

राजस्थान सरकार

कार्यालय सहायक खनि अभियन्ता, खान एवं भू-विज्ञान विभाग, रूपवास

क्रमांक :- सखअ/रूप/रि.अ./ढायवर्जन/2023/1383

दिनांक- 02/06/2023

श्रीमान उप वन संरक्षक,
भरतपुर ।

Subject: Diversion of 248.5515 ha of forest land in favour of DMG, Rajasthan in Pahadpur Block A & B for mining and generation of employment and generation of District in the State of Rajasthan (FP/RJ/MIN/149012/2021)- regarding.

प्रसंग:- भारत सरकार पर्यावर वन और जलवायु परिवर्तन मंत्रालय (एफसी डिवीजन), नई दिल्ली के पत्र दिनांक 19.05.2023 के सम्बन्ध में।

महोदय,

उपरोक्त विषयान्तर्गत निवेदन है कि प्रासंगिक पत्र में परियोजना हेतु प्रस्तावित 248.5515 हैक्टेयर वन क्षेत्र को कम कर 189.2515 हैक्टेयर वन क्षेत्र बाबत प्रत्यावर्तन में खान विभाग से सम्बन्धित बिन्दुओं की अनुपालना रिपोर्ट अग्रिम कार्यवाही हेतु प्रेषित है।

संलग्न:- बिन्दुवार पालना रिपोर्ट ।



(देवेन्द्र चौहान)

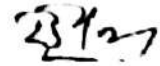
सहायक खनि अभियन्ता,
रूपवास, भरतपुर

क्रमांक:- समसंख्यक /1384-1385

दिनांक- 02/06/2023

प्रतिलिपि निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है:-

1. श्रीमान अतिरिक्त प्रधान मुख्य वन संरक्षक, प्रोटेक्शन एवं नोडल अधिकारी (एफ.सी.ए.), राजस्थान, जयपुर को प्रासंगिक पत्र के क्रम में ।
2. श्रीमान अतिरिक्त निदेशक (खान सत.) (पर्यावरण एवं विकास), खान एवं भूविज्ञान विभाग, उदयपुर



सहायक खनि अभियन्ता,
रूपवास, भरतपुर

S. No.	Observations from Forest Department	Compliance
1	The proposal has now been revised from 248.5515 ha. to 189.2515 ha. excluding the total forest area of 59.30 ha area i.e. 15.30ha forest land which falling in the Eco-Sensitive Zone of Bandh-Baretha WLS and 44ha lease area due to some stay order. However, the details of the court case and the copy of the Stay Order have not been provided. A detailed report in this regard shall be submitted.	The 44 hectares area belongs to the Pashan Utpadak Sahkari Samiti (Petitioners) filing a Civil suit bearing No. 8028/2004 before the H'ble High Court (Rajasthan) and obtained a injunction order on 03.12.2004 restraining the State Govt. to maintain STATUS QUO and this STATUS QUO is active in present. Copy of the Stay order is enclosed as Annexure-1A & 1B.
2	The State Government shall also inform whether the area of 44 ha. Deleted from the diversion proposal due to stay order is required for non-forestry use by the user agency in future. KML file for the areas of 15.30 ha and 44 ha. Proposed to be deleted from the original diversion proposal shall also be furnished.	KML file rectification done & uploaded on PARIVESH portal.
3	Additional Compensatory Afforestation (CA) sites have now been proposed and the CA area earlier proposed on DFL has been deleted. The CA Scheme uploaded on PARIVESH portal mentions that the area now proposed for Compensatory Afforestation (CA) are not a part of any land bank. Whereas, it has been mentioned by the DCF in his SIR that the CA area proposed is part of the area handed over to forest department for future diversion proposals. The State Govt shall therefore clearly specify the legal status of the areas proposed for Compensatory Afforestation. In case, CA area is a part of some land bank, the detail of the proposal wise area utilized for CA so far and the balance area	This point related to the forest department and details will be provided by the DCF Bharatpur.

