

Agenda No. 6

F. No. 11-29/2017-FC

**Sub: Clarification On "Gramya Jungle Jogya" Land Involving In The Mining Lease Area Of Gadabahali Graphite Mines Over 28.615 Ha. In The District Of Nuapara, Odisha.**

1. The above stated agenda item was considered by FAC in its meeting on 20.09.2018
2. Shri Prabhas Chandra Agrawal, Sambalpur (Odisha) vide his letter dated 27.03.2017 and 26.07.2014 made a representation addressed to the then MEF requesting for a clarification regarding applicability of FC Act for lands under the revenue department having mentioned in the remark column as "Gramya Jungle Jogya" which means suitable for afforestation as there is no classification in the FC Act in this regard.
3. He also mentioned that any land which has got soil cover can grow any type of vegetation which should not in any manner come under the category of forest land as it does not come under; Reserve Forest, Protected Forest, Land declared under DLC and village forest land under Revenue Department.
4. He further informed that the Environment Clearance could not be granted for about last three years in spite of recommendation by the State Expert Appraisal Committee. His mining lease over 28.615 ha. for graphite in village Gandabahali district, Nuapada a backward district of Odisha (KBK) region contains 0.619 ha. land of "Gramya Jungle Jogya" and Environment Clearance has been held up by the State Environment Impact Assessment Authority for want of clarification on the status of 0.619ha
5. In view of above, he requested to issue a clear cut guideline about the status of "Gramya Jungle Jogya" land i.e. "suitable for afforestation" .
6. The Ministry vide its letter of even number dated 07.04.2017 had informed the applicant (Sh. Prabhas Chandra Agrawal) that as per the Supreme Court Judgement dated 12.12.1996 in the case of T. N. Godavarman Thirumulkpad Vs Union of India, the land which are recorded in Government records as forest are treated as forest for the purpose of Forest Conservation Act, 1980. The Judgement is quoted below:  
*"The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2 (i) of the Forest Conservation Act. The term "forest land, occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the*





*Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all classification thereof."*

7. The applicant again submitted a representation vide his letter dated 01.05.2018 regarding "Gramya Jungle Jogya" land involvement in the Mining Lease area of Gandabahali Graphite Mine over 28.615 ha in the district of Nuapara, Odisha he informed that the Mining Lease was granted and executed on 15.02.2005 and the mine is under working since 22.06.2006 over and area of 70.71 acres or 28.615 ha in village-Gandabahali of Nuapara District, Odisha. There is some "Gramya Jungle Jogya" kissam land an area of 1.53 acres or 0.619 ha of land is within the Mining Lease area. Whereas, the Collector and District Magistrate, Nuapara vide letter No. 860, dated 09.09.2002 clarified that the difference in the status of lands recorded as Gramya Jungle and Gramya Jungle Jogya is that lands recorded as Gramya Jungle are forest land where as "Gramya jungle Jogya" lands area the land identified for future forest growth such as for plantation purpose and also the Gramya Jungle Jogya plots of village Kirikita and Gandabahali are not included in the D.L.C. report. Further, the Collector and District Magistrate, Nuapara vide letter no. 1680, dated 13.06.2013 once again clarified that there is no land with kissam "Gramy Jungle" is available in village-Gandabahali and there is no forest growth on there "GramyaJogyaJunge" kissam land. The present status of land is there is no tree growth over the "Gramya Jungle Jogya" kissam land. However, these lands are being used by the villagers as cultivation purpose. The Revenue and Disaster Management Department, Odisha vide letter no. 30169 dated 07.08.2013 states that the recording of "Gramya Jungle Jogya" cannot be stretched to mean that the said land is recorded as forest land
8. The Ministry of Environment, Forest and Climate Change, New Delhi vide its letter No.11-499/2014-FC dated 27.10.2014 requested the Government of Odisha, Bhubaneswar to furnish the comments on the representation dated 26.07.2014 of Shri Prabhas Chandra Agrawal, Sambalpur, Odisha.
9. The State Government of Odisha vide their letter no. 10F(Cons) 115/2014-23287 dated 19.12.2014 had furnished their response on the said representation dated 26.07.2014 stating that the comments of State government on Formulation of Parameters for classification of an areas as "Forests" by dictionary meaning has already been sent to MoEF&CC, Government of India vide F&E Deptt. Letter no. 20126, dated 01.11.2014 which may kindly be referred to comments furnished by State Government also indicates views of State Government on "Jungle JogyaJamin" which has been referred to in this representation. In the comments of the State Government of Odisha, it is stated that Paragraph 2 of the record of discussions held at the level of DGF&SS to Government of India regarding para 2(i) (A) (b), lands as 'Jangle Jogyajamin' should not be treated as recorded forest land (unless they actually have natural forest growth there on) . Like wise 'Pathar Bani' classification relates to busy growth in stony land and may not be treated as forest kisam.





**Recommendations of FAC:**

1. FAC after through deliberation & discussion with Nodal Officer (FCA) of the state and APCCF, Regional Office recommended to clarify that the 'Gramya Jungle JogyaJamin' should not be treated as recorded forest land (unless they actually have natural forest growth thereon) for the purpose of provisions of Forest (Conservation) Act 1980.

[Shri Shrawan Kumar Verma, DIGF (FC)]

Agenda No. 1

File No. 8-04/2016-FC

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

The above stated agenda item was considered by FAC in its meeting held on 20.09.2018. The details of the background may be seen at the corresponding agenda item of the FAC meeting for 20.09.2018, in the Ministry's website.

The State Government of Gujarat submitted the proposal seeking prior approval of Central Government in accordance with section-2 of the FC Act, 1980 vide their letter No. FCA-1014/10-11/14/S.F-66/F dated 21.01.2016. The proposal was earlier considered by the FAC in its meeting held on 25.01.2018 recommending the grant of In-principal approval for the diversion of 1552.81 ha (1576.81 – 24 = 1552.81 ha) of the Forest Land subject to general and specific conditions. The User Agency submitted the representation requesting to modify the FAC conditions. With the approval of competent authority, the matter was referred to the State Government for comments. The State Government submitted their reply vide letter No. FCA-1014/10-11/14/S.F-66/F dated 26.07.2018. The proposal in the light of the comments received from State Government, was again placed before FAC in its meeting on 30.08.2018 as an agenda item. The FAC after thorough deliberation and discussion constituted a Sub-Committee to visit APSEZ site and submit a report to FAC for further action within 10 days.

The sub-committee visited the site on 6-7 September, 2018 and had on-site discussions with User agency and officials of State Forest Department. The report of the sub-committee was submitted to FAC. The details of the report are as follows:

Page 25 of 45

