

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

Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj
New Delhi – 1100 03

Dated:17-09-2024

To,

The Principal Secretary (Forests),
Department of Forests and Environment,
Government of Himachal Pradesh,
Shimla.

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Shri Vinod Kumar, Village Trambha, PO Longni, for non-forestry use of 1.7674 ha. of forest land for mining lease for extraction of Sand, Stone and Bajri in Son Khad Part-III at Kalsawai, within the jurisdiction of Joginder Nagar Forest Division, District Mandi in the State of Himachal Pradesh (Online Proposal No. FP/HP/MIN/119019/2021)- regarding.

Sir,

I am directed to refer to the Government of Himachal Pradesh's online proposal No.FP/HP/MIN/119019/2021 dated 20.03.2023 on the above mentioned subject seeking prior approval of the 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 State Government of Himachal Pradesh and on the basis of the recommendations of the Advisory Committee (AC), the Central Government hereby agrees to accord ***in-principle*** approval under Section- 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 1.7674 ha. of forest land for mining lease for extraction of Sand, Stone, and Bajri in Son Khad Part-III at Kalsawai, within the jurisdiction of Joginder Nagar Forest Division, Distt. Mandi in the State of Himachal Pradesh, subject to the following conditions:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- iii. The user agency shall comply all the conditions stipulated in guidelines issued by the Ministry's File No. FC-11/56/2024-FC dated 29.08.2024;
- iv. Extraction of minor minerals shall be carried out manually. Further, the State Government shall ensure that there is no erosion and change in river course due to extraction/collection of sand, stone and Bajri from the riverbed. All Guidelines of Ministry of Environment, Forest and Climate Change issued in respect of extraction/collection of sand, stone and Bajri from the river-bed shall also be followed;

- v. The extraction of minor mineral shall be as per DSR study report and the annual quantity shall not exceed the average of extractions in the years of 2015-16 to 2019-20;
- vi. Extraction of minor minerals when permitted shall be from the middle of the riverbed after leaving one fourth of the river bed on each bank untouched;
- vii. The Compensatory Afforestation shall be taken up by the State Forest Department over an area of 3.53 ha double in extent in Chhejkhobl DPF Survey No. 53A/9, Dharampur Forest Range, Joginder Nagar Forest Division, District Mandi, at the cost of the User Agency, within two years from the date of grant of Stage– II/final approval;
- viii. The State Government shall certify that no plantation/afforestation under any scheme/ plan/program has been undertaken in the past ten years over the degraded forest land identified and accepted for carrying out compensatory afforestation;
- ix. 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 in advance with the Forest Department by the user agency. The CA will be maintained for 10 years. The scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years, into the account of National Authority, CAMPA managed by the State Government;
- x. The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
- xi. The User agency either himself or through the State Forest Department shall undertake afforestation on degraded forest land, at project cost, one and half time in extent to the area used for safety zone;
- xii. The State Government shall upload KML files of the polygons of forest area under diversion and degraded forest area identified and accepted for raising compensatory afforestation, in the E-Green watch portal with all the requisite details prior to **final approval**;
- xiii. 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;
- xiv. 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;
- xv. 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/>);

- xvi. The user agency ensure that the following mitigation measures shall be adopted during execution of the project/Mining:-
 - a. The stream of the river will not be disturbed and all possible measures will be adopted for smooth flowing of the water stream so that riverine ecology is not disturbed. The mining will be confined within the river bed.
 - b. Measures will be taken to prevent the cutting of river banks and exceeding 2 m depth limit from the river bed surface.
 - c. Minimum disturbance to air quality & minimum noise pollution should be ensured;
 - d. Minimum impact on local flora & Fauna to be ensured.
 - e. Necessary arrangement shall be made at the stop piles to prevent silt & sediments flowing in water.
 - f. No effluent to be generated due to mining activity.
- xvii. The User agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- xviii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xix. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xx. Period of diversion of the said forest land under this approval shall be co-terminus with the period of the mining lease granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended and the Rules framed there-under;
- xxi. The compliance report shall be uploaded on **e-portal** (<https://parivesh.nic.in/>);
- xxii. 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;
- xxiii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xxiv. 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;
- xxv. The forest land shall not be used for any purpose other than that specified in the proposal and under no circumstances be transferred to any other agency, department or person;
- xxvi. User agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting tress are to be cleared in this project. Bird nests artificially made out of eco-friendly materials shall be used in the area, including forest area and human

- settlements, adjoining the forest area being diverted for the project;
- xxvii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xxviii. The boundary of the diverted forest land 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;
- xxix. 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;
- xxx. No damage to the flora and fauna of the adjoining area shall be caused;
- xxxi. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
- xxxii. 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;
- xxxiii. 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 with by the State Government and user agency;
- xxxiv. The user agency shall comply all the provisions of the 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
- xxxv. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of the consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 as issued by this Ministry's letter No. 5-2/2017-FC dated 29.12.2023.

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

Yours faithfully,

(Dr. Dheeraj Mittal)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests (HoFF), Government of Himachal Pradesh, Shimla.
2. The DDGF (Central), Regional Office, Chandigarh of MoEFCC.

3. The APCCF-cum-Nodal Officer, (Adhinyam), Himachal Pradesh, Shimla.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF&CC, New Delhi.