

To

The Deputy Conservator of Forests,  
Paonta Forest Division,  
Paonta Sahib (HP).

Subject: Diversion of 17.311 ha. Forest land for extraction of Sand, Stone and Bajri from Yamuna Riverbed area, within the jurisdiction of Paonta, Sahib Forest Division, Distt Sirmour, HP (Online No. FP/HP/MIN/ 30477/2017).

Please in reference of IRO office No. Letter No. 1/7841/2022 dated 25.03.2022, received through your good office on FCA portal and your office letter No. 2412 dated 13.08.2024, now all observations at the level of user agency attended and point-wise reply along with supporting documents are given as under: -

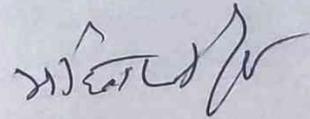
1. The component proposed in the proposal viz. mining, safety zone/green belt area, infrastructure area etc. has already mentioned in B. 2.4 of part-I of FCA portal.
2. The land involve in approach road from the proposed mining site is non-forest land (private land), which adjoin with this proposed mining lease and already demarcated by the Forest Kanungoo.
3. The DSR report into the matter already submitted by Mining Officer, District Sirmour as per consonance of District Survey Report and also conforms to the DSR (as per guidelines issued by the MoEF & CC in 2016 and 2020.
4. The reply of point No. 4 is pertaining to CA site as proposed by your office, kindly may submitted the reply at your level please.
5. The state mining authority has already recommended the area for mining lease in the Yamuna river in my approved mining plan and the same auctioned area also recommended in DSR report. Being a river bed area this river gets recharged annually by the natural water flow. Therefore, there is no adverse impacts on Yamuna River.
6. The distance of proposed site from Assan wetland land is already examine by concerned wildlife wing and clearly stated that there is no possibility f any adverse impact on above conservation reserve by this proposed mining. Following points may also consider with support of this context please.
  - (A). The Distance for the proposed site of to the Assan Wetland Conservation reserve is 4 Km. and there is no impact of mining. (Distance certificate of the same enclosed) Annexure -1
  - (B) copy of the Revised guidelines of the wild life division, MOEF stating i.e. mining project located within conservation reserve, do not require consideration by me standing committee of NBWL(Annexsture-2)

(C) Copy of the 57<sup>th</sup> meeting of the standing committee of NBWL, The mining project outside wetland conservation reserve do not require NOC from NBWL ie. Cases were send book for necessary action to the state of Uttrakhand (Annexture-3).

(D) Copy of joint affidavit by the MOEF & NBWL stating no need of NOC for Assan Conservation Reserve (above conservation reserve): (Annexture-4)

7. The Exact Arial distance from the ESZ of Col. Sherjung National Park is shown in map and attached in addition information of part-I of FCA portal.

It is, therefore, requested that necessary approval may kindly be got obtained from the competent authority for diversion of said land in my favour please.



User agency

m/s MOHINDER SINGH & COMPANY  
Kunja Matralion, Paonta Sahib,  
Distt. Sirmour (H.P.)



कार्यालय: मुख्य वन्यजीव प्रतिपालक, उत्तराखण्ड, देहरादून।  
85, राजपुर रोड, 0135-2742884 Fax No. 0135-2745691 Email: cwlwua@yahoo.co.in

दिनांक, 20 नवम्बर 2020

पत्रांक- 1526 /12-1

सेवा में,

नॉडल अधिकारी/  
अपर प्रमुख वन संरक्षक (एफ0सी0ए0),  
हिमाचल प्रदेश।

विषय-

Diversion of 17.311 ha. Forest land in favour of Mahinder Singh and company Mining Project for the sand stone and Bajri Mining Project, within the jurisdiction of Paonta Forest Division, Distt. Sirmour, H.P. (Online No. FP/HP/MIN/34095/2018)