	shall also be provided.	
4	The detailed CA scheme along with the site suitability certificate for CA land has not been provided. In this regard the CA scheme duly giving the details of number of patches, patch wise area, legal status of the land with documentary evidence and other requisite details along with site suitability certificate is required to be submitted.	This point related to the forest department and details will be provided by the DCF Bharatpur.
5	Some non-forestry activities like Mining have been observed in the proposed CA patches, which needs clarification.	<p>Few parts of the proposed CA patches were having the legal mining leases in recent past in Sikari NFL. This area transferred to forest department by State govt. Notification dated 21.07.2022 and converted into forest land by notification dated 10/08/2022.</p> <p>After that These legal Mining leases were premature terminated and handed over to the forest department by the state Government of Rajasthan on dated 18/08/2022.</p> <p>Thus non-forestry activities like Mining etc. observed in the proposed CA patches are the past activities. In present no non-forestry activities is going at that places.</p>
6	The State shall ensure that the areas proposed for Compensatory Afforestation are free from all encumbrances and a certificate to this effect shall be submitted.	Enclosed as Annexure – 2.
7	Based on the observation vide point (iv) in Ministry's letter of even no. Dated 24.08.2022, the State Govt. has now uploaded the KML file of Safety zone on PARIVESH portal and analysis of the same through GIS-DSS tool revealed that the	<ul style="list-style-type: none"> Paharpur forest area in BLOCK A & B having total 646.56 ha area cumulatively. Out of this 398.0085 ha area already diverted & delineated and approach road & safety zone of this area

	<p>safety zone has not been proposed all around the Mining lease. This needs clarification.</p>	<p>is mentioned in Proposal No – FP/RJ/MIN/125712/2021 dated 13.04.2021.</p> <ul style="list-style-type: none"> Currently applied area (189.2515 ha) for diversion is the part of the Paharpur forest area in BLOCK A & B and shared boundaries with the already diverted land and no other safety zone required in between the mining zone, That's the reason safety zone has not been proposed all around the Mining lease. <p>Map Enclosed as Annexure – 3.</p>
8	<p>It is observed in the revised Mining plan that the non-site-specific activities like Top soil Dump (4.0 ha.), Dumps (7.50 ha.), Infrastructure (2.50 ha.) are proposed to be carried out in forest land. The State shall explore and carry out the non-site-specific activities on non-forest land.</p>	<ul style="list-style-type: none"> Applied area (189.2515 ha) is having 4 existing mine lease of 138.5003ha and remaining area will be delineated in various leases & E-Auction after forest diversion. Mineral excavation, Top soil & waste generation are the main component of the mining activities and these are the site specific activities. Top soil shall be stack separately and utilized for plantation purpose by each mining lease. Whereas waste will be generated during the mining activities and lots of waste are used for preparation of haul roads. Unused/unsold quantity of Waste will be stacked temporarily at ear marked site of each mine lease and, if at the end of the life of the mine any quantity remains, finally it will be

		<p>stabilized through plantation or backfilling material.</p> <ul style="list-style-type: none"> Each mine lease is belongs to the different mine holder's that's why each mine having their own infrastructure like as offices, rest shelter, workshop etc. This is also a site specific activity.
9	In addition, 3.3049 ha. Forest area in the mining plan is shown as area not to be utilized. In case the area is not to be utilized, there seems to be no justification for including the same in diversion proposal.	<p>Mining leases in the forest land will be granted for 50 years and Mining Plan is prepared only for Next five years as per provisions made under Rule No 29 of Rajasthan Minor Mineral Concession Rule'2017.</p> <p>Therefore the 3.3049 ha forest area also having the sandstone mineral, this will be utilized after 5 years.</p>
10	30 ha forest land has been designated for Green Belt in the mining plan. However its location within the mining lease is not provided. Moreover, the purpose-wise and component-wise Geo-reference/KML file including proposed Green Belt is not submitted. Therefore, the component-wise layout of the area proposed for diversion along with the KML file shall be uploaded on PARIVESH Portal.	<ul style="list-style-type: none"> The area 30 ha land designated for Green Belt in the mining plan is the part of the forest land as well as the outside area of forest land. As per the Mine plan plantation proposals made for the 30 ha area (on the page no – 24 & 25) at the following Places:- <ul style="list-style-type: none"> ➤ Nearby area of the school ➤ At the Dump & Soil cover ➤ 7.5 meter Statutory barrier of the individual lease area ➤ Along the village Road Side & Place notified by Gram Panchayat ➤ Plantation Zone of Paharpur Cluster Area.

