

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ

Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ,
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

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Encl. 3 Sets Compliance Report

E- 65408

Date 24-02-2021

To,

The Additional Chief Secretary to Government
Department of Forest, Ecology and Environment
M.S.Building, Bengaluru-560 001

Sir,

Sub: Diversion of 0.3221 hectare of forest land in Naubad Village Sy No. 140, Kamatana Hobli, Bidar Taluk & District for construction of 4-lane Road Over Bridge (ROB) and its approaches in lieu of existing level crossing No. 48/E at KM 66.900 on NH-50 (Railway Chainage 96/6-7) in favour of the Executive Engineer, Public Works, Ports & Inland Transport Department (National Highway Division), Kalaburgi

Proposal No. FP/KA/ROAD/41432/2019 [Stage-I approved]

- Ref:**
1. Government of India, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Bengaluru letter F.No. 4 KRB 1231/2020-BAN/1690 dated 13-03-2020 [Stage-I approval]
 2. Government of Karnataka letter No. FEE 30 FLL 2019 dated 04-06-2020 [communication of Stage-I approval]
 3. This office letter of even number dated 22-06-2020 addressed to User Agency and copy marked to Field officers [communication of Stage-I approval and seeking Compliance Report in respect of conditions of Stage-I approval]
 4. Executive Engineer, Public Works, Ports & Inland Transport Department (National Highway Division), Kalaburgi letter No. EE/NHD/KLB/AE-2/ROB/Forest/2020-21/949 dated 19-11-2020 [Compliance Report in respect of conditions of Stage-I approval]
 5. Deputy Conservator of Forests, Bidar Division Bidar letter No. A5/FC/NaubadSyno.140/CR-21/2019-20/967 dated 05-01-2021 [submission of Compliance Report to CCF Kalaburgi]
 6. Chief Conservator of Forests, Kalaburgi Circle letter No.A4/CCF/FL/Release/Nu/CR-54/2019-20/2276 dated 12-01-2021 [Compliance Report in respect of conditions of Stage-I approval]

The Government of India vide Ref (1) have accorded 'in-principle' (Stage-I) approval for diversion of 0.3221 hectare of forest land in Naubad Village Sy No. 140, Kamatana Hobli, Bidar Taluk & District for construction of 4-lane Road Over Bridge (ROB) and its approaches in lieu of existing level crossing No. 48/E at KM 66.900 on NH-50 (Railway Chainage 96/6-7) in favour of the Executive Engineer, Public Works, Ports & Inland Transport Department (National Highway Division), Kalaburgi, subject to fulfillment of certain conditions stipulated therein.

Based on Stage-I approval for the project, the Government of Karnataka vide Ref (2) has directed to submit the Compliance Report in respect of conditions of Stage-I approval.

Accordingly, this office vide Ref (3) has informed the User Agency and Field officers to submit the compliance report in respect of the conditions of Stage-I approval.

In response, the User Agency vide Ref (4) has submitted the compliance report to the Deputy Conservator of Forests, Bidar Division, who after verification has, vide Ref (5), submitted the condition-wise Compliance Report to the Chief Conservator of Forests Kalaburgi Circle, who has further submitted the same vide Ref (6) to this office.

Based on the reports received as above, the status of compliance to the conditions of Stage-I approval is as under.

Stage-I approval condition		Status of Compliance
1	The legal status of forest land shall remain unchanged.	It will be monitored by the Forest Department in future. Moreover, the User Agency has agreed to comply with the condition.
2	The boundary of the forest land to be diverted shall be suitably demarcated on ground at the project cost as per the directions of concerned Divisional Forest Officer.	The User Agency has demarcated the proposed forest area by erecting cement concrete pillars duly numbered at an interval of 20 meters. Undertaking and Photographs of the same are enclosed. [ANNEXURE-1 and 1 (a)]
3	The cost of raising plantation of ten times the number of trees to be felled shall be realized from the user agency. The location of the area identified for raising the plantation shall be furnished for considering Stage-II clearance.	The User Agency has remitted an amount of Rs.7,32,000/- towards the cost of raising plantation of ten times the number of trees to be felled (45 no.) to Ad-hoc CAMPA Account through e-payment portal Generated Challan vide transaction dated 28-09-2020 [included in total amount of Rs.9,90,646/-] Copy of Payment Page Print taken from FC Web portal is enclosed ANNEXURE-I.
4	The State Government shall charge the Net Present Value for 0.3221 ha. of	The User Agency has paid an amount of Rs.2,58,646/- towards NPV for 0.3221 ha