संदर्भ-

आपका पत्रांक-Fl. 48-3752/2018 (FCA) दिनांक 4 सितम्बर 2020

सहोदय,

उपरोक्त विषयक सन्दर्भित पत्र के क्रम में अवगत कराना है कि Project Proposal के अन्तर्गत चुगान हेतु चिह्नित क्षेत्र आसान बैराज, कन्जरवेशन रिजर्व से 4 कि०मी० की दूरी पर है तथा चुगान करने से उक्त कन्जरवेशन रिजर्व से किसी प्रकार का कोई दुष्प्रभाव की आशंका नहीं है। चूंकि चुगान कार्य मैन्युअली किया जाना प्रस्तावित है। अधोहस्ताक्षरी को उक्त प्रस्ताव से कोई आपत्ति नहीं है।

भवदीय,

(जे०एस० सुहाग)

मुख्य वन्यजीव प्रतिपालक,  
उत्तराखण्ड, देहरादून।

पत्रांक 1526 /तददिनांकित।

प्रतिदिपि-प्रभागीय वनाधिकारी, भूमि संरक्षण वन प्रभाग, कालसी को उनके पत्रांक-824 /12-1, दिनांक 20 नवम्बर 2020 के क्रम में सूचनार्थ प्रेषित।

(जे०एस० सुहाग)

मुख्य वन्यजीव प्रतिपालक,  
उत्तराखण्ड, देहरादून।



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ANNEXURE-  
REVISED GUIDELINES  
NBWL  
ANNEX-2

**F.No.6-30/2019 WL (Part)**  
Government of India  
Ministry of Environment, Forest and Climate Change  
Wildlife Division

2nd Floor, Vayu Wing,  
Indira Paryavaran Bhawan,  
Jor Bagh Road, New Delhi 110003.

Date: 30<sup>th</sup> January, 2023

To

1. The Principal Secretary (Forests), All States/ UTS
2. The Chief Wild Life Warden, All States/ UTS
3. The PCCF, All States/ UTS

**Sub:** Revised guidelines for seeking recommendations of Standing Committee of National Board for Wild Life for activities in protected areas- reg.

Sir/Madam,

Reference is invited to the Ministry's guidelines for seeking recommendations of Standing Committee of National Board for Wild Life for activities in protected areas issued vide letter of even no. dated 21<sup>st</sup> July, 2022.

2. In this regard, it is mentioned that the provisions 36A (2) of Wild Life (Protection) Act, 1972 related to Conservation Reserve specifically provides that: "...sub-section (2) of section 18, sub-section (2), (3) and (4) of section 27, section 20, 32 and clauses (b) and (c) of section 33 shall as far as may be, apply in relation to the Conservation Reserve as they apply in relation to a sanctuary".
3. It is also mentioned that the Section 29, which provides for consultation with State Board for Wild Life for activities within a Sanctuary, and Section 35(6), which provides for similar consultation for National Parks, but with the National Board for Wild Life, are very specific for those categories of PAs. Such provisions do not exist in Wild Life (Protection) Act, 1972 in respect of the Conservation Reserve and Community Reserve and State Government were accordingly empowered to take necessary steps for protection and preservation of Conservation Reserves and Community Reserves.

SUDHEER  
CHINTALAPATI

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CHINTALAPATI  
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4. In this context, as per the revised Guidelines dated 21<sup>st</sup> July, 2022 (copy enclosed), projects/activities proposed to be located within Conservation Reserves notified under the Wild Life (Protection) Act, 1972 do not require consideration by the Standing Committee of National Board for Wild Life.

This issues with the approval of competent authority.

Yours faithfully,

SUDHEER  
CHINTALAPATI  
(Dr. Sudheer Chintalapati)  
Scientist 'E'  
Email: adwl-mefcc@gov.in

Digitally signed by SUDHEER  
CHINTALAPATI  
Date: 2023.01.30 17:55:01  
+05'30'

**Copy to:**

1. PSO to DFG&SS, MoEF&CC
2. PSO to ADGF (WL), ADG(NTCA), MoEF&CC
3. PPS to IGF(WL)/IGF(PE)/IGF(NTCA), MoEF&CC
4. Sr. PPS to DIG(WL), MoEF&CC

