

Sub: Proposal for seeking prior approval of the central Government under Section 2 of the Forest (Conservation) Act, 1980 for non-forestry use of 172.30 ha of forest land in favour of Cement Corporation of India Ltd (CCIL) for the renewal of Mining Lease of Manal Limestone Mine within the jurisdiction of Poanta Forest Division Distt. Sirmour of the State of Himachal Pradesh (Online Proposal No. FP/HP/MIN/9286/2013)

1. The instant proposal was approved by the Ministry vide letter No. 8-58/97-FC dated 22.03.1999.
2. As per the condition no. (viii) of the approval letter dated 22.03.1999 the lease period was valid for twenty years under the FCA, 1980 w.e.f. expiry of the previous lease and coterminous with lease under MMDR Act, 1957.
3. Now, the State Government of Himachal Pradesh vide letter No. Ft.48-130/1992 (FCA) dated 05.08.2020 (received in this office on 20.08.2020) has informed that the Chief Conservator of Forests Nahan has intimated the following compliance to the conditions stipulated in the final approval accorded by central govt. vide letter No. **8-58/97-FC** dated 22-03-1999:

S. No.	Conditions imposed by the GoI	Compliance status of the conditions
(i)	Legal status of forest land shall remain unchanged.	Legal status of forest land remain unchanged
(ii)	Compensatory afforestation will be carried out over double the degraded land at the cost of the project cost.	Compensatory afforestation has been carried out in Poanta Forest Division over an area of 344.60 ha during the year 1999-2000, 2000-01 & 2001-02
(iii)	In respect of 70 ha of forest land not recommended for diversion, it will be maintained for soil conservation works by project authority in association with the States Forest Department. The Project Authority will be permitted the existing right of way within this area. This condition will be monitored regularly by Conservator of Forest (C), Regional Office Chandigarh to achieve desired conservation objective consistent with the use forest land for non-forest purpose.	In respect of 70 ha of forest land not recommended for diversion, the soil conservation works (wire crates, retaining wall, garland drain etc.) have been carried out by the project authorities at Toti more Khala, Dadwa more, Near Kando village, Near Parhuram temple, below the site office area etc. over the period from 1999 onwards till 2019. Also, planting work has been carried out by the project authorities over an area of 24.50 ha w.e.f. 1999 to 2019
(iv)	The actual mining during the next renewal period of twenty year will be restricted to only 55 ha. of already broken up area. Release of fresh forest area for future mining activity will be based on the progress of reclamation and soil conservation works carried out by lessee in the lease area.	At present the actual/active mining is being carried out by CCI Ltd. Rajban in 55 ha of already broken up area
(v)	De-demarcation of mining lease area will be done on the ground at project cost using four feet high concrete pillars with Aerial number bearing and distance from pillar to pillar	The mining lease area of 172.30 ha had been demarcated on ground by Kanunngo (Forest) in the presence of Field staff of Paonta Forest range & project authorities during the year 2013 using 18 Nos. concrete pillars with serial No. KI to K18
(vi)	Reclamation of mining lease area and soil conservation measure will be undertaken at the project cost under the supervision of the State Forest Department.	As far as the reclamation work is concerned , the top soil from the broken up lease area has been collected and dumped at hill top. Presently, the area is under active mining and limestone is being extracted from the area. The soil conservation works have been undertaken by the project authorities by way of constructing retaining walls, drainage system, garland drain etc. along the haul road
(vii)	The user Agency will provide free fuel wood to labour and staff working on the project site so as to avoid any pressure on the adjacent forest area.	Needful is being done by the user agency as per the need of the labourers.

