease which is proposed to be maintained as embankment wall. The Committee was also informed that by the User Agency that use of area by MAHAGENCO will not hamper their mining operations as pipeline will be laid over the embankment wall only including the area falling inside the forest.
5. The Committee also noted that since the instant proposal is already under consideration of the Regional Office since long and the proposal has already been examined by the REC twice and so far even the State Government has also not submitted any request to change the land use and other relevant details of the proposal, it is therefore, prudent that the REC may go ahead with the instant proposal for its further examination.
6. The Committee also examined the proposals on the DSS and results of DSS analysis revealed that out of three patches of the forest land proposed for diversion, one patch adjacent to Kanhan river falls within a distance of 250 meters from the boundary of Kanhan river and as per the DSS report, the same is found to be inviolate. On being asked the user agency has informed that said patch of forest land has been sought for diversion to use the same for the diversion of nalla which transverse through their lease area. The Committee recommended that extent of forest area falling within a buffer of 250 meters may be worked out by the State Government and intimated to the Regional Office, Nagpur. The Committee also recommended that inviolate patch of forest area may be excluded from the mining lease. On further examination of the DSS, the Committee observed that certain part of the CA area falling in the agricultural fields, the same may be re-confirmed by the State Government and if required area for CA may be identified in degraded forest areas.
7. With respect to proposal involving an area of 0.96 ha of forest land out of 15.19 ha, the Committee has recommended that specific comments of the State Government may be sought on the proposal as under:
 - i. Specific recommendation of the State Government on the proposal involving diversion of 0.96 ha of forest land as this area is already recommended for diversion in WCL case by the State Government.

Sanjay Singh

- ii. A copy of MoU signed by the User Agency and the State Government.
8. After detailed examination of the proposal and also in light of past development of the proposal, the REC decided to recommend the forest area, excluding the inviolate patch of forest area, proposal for grant of Stage-I approval to the MoEF&CC, New Delhi subject to fulfillment of general and standard conditions applicable to the mining projects.
9. The Committee also recommended that proposal will be forwarded to the MoEF&CC, New Delhi for Grant of Stage-I approval once the following information is received from the State Government:
 - i. Complete and satisfactory information as sought in the Regional Office letter dated 12.01.2016, pursuant to the recommendation of the REC dated 18.12.2015.
 - ii. Complete documentary proofs in support of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 are received from the State Government.
 - iii. Net area of forest patch adjacent to the Kanhan river may be worked out and excluded from the lease as the same is observed to be an inviolate area.
 - iv. The State Government may re-visit the area identified for CA as there are indications in the DSS report that a portion of the proposed CA land is under agriculture. If required, the land for CA may be identified in degraded forest land free from encroachments.
 - v. A copy of the mine plan, along with progressive mine closure plan as approved by the competent authority.

AGENDA ITEM NO. 4

Sub: Diversion of 19.9993 ha of Protected Forest land in favour of Registrar, Gondwana University, Gadchiroli for establishment of Gondwana University, in Godchiroli District in the State of Maharashtra –regarding (FC-II/MH-36/2016-NGP)

1. The Committee considered the above mentioned proposal and facts related to the proposal as presented in the factsheet of the proposal. The Committee noted that above mentioned proposal pertains to the diversion of forest land for establishing a campus of Gondwana University in Gadchiroli District of Maharashtra.
2. The Committee noted that the Nodal Officer (FCA) in his recommendation has mentioned that initially a proposal of 160.06 ha was submitted by the user agency

Somaykhya

which was recommended for rejection by the PCCF (HoFF) to the State Government after taking into consideration, the factual details as well as policy of the Government of India. However, in pursuance to the assurance given by the Hon'ble Forest Minister, Maharashtra in the budget session of Assembly (Assurance No. 182), a meeting was held under the chairmanship of Hon'ble Minister on 24.07.2015 wherein it was decided that proposal of the user agency will be considered to the extent of 20.0 ha. Accordingly, the revised proposal has been submitted by user agency which has been recommended by the State Government for further approval and consideration of the Central Government under the Forest (Conservation) Act, 1980.

3. The Committee, after examination of the proposal observed that proposal lacks crucial details which should have been accompanied with the proposal submitted by the State Government. The Committee also noted that proposal has not been scrutinized properly in light of various provisions of the Forest (Conservation) Act, 1980 and relevant guidelines issued thereunder.
4. The Committee also evaluated the proposal in light of provision of the relevant Guidelines issued under the Forest (Conservation) Act, 1980 whereunder use of forest land for non-site specific activities is generally restrained. The Committee also observed that no convincing justification for locating the proposal in the forest land has been provided by the State Government in the proposal.
5. The User Agency informed the Committee that they have cut down their requirement for settling up university over an area of approx 400 ha to harbor all infrastructure and other facilities for the students. The User Agency also informed the Committee that they have explored all possibilities to acquire non-forest land for the University, however, due to non-availability of the suitable non-forest land as nearly 75% of the geographical area of the District is forest land, the same cannot be acquired. However, the User Agency could not produce any documentary evidences of areas explored by them for setting up of University and reasons for their rejection over the forest land. On being asked about their future developments, the User Agency informed the Committee that they may require additional 20 ha of forest land in near future for developing infrastructure and other relevant faculties.
6. The Committee, after detailed examination of the proposal decided to obtain following information from the State Government and after receipt of the same the proposal may again be placed before the REC:
 - i. Details of non-forest Government land available in the Gadchiroli Taluka of Gadchiroli District.
 - ii. The details of alternate land explored by the User Agency for setting up university, along with documentary evidences, may be submitted.