	forest area to be diverted under this proposal from the user agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IA's in Writ Petition (Civil) No.202/1995.	of forest land @ Rs.8.03 lakh per ha to Ad-hoc CAMPA through e-payment portal Generated Challan vide transaction dated 28-09-2020 <i>[included in total amount of Rs. 9,90,646/-]</i> . Copy of Payment Page Print taken from FC Web portal is enclosed. [ANNEXURE-2]
5	Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from the user agency. The user agency shall furnish an undertaking to this effect.	The User Agency has agreed to comply with the condition and has submitted a consolidated Undertaking in this regard. [ANNEXURE-3]
6	All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through (https://parivesh.nic.in/).	The User Agency has deposited all the funds to Ad-hoc CAMPA Account through e-payment portal Generated Challan vide transaction dated 28-09-2020. ANNEXURE-I
7	State Government shall complete settlement of rights, in term of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in it's letter No. 11-9/1998-FC dated 3 rd August 2009 read with 05.07.2003, in support thereof.	The User Agency has obtained FRA certificate in FORM-I (for Linear projects) from the Deputy Commissioner, Bidar vide No. Rev/LND/CR-57/2020-21 dated 24-11-2020 and the same is enclosed. [ANNEXURE-14]
8	The layout plan of the proposal shall not be changed without prior approval of Central Government.	The User Agency has agreed to comply with the condition and has submitted a consolidated Undertaking in this regard. [ANNEXURE-4]
9	No labour camp shall be established on the forest land.	The User Agency has agreed to comply with the condition and has submitted a consolidated Undertaking in this regard. [ANNEXURE-5]
10	Sufficient firewood, preferably the alternate fuel shall be provided by the User agency to the labors after	The User Agency has agreed to comply with the condition and has submitted a consolidated Undertaking in this regard.

	purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.	[ANNEXURE-6]
11	No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.	The User Agency has agreed to comply with the condition and has submitted a consolidated Undertaking in this regard. [ANNEXURE-7]
12	The forest area shall be used for the purpose for which it is granted. The total forest area utilized for the project shall not exceed 0.3221 ha.	The User Agency has agreed to comply with the condition and has submitted a consolidated Undertaking in this regard. [ANNEXURE-8]
13	The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.	The User Agency has agreed to comply with the condition and has submitted a consolidated Undertaking in this regard. [ANNEXURE-9]
14	The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.	<ul style="list-style-type: none"> The User Agency has agreed to comply with the condition and has submitted a consolidated Undertaking in this regard. [ANNEXURE-10] But, it is to submit that all leases are supposed to be for a specified period and the Field officers are required to issue the Demand Notice to the User Agency for recovery of Lease Rent before entering into Agreement with the User Agency. From the text of the Condition No. (14) of the Stage-I approval, it is understood that, once the lease period is specified by the Government of India for the forest diversion, the Stage-I approval will become Co-terminus with the same. A lease period of about 15 or 20 years may be considered in the present case. It is therefore, requested to consider specifying the period of lease in the Stage-II accordance.
15	The compliance report shall be uploaded on e-portal (https://parivesh.nic.in/).	The User Agency has stated that compliance report is uploaded in e-portal (https://parivesh.nic.in/)
16	Any other condition that the Ministry	The User Agency has agreed to comply

	of Environment, Forest and Climate Change may stipulate from time to time in the interest of conservation, protection and development of Forest and Wildlife.	with the condition and has submitted a consolidated Undertaking in this regard. [ANNEXURE-12]
17	Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guideline F.No.11- 42/2017-FC dated 29/01/2018.	The User Agency has agreed to comply with the condition and has submitted a consolidated Undertaking in this regard. [ANNEXURE-11]
18	The State Government and user agency shall comply the provisions of all the Acts, Rules, Regulations, Guidelines, NGT order & Hon'ble Court Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.	The User Agency has agreed to comply with the condition and has submitted a consolidated Undertaking in this regard. [ANNEXURE-13]

In view of the above mentioned compliance to conditions of Stage-I approval as reported by the field officers, it is requested to move the matter with the Government of India, Ministry of Environment, Forests & Climate Change to accord final (Stage-II) approval under Section 2(ii) of the Forest (Conservation) Act, 1980 for diversion of 0.3221 hectare of forest land in Naubad Village Sy No. 140, Kamatana Hobli, Bidar Taluk & District for construction of 4-lane Road Over Bridge (ROB) and its approaches in lieu of existing level crossing No. 48/E at KM 66.900 on NH-50 (Railway Chainage 96/6-7) in favour of the Executive Engineer, Public Works, Ports & Inland Transport Department (National Highway Division), Kalaburgi, for a period of Twenty (20) years.

The relevant documents in 3 sets are submitted here with for kind perusal and further action. The present status (Timeline) of the proposal obtained from the web-portal is also appended for necessary action.

Yours Faithfully

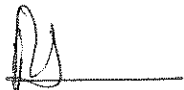


(Rajiv Ranjan, IFS)

Principal Chief Conservator of Forests
(Forest Conservation) & Nodal Officer (FCA)

Copy to the:

1. Chief Conservator of Forests, Kalburgi Circle, Kalburgi for information.
2. Deputy Conservator of Forests, Bidar Division, Bidar for information.


ರವಿಶಂಕರಗಿರಿ
24-2-2021

ok

3. Executive Engineer, Public Works, Ports & Inland Transport Department (National Highway Division), Backside SB College, Vidhyanagar, Kalaburgi – 585 103 for information.