(viii)	The period of the permission under the Forests (Conservation) Act, 1980 will be for twenty years w.e.f. expiry of the previous lease and coterminous with lease under MMDR Act, 1957	Renewal of mining lease over 172.30 ha of forest land was approved u/s 2 of FCA, 1980 for a period of twenty years vide MoEF letter No. 8-58/97-FC dated 22-03-1999 and the lease period has expired on 02-08-2013 and as submitted by the user agency thereafter again renewed upto 31-03-2020 vide state Govt. order No. Udyog-Bhu (Khani-40 Major-315/2012-2211 dated 03-06-2015 issued by Commissioner Industries, in accordance with Ministry of Mines, Govt. of India order No. 1/2/2015-M.VI dated 06-02-2015.
(ix)	Enclosed Environmental safeguards will be strictly adhered to	Environment safeguards are being followed by the user agency for air and water monitoring according to General environment conditions such as ambient air quality monitoring at regular interval, regular water sprinkling at loading/ unloading/ transfer points, wet drilling, use of water spraying nozzle, providing noise protective equipments to labourers employed, regular monitoring of water quality etc
(x)	Any other condition which the State Government may stipulate from time to time in the interest of afforestation and protection of forests.	That as per the FC Act, 1980 Rule 2003 (Guidelines and Clarification) dealing with mining projects, wherein rule 7.3 (iv) it is mentioned that in case of existing mining lease having forest land in part or in full where approval under section 2 (ii) of the FC Act for a part of forest land only has been obtained, the GoI, MOEF & CC vide letter No. 11-1/2015-FC dated 01-04-2015, regarding extension of period of validity of approvals accorded under the FCA, 1980 for diversion of forest land for mining projects subject to the conditions that State Govt. shall realize the NPV from the user agency of the forest land for which period of validity of approval under the FC Act has been extended, in case the same has not already been realized and deposited in Adhoc CAMPA

5. As far as the realization of NPV is concerned the user agency has submitted that out of 172.3 ha lease area originally diverted vide letter No. 8-58/97-FC dated 22-03-1999, only a part of 55.0 ha area has been broken up and rest of the area has been left intact. The condition of restricting the mining work in 55 ha has also been incorporated in mining lease signed by CCI with the industry department and even the 55 ha area has not been fully utilized for mining, the extent of area in which actual mining is done is 16.9927 ha (same has been approved in the mining plan by India Bureau of Mines vide letter No. 614(2)/MS-A-182/09-DDN dated 11-07-2018). Based on this CCI authorities have requested to restrict the levy of NPV on 16.9927 ha area only.
6. The request of the user agency regarding the renewal and relaxation in NPV has been forwarded by the State. The User agency has requested to pay NPV either on the broken area 16.9927 ha as per mining plan or on 55 ha as per diverted area in installments with time extension and an order confirming the extension of Forest Clearance of Manal Lime Stone Mine up to 02.08.2023 i.e. up to a period co-terminus with the period of mining lease as Mineral (Mining by Government Company) Rules 2015.
7. CCF Nahan has also intimated that apart from this, ground status of the lease area has also been verified on the toposheet/google earth map.
8. User agency has not submitted the FRA certificate as the same is still under process with DC Sirmour HP.
9. In view of the above the State Government of HP has requested that necessary decision on the renewal of mining lease over an area of 172.30 ha of forest land in favour of CCI, Rajban Cement Factory may kindly be conveyed to them, at the earliest please.

10. After the preliminary examination of the proposal the Ministry requested the State on 03.10.2020 to submit the following information:

- i. History of the mining lease i.e. date of grant of original lease to the User Agency and date of subsequent 1st renewal and 2nd renewal etc.
- ii. Status of mining operations during 2013 to 03.06.2015 and status of mining operation from 03.06.2015 onward. It may also be clarified whether the renewal of lease, if any, applied by the UA after 2013 and decision on the same taken by the State Government i.e. whether rejected, determined or lapsed.
- iii. As per the Hon'ble Supreme Court Order dated 04.08.2006 application for renewal of Forest Clearance should be submitted two years prior to expiry of mining lease period, therefore, the detail of application submitted for renewal of forest clearance, i.e. date of submission of application and reason/justification for not forwarding the same to the Central Government.
- iv. General Approval if any, accorded by the State Government under Section 2(iii) of the FCA, 1980 in form of pursuance of the Guidelines dated 01.04.2015.
- v. In pursuance of the Ministry's guidelines dated **01.04.2015** the State Government should have realized NPV of the entire lease area from the User Agency, the status of the same may be provided.

11. The Govt. of HP vide their letter No. Ft.48-130/1992(FCA) dated **08.12.2020** has submitted the points wise reply of the Ministry's letter dated **03.10.2020** as follows:

