

**Minutes of the 7<sup>th</sup> meeting of Regional Empowered Committee (REC) of Regional Office (Eastern Zone), Ministry of Environment, Forest & Climate Change, Bhubaneswar held on 14.10.2015 (Odisha State).**

The 7<sup>th</sup> meeting of the Regional Empowered Committee (REC) of Regional Office (Eastern Zone), Ministry of Environment, Forest & Climate Change, Bhubaneswar was held on 14.10.2015 in the Conference Hall of Eastern Regional Office, Bhubaneswar. The following members/special invitees were present during the meeting.

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|----|---|--------------------------------|
| 1. | Dr. Tejinder Singh,<br>Addl. PCCF (Central),<br>Ministry of Environment, Forests & Climate Change,<br>Regional Office (EZ), Bhubaneswar           | <b>Chairperson</b>             |
| 2. | Shri P.R. Mohanty,<br>House No.2, HIG-1, B.D.A. Colony,<br>Kapila Prasad, Old Town,<br>Bhubaneswar-751002, Odisha                                 | <b>Non-Official<br/>Member</b> |
| 3. | Shri R.K. Zutshi,<br>224, Phase, Vasant Vihar,<br>Dehradun-248006, Uttarkhand.  | <b>Non-Official<br/>Member</b> |
| 4. | Shri S. Das,<br>APCCF & Nodal (FC),<br>Forest Department, Govt. of Odisha,<br>Aranya Bhawan, Chandrasekharpur,<br>Bhubaneswar - 751016, Odisha    | <b>Special Invitee</b>         |
| 5. | Shri S. Mohapatra,<br>Conservator of Forests (Central)<br>Ministry of Environment, Forests & Climate Change,<br>Regional Office (EZ), Bhubaneswar | <b>Member Secretary</b>        |

At the outset, the Chairperson extended a warm welcome to the members of REC and special invitees representing the State Govt. of Odisha. The proposals in the agenda were examined by the Committee. The representative of the project proponents made power point presentations of the proposals before the Committee. The recommendations/ decisions of the Committee, based on the deliberations, are as under:-

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*Tejinder Singh*

## AGENDA NO.1

Diversion of 39.98 ha of forest land for widening of existing 2-Lane road to 4-Lane from Bankibahal to Kanika Railway Siding (0.000 Km to 25.750 Km.) in favour of Executive Engineer, R & B Division, Sundargarh, Odisha.

1. The proposal envisages diversion of 39.98 ha of forest land for widening of existing 2-Lane road to 4-Lane from Bankibahal to Kanika Railway Siding (0.000 Km to 25.750 Km.)
2. This project road requires 80.88 ha of land which includes 39.98 ha of forest land, 40.90 ha of non-forest land.
3. The legal status of forest land is Reserve Forest, Revenue Forest and DLC forest.
4. The density of vegetation is reported to be 0.5 in Reserved Forest and 0.4 in Revenue & DLC forest.
5. In all, 9910 nos. of trees including 2646 no. of trees on non-forest land, above 30 cm girth have been enumerated for felling for this project.
6. The area does not form part of any National Park/ Wildlife Sanctuary/ Biosphere reserve, Tiger Reserve, Elephant corridor etc.
7. The State Govt. has recommended for a Site Specific Wildlife Conservation Plan, approved by the PCCF (WL) & CWLW, Odisha for its execution at project cost.
8. There is no rare/endangered species of flora and fauna noticed in the project area.
9. No protected archaeological/heritage site/defence establishment or any other important monument is located in the area.
10. No violation of F.C. Act, 1980 has been reported by the DFO, Sundargarh.
11. No displacement of human habitation is involved in this project.
12. The user agency has submitted certificates/documents under FRA, 2006 with the proposal.
13. The user agency has submitted SOI toposheet, DGPS map of proposed forest land and map for identified land for compensatory afforestation.
14. Besides compensatory afforestation, the State Govt. has recommended that the user agency shall also raise avenue plantation at project cost along the road side, by planting ten times of number of trees to be felled by the project authorities from the Govt. non-forest land and private land of the alignment.
15. The DFO, PCCF & State Govt. have recommended the proposal for diversion.
16. The proposal was earlier discussed in the REC meeting held on 23.09.2015. The Committee had decided to defer the proposal to the next REC in view of large number of trees standing on non-forest land. The Committee decided that the CF (Central) along with RCCF, Rourkela shall inspect the non-forest land involved in the proposal and decide whether the same shall be considered as forest land as per Supreme Court judgment dated 12.12.1996 in WP (C) No.202/1995.
17. Accordingly, joint inspection of non-forest land involved in this project has been carried out by CF (C) and RCCF, Rourkela on 05.10.2015. As per the joint inspection report, 4.31 acres (1.744 ha) has been recommended to be treated as forest.



