



Government of Karnataka

R.P.A.D

No. FEE 04 FLL 2019 (e)

Karnataka Government Secretariat  
Multistoried Buildings,  
Bengaluru, Date: 16-09-2020

**From:**

**The Additional Chief Secretary to Government,**  
Forest, Ecology and Environment Department,  
Bengaluru-560001.

**To:**

**The Principal Chief Conservator of Forests (HoFF),**  
Aranya Bhavan, Malleshwaram,  
Bengaluru-560003

Sir,

**Sub:** Diversion of 0.9215 hectare of forest land in various survey numbers of Chikkalindadhalli, Yakathapur, Chindanur, Shadipur, Lachamsagara, Linganagar, Anthawaram, Mumbapur and Venktapura villages, Kasaba Hobli, Chincholi Taluk, Kalburgi District for laying of Optical Fibre Cable (OFC) under Central Government National Optic Fibre Network (NOFN) Project (Digital India) for providing Broadband connections and other Telecom facilities in favour of Divisional Engineer, Bharat Sanchar Nigam Limited, Kalburgi-Reg.

- Ref:**
1. Your Office Letter No. A5(4). GFL.CR.2 /2017-18, Dated:18-06-2019.
  2. The Ministry of Environment, Forests & Climate Change, Regional Office (Southern Zone)'s letter No .F.No.4-KRB 1251/2020-BAN/323, Dated:29-07-2020 .

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I am directed to refer to your office letter vide referred at (1) seeking prior approval of the State Government under Section 2 of the Forest (Conservation) Act, 1980 for the above cited project.

The said proposal was forwarded to Government of India vide letter dated:09-07-2020 seeking Stage I approval under Section 2 of the Forest (Conservation) Act, 1980. The proposal was returned from Government of India with a direction to

convey Stage I approval at the level of State Government by invoking provisions provided vide guidelines dated: 28-03-2019 (Chapter-4).

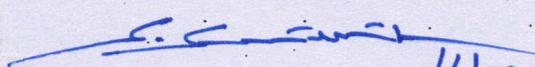
Hence the proposal was re-examined and by invoking the provisions provided in para 4.2 (State Board for Wildlife has approved the project in its 13<sup>th</sup> meeting held on 09-03-2020 and the project passes along with the road already existing in Chincholi wildlife Sanctuary) State Government convey the in-principle approval (Stage-I) for the diversion of 0.9215 hectare of forest land in various survey numbers of Chikkalindadhalli, Yakathapur, Chindanur, Shadipur, Lachamsagara, Lingannagar, Anthawaram, Mumbapur and Venktapura villages, Kasaba Hobli, Chincholi Taluk, Kalburgi District for laying of Optical Fibre Cable (OFC) under Central Government National Optic Fibre Network (NOFN) Project (Digital India) for providing Broadband connections and other Telecom facilities in favour of Divisional Engineer, Bharat Sanchar Nigam Limited, Kalburgi, subject to fulfilment of the following conditions:-

01. Legal Status of the forest land shall remain unchanged and it shall continue to be forest land.
02. NPV:
  - a) The State Government shall charge the Net Present Value (NPV) for the 0.9215 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No:566 in WP No.5-1/1998-FC (Pt.II) dated 18/09/2003, as well as Letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
  - b) Additional amount of the NPV of the diverted forest land, if any becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
  - c) Full exemption of NPV in case of laying of underground OFC cable provided no felling of trees is involved and area proposed for diversion is outside of Protected Area as per the MoEF&CC Guideline F.No.5-3/2007-FC dated 05/02/2009.
  - d) The User Agency shall pay the applicable Net Present Value (at five times) Cost of mitigation measure, land lease rent and any other levies as per the conditions of approval.
03. User Agency shall restrict the felling of trees to minimum number (if any) in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.

04. All the funds received from the User Agency under the project shall be transferred /deposited to CAMPA fund only through e-portal.
05. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned Deputy Commissioner.
06. The Optical Fibre Cable (OFC) shall be laid down 1.5 meter below the ground and after lying down of pipeline the ground will be levelled.
07. User Agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
08. The layout plan of the proposal shall not be changed without prior approval of Central Government.
09. No Labour camp shall be established on the forest land.
10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Division Forest Officer.
12. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
13. The period of diversion under this approval shall be 20 Years or the project life, whichever is less.
14. The forest land shall not be used for any purpose other than specified in the project proposal.
15. The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India.
16. 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-dt 29-01-2018.
17. Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forest & wildlife.
18. The Compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>)
19. The User Agency shall provide for Display Boards of specified dimensions and material at project cost for creating awareness on forest and wildlife limits in consultation with the jurisdictional Deputy Conservator of Forest.
20. The lessee shall not-lease, mortgage & hypothecate the forest area.
21. The leased out area should be used for the which it is granted. In case the land is not used for the stipulated purpose within two years or when it is no longer needed for the stipulated purpose, the area would stand resumed to the Forest Department.

22. The application for renewal of the lease in the prescribed form and manner shall be submitted at least six months prior to the expiry of forest lease. In case no renewal is sought, the Lessee shall hand over the lease.
23. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
24. No crushing/breaking of stones or labour camp shall be allowed on forest land and all waste/debris generated shall be scientifically disposed off outside the forest area.
25. Any damage to forest area because of implementation of the proposal shall be compensated by the lessee. The extent of damage shall be assessed by the jurisdictional Deputy Conservator of Forest/Conservator of Forests/Chief Conservator of Forests.
26. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
27. In case, any violation of the provisions of the Karnataka Forest Act, 1963 & Rules, 1969 or other relevant Acts/Rules is reported during the lease period, the lease will be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963. The Chief Conservator of Forests/Deputy Conservator of Forests Concerned are authorized to take necessary action in this regard.
28. The approval under the Forest (Conservator) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
29. The User Agency shall also abide by other conditions those may be imposed by the Government of India, Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force) before or after the approval.

Yours faithfully

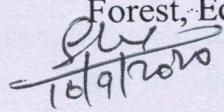
  
(S. SRINIVASA)

Under Secretary to Government

Forest, Ecology and Environment Department (Forest-C)

Copy to: -

- 1) The Secretary to Government of India, Ministry of Environment, Forest and Climate Change, Government of India Paryavaran Bhavan, Jor Bagh Road, New Delhi-110003
- 2) The Deputy Director General of Forest (Central), Regional Office (Southern Zone), Kendriya Sadan, 4<sup>th</sup> Floor, E&F Wings, 17<sup>th</sup> Main, Koramangala, Bengaluru.

  
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