SUDHEER  
CHINTALAPATI  
(Dr. Sudheer Chintalapati)  
Scientist 'E'  
Email: adwl-mefcc@gov.in

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CHINTALAPATI  
Date: 2023.01.30 17:55:35



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

ANNEXURE - A - 6  
57<sup>th</sup> MEETING - NBWL  
6<sup>th</sup> Floor, Vayu Wing  
Indira Paryavaran Bhawan  
Jor Bagh Road, Aliganj  
New Delhi 110 003  
Date: 11.06.2020

pg-3,

F.No.6-2/2020 WL

To

All Members  
Standing Committee of NBWL

**Sub:** Minutes of Agenda (Part) of the 57<sup>th</sup> Meeting of the Standing Committee of National Board for Wild Life Deliberated by Circulation- reg.

Sir / Madam,

Kindly find enclosed copy of the Minutes of Agenda (Part) of the 57<sup>th</sup> Meeting of the Standing Committee of National Board for Wild Life deliberated by circulation.

Yours faithfully,

(Dr Pasupala Ravi)  
Scientist C

Encl: As above

**Distribution**

- (1) Secretary, MoEF&CC
- (2) DGF&SS, MoEF&CC
- (3) ADGF(WL), MoEF&CC
- (4) ADGF(FC), MoEF&CC
- (5) Member Secretary, NTCA
- (6) Director / IGF, PE Division
- (7) Director, WII, Dehradun
- (8) Director, GEER Foundation, Gandhinagar
- (9) Dr. R. Sukumar, Member, NBWL
- (10) Dr. H.S. Singh, Member, NBWL
- (11) Pr. Secretary, Forest Dept., Govt. of Andhra Pradesh

**Copy to**

- (1) PS to Hon'ble MoEF&CC
- (2) PS to Hon'ble MoSEF&CC
- (3) PPS to DGF&SS, MoEF&CC
- (4) PPS to Addl.DGF(WL), PPS to IGF(WL)
- (5) CWLW Bihar / CWLW Madhya Pradesh / CWLW Rajasthan / CWLW Uttarakhand

*Sudhakar*

## Minutes of Agenda (Part) of the 57<sup>th</sup> Meeting of the Standing Committee of National Board for Wild Life Deliberated by Circulation

The following Agenda Items along with the fact sheets after consent from the competent authority were circulated amongst the Members of the Standing Committee of National Board for Wild Life. List to whom Agenda circulated is in Annexure I. The matter was also considered by the DGF&SS, Secretary and the Chairman of the Standing Committee.

### 54.4.21 Proposal for use of 11.115 ha of land (forestland: 2.565 ha + civil soyam land: 8.190 ha) construction of Kotgaon (Naitwar) to Kalap Motor road, Uttarakhand State

The proposal is for use of 11.115 ha of land (8.190 ha of civil soyam land + 2.565 ha forestland) for construction of new road from Kotgaon to Kalap Motor road passing through Govind Pashu Vihar National Park. The State Chief Wildlife Warden has recommended the project without imposing conditions. The State Board for Wild Life has recommended the proposal in its meeting held on 15/06/2018. The proposal was considered in the 54<sup>th</sup> meeting held on 18<sup>th</sup> July 2019 wherein it was decided to deliberate discussions in the forthcoming meeting in the light of the guidelines for roads in protected areas issued by the Ministry. In the 54<sup>th</sup> meeting Dr H S Singh, Member stated that as per the recommendations of "the Sub-Committee on Guidelines for Roads in Protected Areas" new roads shall not be constructed inside the National Parks and Sanctuaries. The Standing Committee in its 54<sup>th</sup> meeting noticed that the Chief Wildlife Warden / or representative from the State Forest Department was not available to comment on the proposed road.

