

No: A5(4).GFL.CR.6/2016-17

(3 set proposal
enclosed)

Office of the
Principal Chief Conservator of Forests
(Head of Forest Force)
Aranya Bhavan, Malleswaram, 18th Cross,
Bangalore-560 003, dated 29-11-2016.

To

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

Sir,

Sub: Diversion of 3.5062 ha of forest land in Sy.No.204 & 41 of Thirumagondanahalli, Sy.No.113 of Hadonahalli & Sy.No.6 of Kelaginanayakanahalli Villages in Ghati Subramaniya Forest, Doddaballapura Taluk B'lore Rural Division for laying of double line (railway line) between Oddarahalli & Makalidurga Railway Station, in favour of the Deputy Chief Engineer / HQ/Construction /South Western Railway /Bangalore Cantonment-reg (**Online Proposal No. FP/KA/RAIL/19574/2016**)

- Ref: 1) Online Proposal No. FP/KA/RAIL/19574/2016 dated 23-05-2016 of the Deputy Chief Engineer / HQ/Construction /South Western Railway /Bangalore Cantonment.
- 2) Letter No. A11/Land/CR/113/2016-17 dated 21-11-2016 of the Chief Conservator of Forests, Bangalore Circle, Bangalore.
- 3) Letter No.A4/Railway/CR-6/2016-17 of the Deputy Conservator of Forests, Bangalore Rural Division, Bangalore.

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The Deputy Chief Engineer / HQ/Construction /South Western Railway /Bangalore Cantonment has submitted the proposal through web portal for seeking approval for diversion of 3.5062 ha. of forest land for the above project under Forest (Conservation) Act, 1980, vide letter cited under reference (1) above. After examining, the Chief Conservator of Forests, Bangalore Circle, Bangalore and the

Deputy Conservator of Forests, Bangalore Rural Division, Bangalore has submitted the proposal for diversion of 3.5062 ha of forest land in Sy.No.204 & 41 of Thirumagondanahalli, Sy.No.113 of Hadonahalli & Sy.No.6 of Kelaginanayakanahalli Villages in Ghati Subramaniya Forest, Doddaballapura Taluk B'lore Rural Division for laying of double line (railway line) between Oddarahalli & Makalidurga Railway Station, in favour of the Deputy Chief Engineer / HQ/Construction /South Western Railway /Bangalore Cantonment under the Forest (Conservation) Act, 1980 vide letter cited under reference (2) & (3) above.

The details of the forest land required are as under:

Sl No	Name of the				Sy. No	Status of Land	Extent (in ha.)
	District	Taluk	Hobli	Village			
1	Bangalore Rural	Doddaballapura	Tubagere	Thirumagondanahalli	204	S.S. Ghati "B" Block State Forest	0.1634
2				Thirumagondanahalli	41		0.173
3				Hadonahalli	113		1.8026
4				Kelaginanayakanahalli	6		1.3672
Grand Total							3.5062

The purpose wise breakup of the forest land required for the project is as under:

Sl. No	Particulars	Extent (in ha.)
1	For laying of Railway line 3200 Mtr in Length x 10.957 Mtr Width = 35062.4 Mtr Or 3.5062 ha.	3.5062
Total		3.5062

The Deputy Conservator of Forests, Bangalore Rural Division, Bangalore has inspected the site on 17-10-2016 and furnished the details in Form-A Part-II as under:

- 1) The requirement of forest land proposed by the User Agency is unavoidable and barest minimum for the project.

- 2) There are 206 various kinds of trees are existing in the proposed area. Species wise & Girth Class wise details abstract enclosed.
- 3) The proposed forest area falls under Eco-Class-III (Open Forest) category.
- 4) There are no rare / endangered / unique species of flora and fauna in the proposed area.
- 5) There are no protected / archeological / heritage sites or defence establishments or important monuments in the area.
- 6) The proposed forest area does not form part of any Wildlife Sanctuary, National Park, Biosphere Reserve, Tiger Reserve or Elephant Corridor, etc.
- 7) The proposed area for the project comes within the SS Ghati "B" Block State Forest.
- 8) The project site is comprised of undulating rocky terrain. Since the project involves cutting of the earth in several places, construction of continuous retaining wall will arrest the erosion
- 9) There is no violation reported under Forest Conservation Act, 1980

