

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

Indira Paryavaran Bhawan
Aliganj, Jor bagh Road
New Delhi- 110003
Dated:14-01-2025

To

The Principal Secretary, Forests,
Forest and Environment Department,
Government of Meghalaya,
Shillong.

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s. Hill Cement Company Ltd. for non-forestry use of 4.0 ha. of Deemed forest land for lime stone mining at Mynkre, Jaintia Hills Forest Division, East Jaintia Hills District, Meghalaya (Online Proposal No. FP/ML/MIN/42964/2019)- regarding.

Sir/Madam,

I am directed to refer to Government of Meghalaya letter No. FOR.25/2021/73 dated 28th March, 2022 on the above mentioned subject, seeking prior approval of Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and to say that the said proposal has been examined by the Advisory Committee (AC) constituted by the Central Government under Section- 3 of the aforesaid Act.

2. After careful consideration of the proposal of the Government of Meghalaya and on the basis of the recommendations of the Advisory Committee (AC), the Central Government hereby agrees to accord **Stage-I / In-principle** approval Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 4.0 ha. of Deemed forest land for lime stone mining at Mynkre, Jaintia Hills Forest Division, East Jaintia Hills District, Meghalaya subject to the following conditions:-

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The Compensatory afforestation over 4.00 ha non-forest land in Mualhai Village of Saipung Elaka, Khliehriat Block in East Jaintia Hills District, shall be initiated by the State Forest Department at the project cost within two years from the date of grant of Stage- II approval;
- iii. The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;

- iv. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited through online e-portal into the CAMPA account in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- v. The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- vi. ***The User Agency shall pay the five (5) times penal NPV for the extent of violation done plus 12 percent simple interest from the date of raising of such demand till the deposit is made by the User Agency.***
- vii. ***Action under section 3A/3B of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 be taken by Regional Office, Shillong and intimated to the Ministry before Stage- II approval.***
- viii. ***As per the proposal, Mining Lease grant order is valid up to 2030, however, Mining Plan along with Progressive Mine Closure Plan is submitted for the period 2020-21 to 2024-25. Revised mining plan to be submitted along with Stage- I compliance report.***
- ix. ***DGPS map of area proposed for diversion shall be submitted along with Stage- I compliance report.***
- x. ***The Stage-II approval in the instant case shall only be considered after the required Stage-I approval for the cement plant area of the User Agency situated on adjoining 32.693 Ha forest land for which the proposal has already been submitted by the State Govt;***
- xi. The KML files of diverted area and the CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to Stage- II approval;
- xii. The User Agency shall comply with the Hon'ble Supreme Court order on re- grassing, and re-grass the mining area and any other areas which may have been disturbed due to mining to restore them to a condition which is fit for growth of fodder, flora, fauna, etc. in a timely manner;
- xiii. The Forest land will be handed over only after required non-forest land for the project is handed over by the user agency, if any;
- xiv. The user agency shall transfer the funds towards the cost of Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency 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 06.01.2022 read with 22.03.2022 through online portal of CAMPA account of the State Concerned;
- xv. At the time of payment of the Net Present Value (NPV) at the present

- 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;
- xvi. The Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, in to the account of National Authority, CAMPA pertaining to the State concerned through e-portal (<https://parivesh.nic.in/>);
 - xvii. The State Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023;
 - xviii. The complete compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);
 - xix. Following activities, as per approved plan / schemes, shall be undertaken in the lease area by the User Agency under the supervision of the State Forest Department. Approved scheme/plan shall be submitted to the Ministry along with compliance of Stage-I approval:
 - a. Mitigative measures to minimize soil erosion and choking of stream shall be implemented within a period of three year with effect from the issue of Stage-II clearance in accordance with the approved Plan in consultation with the State Forest Department;
 - b. Planting of adequate drought hardy plant species and sowing of seeds, in the appropriate area within the mining lease to arrest soil erosion in accordance with the approved scheme;
 - c. Construction of check dams, retention /toe walls to arrest sliding down of the excavated material along the contour in accordance with the approved scheme;
 - d. Stabilize the overburden dumps by appropriate grading/benching, in accordance with the approved scheme, so as to ensure that angles of repose at any given place is less than 280; and
 - e. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan;
 - xx. Safety Zone Management activities for the management of safety zone as per para 7.9 of Chapter 7 of consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 issued on 29.12.2023 shall be undertaken by the user agency at the project cost;
 - xxi. 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, in the concerned State Government and the concerned 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 Addl. Principle Chief Conservator of Forests (Central) may direct that the mining activities

shall remain suspended till such time, such reclamation activities area satisfactorily executed.

- xxii. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xxiii. 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;
- xxiv. 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 coordinates;
- xxv. The layout plan of the mining plan/ proposal shall not be changed without the prior approval of the Central Government and the forest land shall not be used for any purpose other than that specified in the proposal;
- xxvi. 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;
- xxvii. No damage to the flora and fauna of the adjoining area shall be caused;
- xxviii. 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;
- xxix. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried out by the State Government and User Agency;
- xxx. The User Agency shall comply all 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; and
- xxxi. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of Consolidated Guidelines and Clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 issued on 29.12.2023.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

faithfully,

Yours

Sd/-
(S. Sundar)

Assistant Inspector General of Forests

Copy to: -

1. The Principal Chief Conservator of Forests & HoFF, Government of Meghalaya, Shillong.
2. The DDGF (C) Regional Office, Shillong, MoEF&CC.
3. The APCCF cum Nodal Officer, FCA, Government of Meghalaya, Shillong.
4. The Monitoring Cell, MoEF&CC, New Delhi.
5. User Agency.