S. No.	Information asked by the Ministry	Reply submitted by the Govt. of HP
1	History of the mining lease i.e. date of grant of original lease to the User Agency and date of subsequent 1st renewal and 2nd renewal etc.	The Nodal Officer cum APCCF (FCA) has informed that the original lease was granted to the user agency on 3rd August 1973 , copy of the grant of original lease to the user agency i.e. 1st renewal and 2nd renewal is attached with the proposal and uploaded in the PARIVESH portal.
2	Status of mining operations during 2013 to 03.06.2015 and status of mining operation from 03.06.2015 onward. It may also be clarified whether the renewal of lease, if any, applied by the UA after 2013 and decision on the same taken by the State Government i.e. whether rejected, determined or lapsed.	The Nodal Officer cum APCCF (FCA) has informed that the CCF Nahan has intimated that mining operation was stopped during 2013 to 03-06-2015 . However, the user agency has submitted that as per mining department gazette notification Part-II Section-3 sub-section (i) dated 30-12-2015 the mining lease originally granted on 3rd August 1973 extends to 3rd August 2023 since the notification provides for a lease period of 50 years for the mining lease. The case for renewal of mining lease was submitted to Gol vide letter No. Ft.48-130/1992(FCA) dated 04-04-2015, even No. dated 24-07-2015 and even No. dated 11-09-2015 and 02-11-2015. However, no further intimation in this regard was received.
3	As per the Hon'ble Supreme Court Order dated 04.08.2006 application for renewal of Forest Clearance should be submitted two years prior to expiring of mining lease period, therefore, the detail of application submitted for renewal of forest clearance, i.e. date of submission of application and reason/justification for not forwarding the same to the Central Government.	The Nodal Officer cum APCCF (FCA) has informed that the User agency applied for the renewal of mining lease to their office on dated 18-07-2013 and the same was sent to MoEF&CC, Gol for approval of renewal of the mining lease. Copy of the letter No. Ft.48-130/1992(FCA) dated 04-04-2015, even No. dated 24-07-2015 and even No. dated 11-09-2015 and 02-11-2015 is attached with the proposal and uploaded in the PARIVESH portal.
4	General Approval if any, accorded by the State Government under Section 2(iii) of the FCA, 1980	The Nodal Officer cum APCCF (FCA) has informed that no General Approval has been received as

	in form of pursuance of the Guidelines dated 01.04.2015.	accorded by the State Govt. in favour of user agency under section 2(iii) of the FC, 1980 in pursuance of the guidelines dated 01-04-2015
5	In pursuance of the Ministry's guidelines dated 01.04.2015 the State Government should have realized NPV of the entire lease area from the User Agency, the status of the same may be provided	The Nodal Officer cum APCCF (FCA) has informed that the User Agency has been repeatedly requested to deposit the payment of NPV. The copy of letters issued by DFO is attached for reference. In the mean while user agency has requested that NPV may be imposed only for the broken up area of 55 ha and the same was refused as per the Hon'ble Supreme Court of India's order dated 09-05-2008 and GoI MoEF directions issued vide GoI letter No. 5-3/2007-FC dated 05-02-2009, that no such exemption is there to the present proposal. Accordingly, the User Agency was again strictly instructed by DFO to deposit the NPV amount at the earliest vide letter No. 1335 dated 14-07-2020 . Further, user agency vide letter No. RJO/Mining/NPY/2020/11917 dated 04-09-2020 address to Nodal Officer and copy to IG, MoEF, New Delhi, requested to provide user ID & Password to make the NPV payment. Now, the user agency as per letter No. RCF/Mine/FCA/NPY/2020/01/3674 dated 12-11-2020 is ready to deposit the NPV and requested to initiate the procedure for payment of NPV to the tune of ₹14,55,93,500/- in lieu of 172.30 ha of forest area as demanded by forest department.

Observations:

1. The original lease was granted to the UA on **03.08.1973** for 20 years and was valid up to **02.08.1993**.
2. Second renewal was granted on **15.03.2008** for next twenty years i.e. up to **02.08.2013**.
3. The first FC approval was granted on **22.03.1999** with the condition that "**the period of permission under the Forest (Conservation) Act, 1980 will be for twenty years w.e.f. expiry of the previous lease and co-terminus with lease under MMDR Act, 1957.**"
4. After promulgation of the MMDR Act, 2015 the mining lease originally granted on 3rd August 1973 is deemed to be extended till 3rd August 2023 i.e. for a period of 50 years.
5. As per the information provided by the state the mining operation was closed during **2013 to 03.06.2015**.
6. It is reported by state govt. that the user agency requested for renewal of approval under the provisions of FCA 1980 on **18.07.2013**.
7. As per Guidelines the user agency did not deposit the NPV in respect of **172.30** hectare forest area within two years' time i.e. **01.04.2017**.
8. The user agency now wants to regularize the mining lease and has requested the permission to pay the NPV amount for the entire forest area.
9. The agenda item is submitted for consideration of the FAC in its meeting scheduled to be held on **16.02.2021**.