		<ul style="list-style-type: none">• 7.5 meter statutory boundary barrier of different mining leases of the applied area will be finalized after diversion & delineation the mining blocks in the applied area.• Therefore KML file for proposed Green Belt is not to be prepared at this stage.
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**Assistant Mining Engineer
Department of Mines & Geology
Govt. of Rajasthan, Roopwas**

107 314
Certified copy of order dt. 3.12.2004.

In the Highcourt of Judicature for Rajasthan
Jaipur Bench, Jaipur.

...

S.B.civil writ petition no.8028/2004

Pashan Utpadak sahkari Samiti Ltd, Mahalpurchura
Having office at prem villa Neemda Gate
Bharatpur distt. Bharatpur through member
shri Lal singh son of shrimchar singh resident
of Gram Khorl Teh. Roopwas distt. Bharatpur
presently residing at Puspvatika colony, Bharatpur
Distt. Bharatpur.

...Petitioner

V/s.

1. State of Rajasthan through collector
Bharatpur Distt. Bharatpur.
2. The secretary,
Mining department Rajasthan Secretariat
Building Jaipur.
3. Director Mines and geology Department
Khanji Bhawan, Udaipur.
4. Superintending Mining Engineer Bharatpur
Distt. Bharatpur.

cont.

5. Mining Engineer, Bharatpur.
Distt. Bharatpur.

... Respondents

S. B. civil writ petition

Under article 226

of the constitution of India

AND

In the matter of illegal cancelling
the lease of mining.

AND

In the matter of minor Mineral
concession rules 1986.

AND

In the matter of article 14 and 19 of the
constitution of India.

....

3.12.2004.

Hon'ble Mr. K. S. Rathore, J.

Mr. K.K. Sharma for the petitioner

Mr. G.S. Gill AAG, caveator.

Learned counsel for the state Mr. G.S. Gill
AAG seeks appearance as a caveator, time
is granted.

Put up on 9.12.2004 after showing the
names of G.S. Gill AAG.

Till then parties are directed to maintain
status quo as exist today.

sd/-

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 8028/2004

Pashan Utpadak Sahakari Samiti

----Petitioner

Versus

State Of Raj And Ors

----Respondent

Connected With

S.B. Civil Contempt Petition No. 32/2005

Pashan Utpadak Sahkari Samiti

----Petitioner

Versus

Laxmi Narain Deve

----Respondent

For Petitioner(s) : Mr. Bipin Gupta, through V.C.
For Respondent(s) : Mr. Ganesh Meena AAG, through V.C.
Mr. Mahesh Gupta, through V.C.

HON'BLE MR. JUSTICE SAMEER JAIN

Order

28/01/2022

Application for early listing is allowed.

List on 10.03.2022.

(SAMEER JAIN), J

JKP/6-7

Full Title of the Project-Diversion of 646.56 Hectare Forest land of Block A and B Banshi Paharpur Tehsil- Roopwas, Dist. Bharatpur

Proposal No. : FP/RJ/MIN/125714/2021

Date of Proposal : 05.03.2021

Applied Forest Area : 646.56 Hectare

Non-Encumbrance Certificate

बन्ध बरैठा वन क्षेत्र के बंशी पहाड़पुर ब्लॉक ए व बी खनन प्रभावित क्षेत्र 646.56 हेक्टेयर भूमि का प्रत्यावर्तन करवाने के एवज में लगभग दोगुना भूमि कनकांचल पर्वत वन क्षेत्र तहसील- कामां, जिला- भरतपुर विभिन्न खसरो (संलग्न- परिशिष्ट) में 1775.97 हेक्टेयर भूमि आरक्षित की गई है। इस भूमि में मौके की स्थिति अनुसार किसी प्रकार का कोई अवरोध अथवा विवाद नहीं है तथा वृक्षारोपण की दृष्टि से भी उक्त भूमि का क्षेत्र भी उपयुक्त है एवं विस्तार रूप से वृक्षारोपण का कार्य किया जा सकता है।