The Standing Committee in its 56<sup>th</sup> meeting held on 17<sup>th</sup> December 2019 decided that a committee comprising of two officials from the Wildlife Division of the Ministry and two officials from the State Forest Department would visit the project site and submit report to this Ministry within one month. Accordingly the Site Inspection Committee visited the project site on 18 - 20<sup>th</sup> March, 2020 and submitted report on 31<sup>st</sup> March, 2020. The Site Inspection Committee recommended the project with strict adherence to the following mitigation measures and conditions:

- [1] Among the three alignments explored for the construction of road, the committee is convinced that the Alignment-1 requiring 2.565 ha of sanctuary land is the most practical with least conversation impact and geotechnical / geological, economic and social viability. The user agency shall not use the area for the proposed road work other than the area permitted.
- [2] The project authority should not violate any regulatory provisions under Section-9, 17, 27, 29, 30, 31 and 32 of Wild Life (Protection) Act, 1972. The project proponent shall fell barest minimum number of trees without any disturbance or harm or destroy wildlife.
- [3] The user agency shall not establish any temporary or permanent labour camp in Govind Pashu Vihar National Park and Sanctuary. Also the project proponent or his

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compliance certificate shall be submitted by the State Chief Wildlife Warden to Govt. of India.

✓ 54.4.25 Proposal for picking of balu / bajri / boulder mine at village Dhhakrani, ehsil Vikas Nagar, District Dehradun from the private land of 2.5893 ha area located at 2.35 km away from Asan Wetland Conservation Reserve, Uttarakhand State

✓ 54.4.26 Proposal for picking of balu / bajri / boulder mine from an area of 3.1250 ha at Village Dhakrani, Tehsil Vikasnagar, District Dehradun, Uttarakhand State

✓ 56.3.23 Proposal for picking of Balu / Bajri / boulder mine at village Dhhakrani, Tehsil Vikas Nagar, District Dehradun from the private land of 1.93 ha area located at 4.14 km away from Asan Wetland Conservation Reserve, Uttarakhand State

These three proposals are for the collection of balu, bajri and boulder in the private lands located at 2.35 to 4.14 KM away from the boundary of Asan Wetland Conservation Reserve. These proposals were considered in the 54<sup>th</sup> meeting held on 18<sup>th</sup> July 2019 wherein it was decided to deliberate discussions in the forthcoming meeting. The proposals were also considered by the Standing Committee in its 55<sup>th</sup> and 56<sup>th</sup> meetings however the Standing Committee decided not to recommend the project till the conditions given below are complied and certified by the State Chief Wildlife Warden.

- (a) The project proponent mandatorily comply all the requirements envisaged in the guidelines named *Sustainable Sand Mining Management Guidelines, 2016* issued by the Ministry.
- (b) The project proponent will comply with all the conditions imposed by the State Chief Wildlife Warden.
- (c) The annual compliance certificate on the stipulated conditions should be submitted by the project proponent to the State Chief Wildlife Warden and an annual compliance certificate shall be submitted by the State Chief Wildlife Warden to Govt. of India.
- (d) A committee constituted by the Ministry to provide guidelines on mechanism of extraction of sand / river bed materials.

The Spl. Chief Secretary of Andhra Pradesh, Member stated that the matters pertaining to outside the conservation reserves do not come under the ambit of the Standing Committee of National Board for Wild Life. He stated that this fact may be informed to State Chief Wildlife Warden of Uttarakhand.

Prof R. Sukumar, Member stated that over the years, a large number of such proposals for sand/boulder mining have come from Uttarakhand, with most of them pertaining to rivers/streams close to the Rajaji National Park. Following the release of the *Sustainable Sand Mining Management Guidelines 2016*, the issue of sustainable mining at individual sites may be satisfied provided that these guidelines are strictly followed.

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However, the cumulative impact of such mining across the landscape on the PA and its wildlife is not clear. He urged that a study of cumulative impacts of sand / boulder mining in this Uttarakhand landscape is commissioned by the Uttarakhand Forest Department so that corrective measures can be taken in case of necessity. This will also help identifying areas which should be kept free of mining in this landscape in the interests of wildlife.