### Decision/Advice of REC:

The Committee deliberated upon the joint inspection report of RCCF, Rourkela and CF (Central) of Regional Office and agreed to the joint inspection report where it was recommended to include 4.31 acres (1.744 ha) of non-forest land to be considered as forest land as per Supreme Court judgment dated 12.12.1996 in WP (C) No.202/1995. Hence, the Committee recommended this proposal for issue of Stage-I approval subject to the following conditions.

- 1) NPV shall be realised from the user agency for 41.724 ha (39.98 ha of forest land proposed by the State Govt. + 1.744 ha of non-forest land to be treated as forest as per Supreme Court judgment dated 12.12.1996 in WP (C) No.202/1995).
- 2) The State Govt. shall raise compensatory afforestation at the cost of the user agency in the non-forest land of 41.724 ha (39.98 ha of forest land proposed by the State Govt. + 1.744 ha of non-forest land to be treated as forest as per Supreme Court judgment dated 12.12.1996 in WP (C) No.202/1995).

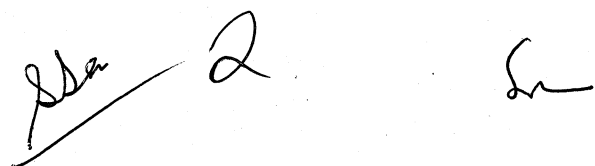
### AGENDA NO.2

Diversion of 26.244 ha (64.85 acres) of Revenue forest land located inside Lanjigarh Aluminium Refinery Complex in Kalahandi District, Odisha for maintaining it as Green belt by M/s Vedanta Aluminium Ltd.

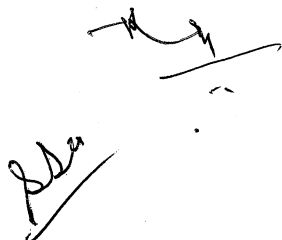
1. The proposal envisages diversion of 26.244 ha of Revenue forest land located inside Lanjigarh Aluminium Refinery Complex in Kalahandi District, Odisha for maintaining it as Green belt by M/s Vedanta Aluminium Ltd.
2. State Govt. has informed that as on date all the 26.244 ha of GJJ land is in the revenue record and neither transferred to Forest Department nor to M/s Vedanta Aluminium Ltd.
3. While the position of the above mentioned Gramya Jungle Jogya land remained as such, the Govt. of India, MoEF (IA Division) vide their letter No.J-11011/406/2011-IA.II (I) dated 17.04.2012 have kept the Terms of Reference in abeyance till the forest diversion proposal is resolved.
4. The State Govt. has No Objection for obtaining forest clearance for the said Gramya Jungle Jogya land inside the refinery complex subject to the stipulation that such forest land shall be retained/developed/maintained as a Green belt within the Plant at project cost even after diversion is allowed by MoEF, Govt. of India. Until the diversion is allowed by the Govt. of India, MoEF under Forest (Conservation) Act, 1980 the user agency shall not utilize that land for any other purpose nor restrict the access of villagers to the said forest land.
5. The purpose wise breakup of the forest land required for the project is as follows:

Sl. No.	Purpose of Utilization	Gramya Jungle Jogya (in ha)	Non-forest land (ha)	Total land (in ha)
1.	Green belt to be maintained within the Refinery Plant of M/s Vedanta Aluminium Ltd.	26.244	0.000	26.244
<b>Total</b>		<b>26.244</b>	<b>0.000</b>	<b>26.244</b>