सहायक खनि अभियंता
रूपवास जिला भरतपुर

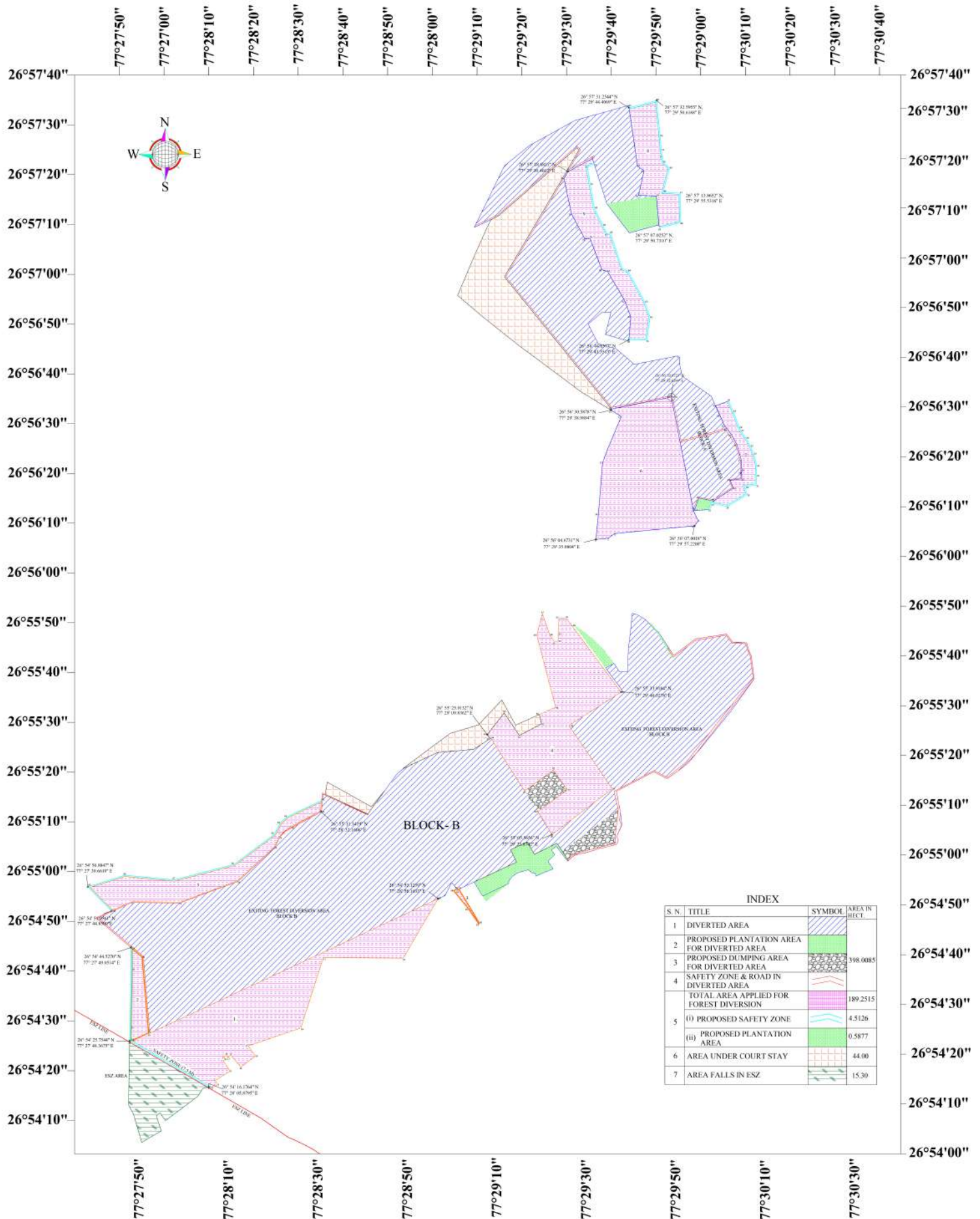


अतिरिक्त निदेशक खान (पर्यावरण एवं विकास), उदयपुर



सहायक खनि अभियंता
खान एवं भू-विज्ञान विभाग
रूपवास जिला भरतपुर

TITLE : PLAN SHOWING OF GEO REFERENCED MAP THE APPLIED FOREST DIVERSION AREA 189.2515 HECTARE OF BLOCK A & B N/V PAHARPUR TEHSIL ROOPWAS DISTRICT BHARATPUR



Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 19th May, 2023

To,

The Principal Secretary (Forests),
Department of Environment & Forests,
Government of Rajasthan,
Jaipur

Subject: Diversion of 248.5515 ha of forest land in favour of DMG,Rajasthan in Pahadpur Block A & B for mining and generation of employment and generation of District in the State of Rajasthan (FP/RJ/MIN/149012/2021)-regarding.

