

**File No.:8B/HP/05/62/2019/FC**  
**Government of India**  
**Ministry of Environment, Forest and Climate Change**  
**(Forest Conservation Division)**  
\*\*\*\*\*

**Indira Paryavaran Bhawan,**  
**Jor Bag Road, Aliganj,**  
**New Delhi – 110003**  
**Dated: As per E-sign**

To,  
The Principal Secretary (Forests),  
Government of Himachal Pradesh,  
Shimla.

**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 Bushahr Laghu Udyog, VPO Jhakri, Tehsil Rampur Bushahr for non-forestry use of 2.1532 ha of Protected Forest (1.4612 ha for mining lease and safety zone, 0.3400 ha for approach road and 0.3520 ha for staking of raw material) for already established Stone Crusher at Pashada, P.O. Khaneri within the jurisdiction of Rampur Forest Division, Tehsil- Rampur Bushahr, District- Shimla in the State of Himachal Pradesh (Online No. FP/HP/MIN/34194/2018)– regarding**

Sir,

I am directed to refer to Government of Himachal Pradesh online Proposal No **FP/HP/MIN/34194/2018** 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 proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act. After careful examination of the proposal of the State Government & on the basis of the recommendations of the Advisory Committee and with due approval of the Hon'ble Minister, Environment, Forest and Climate Change, the Central Government hereby accords "In-principle/Stage-I" approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 2.1532 ha of Protected Forest (1.4612 ha for mining lease and safety zone, 0.3400 ha for approach road and 0.3520 ha for stacking of raw material) in favour of M/s Bushahr Laghu Udyog, VPO Jhakri, Tehsil Rampur Bushahr for already established Stone Crusher at Pashada, P.O. Khaneri within the jurisdiction of Rampur Forest Division, Tehsil- Rampur Bushahr, District- Shimla in the State of Himachal Pradesh subject to fulfilment of the following conditions:-

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *The State Government and user agency shall ensure adherence to the approved mining plan and reclamation plan, implementation of all prescribed safety measures, particularly in the stacking area.*
- iii. *The user agency shall ensure that natural drainage channels in their lease area remain unobstructed and free flowing, especially during the monsoon*

*season.*

- iv. The Compensatory afforestation shall be raised by the State Forest Department over 4.3064 ha degraded forest land as per approved CA scheme at the project cost;
- v. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department. The CA scheme may include afforestation of indigenous species with appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- vi. The State Government shall realize the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the guidelines given in Chapter – 3 of the Consolidated Guidelines and Clarification issued by the Ministry in accordance with the Hon'ble Supreme Court of India's order dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 in the matter of T. N. Godavarman Thirumalpad vs. Union of India;
- vii. 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;
- viii. Compensatory levies, to be realized from the User Agency, in lieu of diversion of forest land, shall be transferred/ deposited, through e-payment module (<https://parivesh.nic.in/>) of PARIVESH, into the concerned account of State/UT CAMPA, managed by the National Authority (CAMPA).
- ix. The User Agency, if required, shall obtain the environment clearance under the Environment Impact Assessment Notification, 2006 issued under the Environmental (Protection) Act; 1986;
- x. No labour camp shall be established on the forest land and the User Agency shall provide firewood 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;
- xi. 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, forward and back bearing and distance from pillar to pillar;
- xii. The forest land shall not be used for any purpose other than that specified in the proposal;
- xiii. The User Agency shall ensure that because of this project, no damage is caused to the wildlife available in the area;
- xiv. 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;
- xv. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
- xvi. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xvii. 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;
- xviii. The User Agency shall implement the R & R Plan, if applicable, as per the R & R Policy of State Government in consonance with National R&R Policy,

Government of India before the commencement of the project work and implementation. The said R & R Plan will be monitored by the State Government/Regional Office of MoEF&CC;

