

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

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi- 110003,
Dated:27-11-2024

To

The Additional Chief Secretary (Forests),
Department of Environment and 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 Shri Vinod Kumar, Village Trambala, 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. After careful consideration of the proposal by the Advisory Committee constituted by the Central Government under Section-3 of the said Act, '**in-principle**' approval to the proposal was granted vide this Ministry's letter of even number dated 17.09.2024 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the Government of Himachal Pradesh vide their letter No. Ft.48-5252/2021 (FCA) dated 30.10.2024, '**final approval**' of the Central Government is

hereby granted 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, District Mandi in the State of Himachal Pradesh, subject to fulfillment of the following conditions:-

- i. Legal status of the forest land shall remain unchanged;
- ii. The State Government shall ensure that 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;
- iii. The State Government shall ensure that the extraction of minor minerals shall be carried out manually. Further, the State Government shall also 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;
- iv. The State Government shall ensure that work of compensatory afforestation shall be started within two years of issue of Stage- II approval over an area of 3.53 ha. forest land 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;
- 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. The State Government shall ensure that the 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. 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;
- viii. The State Government shall ensure that the following mitigation measures shall be adopted during execution of the project/Mining by the user agency:-
 - 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 could not be disturbed. In view of the effect on climate, mining contract area is very small and 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. Since no blasting will be involved during the extraction of minor minerals like sand, stone & Bajri and very little dust will be generated during transportation, which would negligible disturbance to air quality of Air & Noise will test through different station for safety of the Environment.
 - d. There is already vegetation along the banks which falls outside the contracted area hence, there will be no effect on flora & Fauna.
 - e. Necessary arrangement shall be made at the stop piles to prevent silt & sediments flowing in water.
 - f. No effluent will be generated due to mining activity.
- viii. The State Government shall ensure that all the compensations, as per the norms and rules of the State Government, if applicable, is paid to the affected persons prior to handing over of forest land to the user agency;
 - ix. The User agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
 - x. 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;
 - xi. 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;
 - xii. The State Government shall ensure that process for settlement of rights under the Forest Rights Act, 2006 has been completed as per Rule 11 (7) of Handbook of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 issued by the Ministry in this regard on 29.12.2023;
 - xiii. The User agency shall ensure that the forest area nearby shall not be encroached upon due to implementation of the project;
 - xiv. The State Govt. shall ensure that the user agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department;
 - xv. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
 - xvi. The layout plan of the proposal shall not be changed without prior approval of Central Government;
 - xvii. 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;
 - xviii. 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;
- xix. User agency in consultation with the State Forest Department shall create and maintain alternate habitat/home for the avifauna, whose nesting trees 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;
 - xx. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer;
 - xxi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
 - xxii. 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;
 - xxiii. No damage to the flora and fauna of the area shall be caused;
 - xxiv. 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;
 - xxv. 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;
 - xxvi. The State Govt. shall ensure that the Compliance report of this approval is uploaded on e-portal (<https://parivesh.nic.in/>);
 - xxvii. 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;
 - xxviii. The State Government and User Agency shall ensure compliance to all conditions stipulated in the 'in-principle' approval letter dated 17.09.2024 for which undertakings have been obtained from the user agency and also the provisions of the all the Acts, Rules, Regulations, complete compliance of FRA, 2006 and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, or the time being in force, including compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006, before handing over the forest land to the user agency;
 - xxix. 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; and
 - xxx. 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.

Yours faithfully,

Sd/-

(S. Sundar)

Assistant Inspector General of Forests

Copy to: -

1. The Principal Chief Conservator of Forests & HoFF, Government of Himachal Pradesh, Shimla.
2. The DDGF (C), Regional Office, Chandigarh (Sub-office Shimla).
3. The APCCF-cum-Nodal Officer, (FCA), Government of Himachal Pradesh, Shimla.
4. The User Agency.
5. The Monitoring Cell, FC Division, MoEF&CC, New Delhi, for uploading.