

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

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

Dated: 11th June, 2021

To,

The Principal Secretary (Forests),
Government of Rajasthan,
Jaipur

Sub: Diversion of 398.0085 ha of forest land in favour of DMG, Rajasthan in Pahadpur Block A & B for mining and generation of employment and earning of revenue for Government in Bharatpur District in the State of Rajasthan (FP/RJ/MIN/125714/2021).

Madam/Sir,

I am directed to refer to the Government of Rajasthan's proposal No. **FP/RJ/MIN/125714/2021** uploaded on PARIVESH portal for seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and inform that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.


After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *In-principle approval/Stage-I Clearance* of the Central Government is hereby accorded for diversion of 398.0085 ha of forest land in favour of DMG, Rajasthan in Pahadpur Block A & B for mining and generation of employment and earning of revenue for Government in Bharatpur District in the State of Rajasthan subject to fulfillment of the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. Compensatory Afforestation shall be raised over equal area in identified land bank which has been created out of transfer of non-forest land to Forest department in the past, and has been earmarked by the state government for utilizing against Compensatory Afforestation. Since the area identified cannot accommodate plants @1000 plants/ha, therefore the remaining plants will be planted over identified degraded forest land as per the prescriptions of approved working plan, with provisions for 10 years maintenance. The Compensatory Afforestation shall be raised within three years from the date of Stage -II approval and maintained for 10 years thereafter by the State Forest Department at the cost of the User Agency.
- iii. A detailed cluster Mining Plan will be submitted prior to handover of forestland which will incorporate the scope of common green infrastructure for all sub-leases to optimize resources and minimize ecological impact. Necessary details of mining will be given, including total mining leases in the cluster, area and location of each mining lease, the strip around the mining leases to be used as safety zone, entry and exit points of mining lease and transportation of mined material, the area meant for stocking of mined material, the areas for dumping overburden, area left out of mining

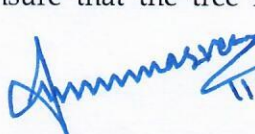
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operations for reasons of slope, soil and water conservation etc. along with appropriate mitigative measures for the conservation of forest area and wild life.

- iv. The State Government shall ensure that the environment and water management measures to be adopted during mining and mine reclamation as per the approved Mining Plan are undertaken in a timely manner, and included in the Annual Compliance Report;
- v. Since the area is highly refractory and the rainfall is also low, to ensure successful plantation in the safety zone and at other designated places, the plantations in and around the proposed area should be carried out under the supervision of expert institutions, like AFRI, Jodhpur.
- vi. The mining lease period will be coterminous with the provisions contained in sub-section (2) of section 8A of Mines and Minerals (Development and Regulation) Amendment Act, 2015 i.e. 50 years. In view of the User Agency's submission of expected life span of 21 years, however, the status will be reviewed by the FAC after 20 years to consider remaining availability of sandstone in the proposed forest diversion area and further protective/reclamation measures to be taken.
- vii. In order to address the issue of probable man-animal conflict that may arise in the area due to proximity of Bandh Baretha Wild Life Sanctuary and because the area is semi-arid, suitable Integrated Wild Life Management Plan for the Sanctuary area in 500m width on the periphery of the Sanctuary towards Blocks A and B, including development of the buffer area and establishment of a Wildlife Rescue Centre at a suitable location, shall be prepared and implemented at the cost of User Agency.
- viii.
 - a. The water streams in the diverted forest land shall be protected as per the standard conditions in the Forest (Conservation) guidelines; the State Government shall ensure that soil and moisture conservation activities are undertaken on the banks of these water streams by the User Agency, along with mining operations, to sustain water flow in the streams.
 - b. Small Naalas/anicut in Banshi Pahadpur A and B blocks can be used as garland drains to provide/recharge water into Bandh Baretha Dam. Village pond of Banshi Pahadpur village should be conserved by the User Agency. All natural/man-made existing water bodies shall be conserved and protected by user agency and no hindrance shall be caused to obstruct flow of water in such water bodies.
- ix. As the Banshi Paharpur area has been subjected to open cast mining for several decades and land degradation is a major issue (refer Wastelands Atlas of India 2019 and Desertification Atlas of India 2016) at least 10 per cent of the District Mineral Foundation Trust Fund should be used for Tree Plantation on suitable sites, e.g. road side, around water bodies, etc. in the District (first preference in Banshi Pahadpur area) during the lease period under the supervision of State Forest Department.
- x. User Agency will obtain permission for felling of trees as per applicable court orders/ Forest Act/Rules/Guidelines.
- xi. The District Task Force on illegal mining shall meet at least once in three months and review that adequate action has been taken to prevent illegal mining on lands outside


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- the approved mining leases in the Banshi Pahadpur area.
- xii. The state govt. shall re-confirm that the present proposal does not contain any other active mining lease.
- xiii. 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;
- xiv. 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;
- xv. The land identified for raising compensatory afforestation shall be notified as RF/PF prior to Stage II approval if not already done. A copy of the original notification declaring the said land as RF/PF will be submitted by the state govt. prior to the Stage-II approval.
- xvi. 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 CAMPA account of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- xvii. All the funds received from the user agency under the project shall be deposited in CAMPA account through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- xviii. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- xix. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xx. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- xxi. 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;
- xxii. 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;
- xxiii. 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;
- xxiv. No damage to the flora and fauna of the adjoining area shall be caused;
- xxv. The user agency will ensure that the tree felling will be done only when it is


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unavoidable and that too under strict supervision of the State Forest Department;

xxvi. The User Agency shall undertake mining in a phased manner after taking due care for reclamation of the mined over area. The concurrent reclamation plan as per the approved mining plan shall be executed by the User Agency from the very first year, and an annual report on implementation thereof shall be submitted to the Nodal Officer, Forest (Conservation) Act, 1980, in the concerned State Government and the concerned Integrated Regional Office of the Ministry. If it is found from the annual report that the activities indicated in the concurrent reclamation plan are not being executed by the User Agency, the Nodal Officer or the concern Dy. Director General (Central) may direct that the mining activities shall remain suspended till such time, reclamation activities are satisfactorily executed;

xxvii. 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.

xxviii. The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Integrated Regional Office and to this Ministry by the end of March every year regularly; and

xxix. The user agency shall comply the provisions of 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 compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours sincerely,

(Shrawan Kumar Verma)

Deputy Inspector General of Forests (FC)

Copy to:

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