Dr H S Singh, Member stated that during the previous meetings of the Standing Committee, numerous such proposals have been cleared. Majority of them pertained to Rajaji National Park. Majority of the new proposal also pertains to Rajaji National Park. In one of the meeting, the Chairman suggested to consider proposals only when satellite image-based map provide details of the sands/boulders yield. It was also suggested that the principle of sustainability should be applied while sanctioning the proposal. The fact sheet does not mention anything about response to the suggestion. Few proposals may not have serious impact on ecology, ground water recharge and wildlife disturbance, but when several dozen miners work in the river beds around the Park, and hundreds, may be thousands of trucks move every day for transport of the material, the anthropogenic pressure and ecological degradation would be serious. I suggest conducting a comprehensive study for appropriate action and also for consideration of proposals in future.

The Standing Committee opined that the consideration of the projects located outside the Asan Wetland Conservation Reserve is not required. It was decided to return these proposals to the State Govt to process in the State as per the local laws / regulations applicable and with an advise that the MoEF&CC's guidelines on Enforcement and Monitoring Guidelines for Sand Mining 2020 issued in January, 2020 and Sustainable Sand Mining Management Guidelines, 2016 must be kept in mind.

- 54.4.27 Proposal for collection river bed materials from an area 10.0 ha located at Sajjanpur Village, Haridwar falls at distance of 9.0 km away from the boundary of Rajaji National Park, Uttarakhand State**
- 54.4.28 Proposal for collection river bed materials from an area 92.504 ha located at Budhwa - Shahid, Hetampur falls at distance of 3.9 km away from the boundary of Rajaji National Park, Uttarakhand State**
- 55.4.21 Proposal for collection river bed materials from an area 55.51 ha located at Satiwal, Kudkawala, Teliwala and Kheri, falls at distance of 1.5 km away from the boundary of Rajaji National Park, Uttarakhand State**
- 56.3.24 Proposal for wildlife clearance for collection of sand, bajri and boulder from Non-PA area of 13.985 ha situated at Village Dadubas, Tehsil Haridwar, District Haridwar located at 4.8 KM away from the boundary of Rajaji National Park, Uttarakhand State**
- 56.3.25 Proposal for wildlife clearance for collection of sand, bajri and boulder from non-PA area of 42.0 ha situated at Village Kota Murandnagar, Tehsil Haridwar, District Haridwar located at 2.0 KM away from the boundary of Rajaji National Park, Uttarakhand State**

IN THE HON'BLE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
IA No 157782 of 2023  
WRIT PETITION (CIVIL) NO 202 OF 1995

IN THE MATTERS OF:

T.N GODAVARMAN THIRUMULPAD .....Petitioner

VERSUS

UNION OF INDIA & ORS. ....Respondents

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**IN THE HON'BLE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**  
IA-NO 157782 OF 2023  
**WRIT PETITION (CIVIL) NO 202 OF 1995**

**IN THE MATTERS OF:**

**T.N GODAVARMAN THIRUMULPAD .....Petitioner**

**VERSUS**

**UNION OF INDIA & ORS. ....Respondents**

**COUNTER AFFIDAVIT ON BEHALF OF UNION OF INDIA,**  
**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE**  
**CHANGE (RESPONDENT NO 1) AND NATIONAL BOARD OF**  
**WILDLIFE (RESPONDENT NO 2)**

I, Sudheer Chintalapati, aged about 40 years, having office  
at Indira Paryavaran Bhawan, Ministry of Environment,  
Forest and Climate Change (hereinafter referred as  
MOEFCC), New Delhi do hereby solemnly affirm and state



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✓ 20. It is submitted that as per the provisions contained in the Act, the activities/proposals in the conservation reserve do not do not require consultation /approval /recommendation by the NBWL/SCNBWL.

✓ 21. It is further submitted that, three proposals for the collection of balu, bajri and boulder in the private lands located at 2.35 to 4.14 KM away from the boundary of Asan Wetland Conservation Reserve. The SCNBWL in its 57th meeting opined that the consideration of the projects located outside the Asan Wetland Conservation Reserve is not required and decided to return these proposals to the State Government to process in the State as per the local laws / regulations applicable and with an advice that the MoEF&CC's guidelines on Enforcement and Monitoring Guidelines for Sand Mining 2020 issued in January, 2020 and Sustainable Sand Mining Management Guidelines, 2016