- xix. The reclamation of quarry should be done under the supervision of the State Forest Department. The quarry shall be reclaimed and afforested completely before the project is closed.
- xx. Overburden shall not be dumped outside the width of the road. The muck generated in the earth cuttings will be disposed of at the designated dumping sites and in no case the muck/debris will be allowed to roll down the hill slopes.
- xxi. The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
- xxii. The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of the same shall be submitted to the Regional Office along with the Stage-I compliance report;
- xxiii. 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, Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980, 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 Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.
- xxiv. The user agency shall prepare a schedule for surrender of the mined out and reclaimed forest land in accordance with existing mining plan and submit the same along with an undertaking to surrender the mined out and reclaimed forest land as per such schedule to the MoEF&CC before grant of 'Final' approval under the Adhinyam for diversion of the said forest land;
- xxv. The rehabilitated forest area after closure of mining operations shall be handed over to the State Forest Department for sustainable forest management in the future;
- xxvi. **Safety Zone Management:** Following activities, at project cost, shall be undertaken by the user agency for the management of safety zone as per relevant guidelines issued by the Ministry's guidelines:
  - a. User agency shall ensure demarcation of safety zone (7.5 meter strip all along the inner boundary of the mining lease area), and its fencing, protection and regeneration by erecting adequate number of 6 feet high RCC boundary pillars inscribed with DGPS coordinates with barbed wire fencing and deploying adequate number of watchers under the supervision of the. State Forest Department;
  - b. Boundary of the safety zone of the mining lease, adjacent to habitation/roads, should be properly fenced by the user agency;
  - c. Safety zone shall be maintained as green belt around mining lease and to ensure dense canopy in the area, regeneration shall be taken up in this area

- by the user agency at project cost under the supervision of the State Forest Department; and
- d. The State Government and the user agency shall ensure that safety zone is maintained as per the prescribed norms;
- xxvii. 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:
- 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 'Final' approval in accordance with the approved Plan/Scheme 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 Plan/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 Plan/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  $28^{\circ}$ ; and
  - e. No damage shall be caused to the top-soil and the user agency will follow the top soil management plan.
- xxviii. The validity of approval granted under the Adhinyam shall be for a period co-terminus with the validity of the mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957, as amended from time to time or Rules framed there under, or for such period as may be specified by the Central Government;
- xxix. The User Agency either himself or through the State Forest Department shall undertake gap planting and soil and moisture conservation activities to restock and rejuvenate the degraded open forests (having crown density less than 0.40), if any, located within the periphery of 100 m from outer perimeter of the mining lease as per approved plan for plantation and SMC activities submitted along with compliance of 'in-principle' approval;
- xxx. The User Agency shall regularly undertake desilting of village tanks and other water bodies, located within five km from the mine lease boundary, as per approved plan, to mitigate the impact of project on such tanks/water bodies.
- xxxi. 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;
- xxxii. Adequate care shall be taken to check any rolling of overburden/dumps beyond the designated area and to check soil erosion caused due to mining activities;
- xxxiii. The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department. A scheme of the same shall be submitted to the Regional Office along with the

'in-principle' approval;

- xxxiv. 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;
- xxxv. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife;
- xxxvi. The State Government, before issuing the final diversion order, shall ensure that the user agency has complied with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s), including compliance of Forest Rights Act, 2006, pertaining to this project, for the time being in force, as applicable to the project; and
- xxxvii. 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 consolidated guidelines and clarifications issued under of Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 as issued by this Ministry's letter dated 29.12.2019.

After receipt of compliance report on fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of 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.

Yours faithfully,

**(Krishna Devan S)**

Assistant Inspector General of Forests

Copy to:

1. The PCCF (HoFF), Department of Forest, Government of Himachal Pradesh, Shimla;
2. The Dy. DGF (Central), Regional Office, MoEF&CC, Chandigarh;
3. The Nodal Officer, Department of Forest, Government of Himachal Pradesh, Shimla;
4. User Agency;
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi for uploading on PARIVESH portal.