

**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**(Forest Conservation Division)**

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**Indira Paryavaran Bhawan,**  
Jorbagh Road, Aliganj,  
New Delhi – 110003

**Dated: 2<sup>nd</sup> March, 2021**

To,

**The Addl. Chief Secretary (Forests),**  
Department of Forests,  
Government of Himachal Pradesh,  
Shimla.

**Sub: Proposal for seeking prior approval of the Central Government under Forest (Conservation) Act, 1980 for non-forestry use of 54.668 ha. of forest land for extraction of sand, stone and bajri from bed of river Yamuna mining project by Randeep Singh, Mauza and Mohal Bhagani, District Sirmour, within the jurisdiction of Paonta Forest Division, District, Sirmour Himachal Pradesh (Online Proposal No. FP/HP/MIN/34137/2018)- regarding.**

Sir,

I am directed to refer to the Himachal Pradesh, Forest Department letter No.Ft.48-3758/2018 (FCA) dated 18<sup>th</sup> January, 2020 on the above mentioned subject, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the State Government of Himachal Pradesh and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby conveys the **Stage-I / In-principle** approval under Section 2 of the Forest (Conservation) Act, 1980 for diversion of 54.668 ha. of forest land for extraction of sand, stone and bajri from bed of river Yamuna by Sh. Randeep Singh in Mauza and Mohal Bhagani, District Sirmour, within the jurisdiction of Paonta Forest Division, District Sirmour Himachal Pradesh, subject to the following conditions:

**A: Conditions which need to be complied prior to submission of proposal for Stage-II approval:**

- i. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the state concerned;
- ii. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for

subsequent years;

- iii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- iv. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
- v. As per DSS analysis, out of total proposed C.A area, 3 ha of land is classified as Very Dense Forest, 4 ha of land is classified as Moderately Dense Forest. Therefore, the State Government shall identify degraded/open forest/non-forest land in lieu of above mentioned VDF and MDF for taking up C.A. The kml files of the CA areas be uploaded on the portal;
- vi. The complete compliance report of each and every condition laid down in this approval shall be uploaded on e-portal ([parivesh.nic.in](https://parivesh.nic.in/)).
- vii. The complete compliance of the FRA, 2006 shall be ensured.
- viii. The State Government shall certify that no plantation/afforestation under any scheme/plan/program has been undertaken in the past ten years over the degraded forest land identified and accepted for carrying out compensatory afforestation.
- ix. The State Government shall upload kml files of the polygons of forest area under diversion and degraded forest area identified and accepted for raising compensatory afforestation, in the E-Green watch portal.
- x. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;

**B: Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:**

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *Extraction of minor minerals shall be carried out manually. Further, the State Government shall ensure that there is no erosion and change in river course due to extraction/collection of sand, stone and Bajri from the riverbed. All Guidelines of Ministry of Environment, Forest and Climate Change issued in respect of extraction/collection of sand, stone and Bajri from the river-bed shall also be followed.*
- iii. *The extraction of minor mineral shall be as per DSR study report and the annual quantity shall not exceed the average of extractions in the years of 2013-14 to 2015-16;*

- iv. ***Bamboo plantation shall be raised between the mining area in the river bed and the nearby agricultural fields on the river bank to avoid erosion of agriculture field at the project cost;***
- v. Extraction of minor minerals when permitted shall be from the middle of the riverbed after leaving one fourth of the river bed on each bank untouched;
- vi. Forest land will be handed over only after required non-forest land for the project is handed over by the user agency;
- vii. Compensatory Afforestation shall be raised over double the degraded forest land i.e. 110.0 ha. within three years from the date of Stage –II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified DFL;
- viii. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- ix. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- x. User agency either himself or through the State Forest Department shall undertake afforestation on degraded forest land, at project cost, one and half time in extent to the area used for safety zone;
- xi. Period of diversion of the said forest land under this approval shall be for a period of 15 years and co-terminus with the period of the mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- xii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xiii. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xiv. The boundary of the diverted forest land, mining lease and safety zone, as applicable, shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
- xv. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xvi. No damage to the flora and fauna of the adjoining area shall be caused;
- xvii. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government;
- xviii. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
- xix. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- xx. The user agency shall comply all the provisions of the all Acts, Rules,

Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the State Government of Himachal Pradesh final / stage-II approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the said forest land to the user agency shall not be effected by the State Government of Himachal Pradesh till final/stage-II approval for its diversion is issued by this Ministry.

Yours sincerely,

*Sd/-*

**(Suneet Bhardwaj)**

Assistant Inspector General of Forests

**Copy to:**

1. The Principal Chief Conservator of Forests (HoFF), Government of Himachal Pradesh, Talland, Shimla.
2. The Regional Officer (Central), Integrated Regional Office (NCZ), Shimla.
3. The Nodal Officer, (FCA), Forest Department, Himachal Pradesh, Talland, Shimla.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.