6. Legal status of forest land proposed for diversion is Gramya Jungle Jogya.



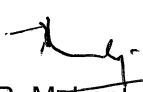
7. The density of vegetation has been reported as 0.4 and upto 0.7 (Eco-Value Class-III). Total 820 nos. of trees above 30 cm girth have been enumerated in the forest land proposed for diversion. Besides 1656 no. of poles have also been enumerated. State Govt. has informed that since forest land proposed for diversion is to be used for development of Green belt within the Refinery complex, the enumerated trees are to be preserved and further developed at project cost.
8. The applied area does not form part of any National Park/ Wildlife Sanctuary/ Biosphere reserve/elephant corridor etc.
9. No rare/endangered/unique species of flora and fauna is found in the area.
10. No protected archaeological /heritage site/ defence establishment or any other important monuments is located in the area.
11. No violation of Forest (Conservation) Act, 1980 has been reported by the DFO, Kalahandi (South) Division for this project.
12. The user agency has obtained environmental clearance for 1 MTPA Aluminium Refinery project from MoEF, Govt. of India vide letter No.J-11011/81/2003-IA.II dated 22.09.2004
13. The applied area for diversion does not necessitate any further displacement of people. Hence, Rehabilitation & Resettlement Plan is not required.
14. In compliance to the provisions of the ST&OTFD (Recognition of Forest Rights) Act, 2006, the Collector, Kalahandi has furnished the relevant FRA certificate concerning entire forest land proposed for diversion along with copy of proceedings of District Level Committee.
15. However, a complaint on the violation of FRA, received by the Eastern Regional Office of MoEF&CC on the afternoon of 13.10.2015 by e-mail, was placed before the Committee for consideration. The Committee noted its contents. However, the Committee also noted that the State Govt. while submitting the proposal has clearly stated that the Collector, Kalahandi has issued the Certificate as per FRA guidelines. But as a matter of caution for safeguarding the interest of the vulnerable tribal groups, the Committee felt that the State Govt. of Odisha be asked to re-examine the entire compliance of the FRA, 2006 in this case and if it finds that the guidelines have not been followed then a fresh process, strictly as per guidelines, be taken up by Collector, Kalahandi before the final forest diversion.
16. In lieu of 26.244 ha of forest land proposed to be diverted under this proposal, 30.638 ha of non-forest land has been identified in Khata No.18, Plot No.192, 193 & 194 of village Muskuti under Lanjigarh Tehsil of Kalahandi district for compensatory afforestation. The Tehsildar, Lanjigarh has furnished non-encroachment certificate.
17. DFO, Kalahandi (South) has prepared a site specific C.A. Scheme for Bald Hill Plantation over 26.244 ha out of land allotted by the district administration at an estimated cost of Rs.1,26,80,962/- with cost of maintenance for 10 years. The Addl. PCCF (Nodal) has technically approved the C.A. Scheme.
18. The DFO, Kalahandi (South) & RCCF, Bhawanipatna have recommended the proposal.
19. The PCCF, Odisha and State Govt. have recommended the proposal.



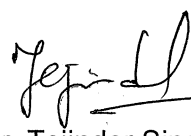
## Decision/Advice of REC:


The Committee deliberated upon the proposal and also the presentation made by the project proponent. The Committee is of the view that even though the proposed forest land has not been used by the user agency for non-forestry purpose, but since it was inside the refinery complex since 2005 without prior approval from MoEF&CC under Forest (Conservation) Act, 1980, therefore it may be treated as violation of said act. Accordingly, the Committee recommended the proposal for issue of Stage-I approval with the following conditions.

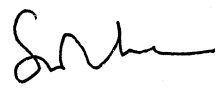
- 1) State Govt. shall raise penal compensatory afforestation from funds to be realized from the user agency, over degraded forest land five times in extent to the forest land under possession of the user agency without obtaining prior approval under the FC Act.
- 2) State Govt. shall realize from the user agency penal NPV @ 20 % of the rates applicable on the date of grant of the Stage-I approval, of forest land under possession of the user agency without obtaining prior approval under the FC Act for each year or fraction thereof (Explanation: In case a patch of forest land has been under possession of the user agency without obtaining approval under the FC Act for 3 years, penal NPV to be realized in respect of such forest land will be at the rate of 60% of the rates applicable on the date of grant of Stage-I approval).
- 3) The State Govt. shall re-examine the compliance under the FRA, 2006 and if it finds that the due process, as per guidelines, have not been followed then a fresh process be taken up by the Collector, Kalahandi strictly as per the provisions and guidelines of the FRA, 2006 and a detailed report along with required certificate be submitted by the State Govt. before the Stage-II approval.

  
(P. R. Mohanty) 14.10.15  
Non-official Member, REC

  
(R. K. Zutshi) 14/10/15  
Non-official Member, REC

  
(Dr. Tejinder Singh) 14.10.15  
Addl. PCCF (Central)  
MoEF&CC, ERO  
& Chairperson, REC

  
S. Das  
APCCF & Nodal (FC),  
(Special Invitee)  
Forest Department,  
Govt. of Odisha

  
(S. Mohapatra)  
CF (Central), MoEF&CC  
& Member Secretary