Madam/Sir,

I am directed to refer to the Government of Rajasthan's letter No. No.P.1 (137)VAN/ 2022 dated 21.04.2023 submitting their reply on Ministry's letter dated 24.08.2022. After examination of the response of State Govt., the following observations are made:

- i. The proposal has now been revised from 248.5515 ha. to 189.2515 ha. excluding the total forest area of 59.30 ha area i.e. 15.30 ha forest land which falling in the Eco-Sensitive Zone of Bandh-Baretha WLS and 44 ha lease area due to some stay order. However, the details of the court case and the copy of the Stay Order have not been provided. A detailed report in this regard shall be submitted.
- ii. The State Government shall also inform whether the area of 44 ha. deleted from the diversion proposal due to stay order is required for non-forestry use by the user agency in future. KML file for the areas of 15.30 ha and 44 ha. proposed to be deleted from the original diversion proposal shall also be furnished.
- iii. Additional Compensatory Afforestation (CA) sites have now been proposed and the CA area earlier proposed on DFL have been deleted. The CA Scheme uploaded on PARIVESH portal mentions that the area now proposed for Compensatory Afforestation (CA) are not a part of any land bank. Whereas, it has been mentioned by the DCF in his SIR that the CA area proposed is part of the area handed over to forest department for future diversion proposals. The State Govt shall therefore clearly specify the legal status of the areas proposed for Compensatory Afforestation. In case, CA area is a part of some land bank, the detail of the proposal wise area utilized for CA so far and the balance area shall also be provided.
- iv. The detailed CA scheme along with the site suitability certificate for CA land has not been provided. In this regard the CA scheme duly giving the details of number of patches, patch wise area, legal status of the land with documentary evidence and other requisite details along with site suitability certificate is required to be submitted.
- v. Some non-forestry activities like Mining have been observed in the proposed CA patches, which needs clarification.
- vi. The State shall ensure that the areas proposed for Compensatory Afforestation are free from all encumbrances and a certificate to this effect shall be submitted.

I/43838/2023

- vii. Based on the observation vide point (iv) in Ministry's letter of even no. dated 24.08.2022, the State Govt. has now uploaded the KML file of Safety zone on PARIVESH portal and analysis of the same through GIS-DSS tool revealed that the safety zone has not been proposed all around the Mining lease. This needs clarification.
- viii. It is observed in the revised Mining plan that the non-site specific activities like Top soil Dump (4.0 ha.), Dumps (7.50 ha.), Infrastructure (2.50 ha.) are proposed to be carried out in forest land. The State shall explore and carry out the non-site specific activities on non-forest land.
- ix. In addition, 3.3049 ha. forest area in the mining plan is shown as area not to be utilized. in case the area is not to be utilized, there seems to be no justification for including the same in diversion proposal.
- x. 30 ha forest land has been designated for Green Belt in the mining plan. However its location within the mining lease is not provided. Moreover, the purpose-wise and component-wise Geo-reference/KML file including proposed Green Belt is not submitted. Therefore, the component-wise layout of the area proposed for diversion along with the KML file shall be uploaded on PARIVESH Portal.

In view of above, the State Govt. is requested to furnish the information/clarification on the above points for further consideration of the instant proposal in the Ministry.

Signed by Suneet Bhardwaj

Date: 19-05-2023 18:44:03

Yours faithfully,

Sd/-

(Suneet Bhardwaj)

Assistant Inspector General of Forests

Copy to: -

1. The Principal CCF & (HoFF), Government of Rajasthan, Jaipur;
2. The Regional Officer, Integrated Regional Office of MoEF&CC, Jaipur, Rajasthan;
3. The Nodal Officer(FCA), O/o the PCCF, Government of Rajasthan, Jaipur;
4. User Agency;and
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi Delhi for uploading on PARIVESH portal.