Komwar Singh

- iii. Plan requirement vis-à-vis development plan of the University for the next 10 years
- iv. Efforts made by the User Agency to acquire the non-forest land
- v. Information/documents on other deficiencies in the proposal, as noted by the Regional Office.

AGENDA ITEM NO. 5

Sub: Diversion of 6.65 ha of Reserved Forest land in favour of Executive Engineer, Minor Irrigation Division, Washim for construction of Shelgaon Minor Irrigation Project in Washim District in the State of Maharashtra –regarding (F. No. FC-II/MH-28/2015-NGP).

1. The Committee considered the above mentioned proposal and also various facts related to the proposal as compiled in the factsheet and also in the file and after interaction with the user agency and the Nodal Officer (FCA), Government of Maharashtra observed as under:
2. The Committee noted that total area required for the project is 36.64 ha comprising of 6.65 ha of forest land and 29.99 ha of non-forest land. The Committee also noted that there is a patch of approx 22.92 ha of forest land in the area out of which the User Agency has proposed an area of 6.65 ha for diversion leaving approx 16.27 ha of forest land isolated and fragmented which needs special management measures for its protection.
3. The Committee observed that Part-II uploaded on the website and submitted in the form of Hard copy differs in respect of information contained therein.
4. The Committee noted that area proposed for diversion has vegetation density below 0.1 and over an area of 6.65 ha a total of 50 numbers of trees have been enumerated in the area is 50 out of which only 15 trees have been proposed to felled in the project area.
5. Compensatory afforestation has been proposed over equivalent non-forest land. Non-forest area for CA has been identified in Gut No. 135 of village Jambharun in Tahsil Washim in Akola Forest Division. The DFO, Akola has certified that area is contiguous, suitable for afforestation and management purposes and it is free from encroachment. An undertaking to bear the cost of CA has been submitted by the User Agency.
6. The Committee further noted that complete documentary evidences in support of settlement of rights under the Scheduled Tribes and other Traditional Dwellers (Recognition of Forest Rights) Act 2006 have not been submitted by the State


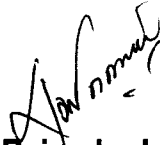
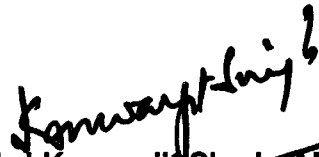
Ramraj Singh

Government. Instead of submitting the resolution of concerned gram Sabha in accordance with the provisions of the said Act, the State Government has simply submitted the consent of Gram Sabha to the project, which was obtained in the year 2010, without any reference to the proceedings of settlement of rights under the provision of the Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006. Resolution of Gram Sabha, certifying the process of settlement of rights under the provisions of the aforementioned Act and also in accordance with MoEF&CC advisory dated 3.08.2009 read with the Guidelines dated 5.07.2013 may be provided by the State Government.

7. The Committee also observed that project, rolled filled earthen dam with maximum height of 18.32 meters and 511 length, has been proposed in the Sub-basin of Painganga of Godavari river basin with total catchment area of 12.50 Sq Km. The project has been technically approved by the Government of Maharashtra, vide its order no. 3995/Shelgaon (Storage)/C Works/Tech. Sanction/2009 dated 24.08.2009.
8. The authorities in the State Forest Department and State Government have recommended the proposal with general and standard conditions without any specific condition.
9. The Committee also noted that preliminary examination of the proposal in the Ministry revealed certain shortcomings, which were communicated to the State Government vide Regional Office 's letter dated 15.02.2016. However, the Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, vide his letter no. Desk-17/NC/RS-1/ID-11593/2055/15-16 dated 3.02.2016, submitted the additional information on the proposal viz. copy of Part-I, III & IV uploaded on website, list of animals and birds, kml files of the area proposed for diversion, CA scheme for 7 years, etc. The Committee further noted that complete information as sought by the Regional Office in its letter dated 15.02.2016 specially compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is yet to be received from the State Government. The same may be submitted by the State Government before issue of Stage-I approval by the Regional Office.
10. The Committee has also taken note of the finding of the DSS and noted that area proposed for diversion has scarce vegetation. Similarly, land identified for CA appears to be devoid of trees growth and can be undertaken for plantation.
11. After detailed discussion the Committee decided to approve the project (subject to submission of information as noted under para 9 above) for diversion of forest land subject to fulfillment of general, standard and following additional conditions:
 - i. No felling of trees will take place. The 15 number of trees proposed to be felled shall not felled and maintained as such in the submergence area.
 - ii. The Forest Department shall undertake plantation, wherever possible in the area being diverted as well as left over patch of the forest.

Sanjay Singh

- iii. The State Government shall prepare special plan for the protection, fencing and management of the small patch of the forest land which will be isolated after the construction of the dam. This plan which will be implemented by the forest department at project cost. The user agency, in consultation with the State Forest Department, shall also undertake appropriate measure to ensure protection of the said area.

 (Prof. Suresh Chopane) (Member)	 (Shri Rajendra Lakichand Nannaware) (Member)
 (Shri Kanwarjit Singh, APCCF (Central)) (Chairperson)	