The User Agency has not identified the non-forest land for raising of Compensatory Afforestation. However, the Deputy Conservator of Forests, Bangalore Rural Division, Bangalore has identified double the area being diverted i.e. 7.00 ha. (3.5062 ha x 2 times) of degraded forest land for raising of compensatory afforestation at Sy.No. 50 of Kuntanahalli Village, Gandaragolipura Forest Plantation, Doddaballapura Taluk, Bangalore Rural Division as per the special provisions laid down in guidelines for Central Government Project vide para 3.2 (ix) of Forest (Conservation) Act 1980 & Rule 2003, there is a special provision for Central Government Department / Central Government Undertaking projects regarding raising of Compensatory Afforestation. The User Agency has given an undertaking to bear the cost of CA @ double the extent of forest land being diverted, in degraded forest area. Further, the Deputy Conservator of Forests has to submit the map of the degraded forest land identified for raising Compensatory Afforestation and along with CA scheme Suitability Certificate.

The User Agency has to pay the Net Present Value (NPV) of forest land being diverted under this proposal as per Hon'ble Supreme Court of India's Orders dated 28-3-2008 and 9-5-2008 in I.A.No.826 in I.A.566 in WP(C) No. 202/1995. The User Agency has given an undertaking to pay the Net Present Value towards 3.5062 ha. of forest land proposed for diversion.


With regard to compliance of Recognition of Forest rights (ROFR) Act 2006, the Deputy Conservator of Forests, Bangalore Rural Division, Bangalore has furnished copy of certificate in Form-I issued by the Deputy Commissioner, Bangalore District regarding compliance of Forest Rights Act, 2006 and Rules 2008 as per guidelines issued by Ministry of Environment and Forest, New Delhi vide letter No. 11-9/1198-FC (pt) dated 3-8-2009/05-7-2013(**Copy Enclosed**).

The Chief Conservator of Forests, Bangalore Circle, Bangalore has not inspected the site and in agreed with the recommendations of the Deputy Conservator of Forests, Bangalore Rural Division, Bangalore & has also recommended the above proposal for diversion forest land is for doubling of the existing railway line only. The requirement of area is un-avoidable, barest minimum and the proposal helps in reducing the travel time between Penukonda and Yalahanka. In this regard specific comments of the Chief Conservator of Forests, Bangalore Circle, Bangalore as mentioned in Part-III of the proposal may be perused.

Under the circumstances, it is requested to kindly move this proposal with the Government of India for according approval for diversion of 3.5062 ha of forest land in Sy.No.204 & 41 of Thirumagondanahalli, Sy.No.113 of Hadonahalli & Sy.No.6 of Kelaginanayakanahalli Villages in Ghati Subramaniya Forest, Doddaballapura Taluk B'lore Rural Division for laying of double line (railway line) between Oddarahalli & Makalidurga Railway Station, in favour of the Deputy Chief Engineer / HQ/Construction /South Western Railway /Bangalore Cantonment-reg (**Online Proposal No. FP/KA/RAIL/19574/2016**) under section-2 of Forest (Conservation) Act,1980 subject to the conditions appended in **Annexure 'A'**.

The proforma particulars along with relevant documents in 4 sets are submitted herewith for kind perusal and further action.

Yours faithfully,


Principal Chief Conservator of Forests
(Head of Forest Force), Bangalore.

Copy to the Chief Conservator of Forests, Bangalore Circle, Bangalore for information and necessary action.

Copy to the Deputy Conservator of Forests, Bangalore Rural Division, Bangalore for information and necessary action.

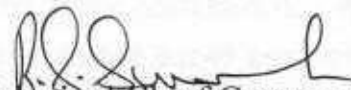
Copy to the Deputy Chief Engineer /Con/ Hqrs/, South Western Railway, 18 Millers Road, Cantonment, Bangalore for information and necessary action.


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29.11.16

ANNEXURE 'A'

1. The legal status of Forest land shall remain unchanged and it shall continue to be as forest land.
2. The lessee shall pay lease rent as fixed by the Govt. from time to time.
3. The lease tenure is for a period of 20 (twenty) years.
4. The leased out area should be used for the purpose for which it is granted. In case the land is not used for the stipulated purpose within one year or when it is no longer needed for the stipulated purpose, the area should be resumed to the Forest Department under Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forests / Deputy Conservator of Forests is authorized to take necessary action in this regard.
5. No residential buildings shall be permitted in the proposed forest area.
6. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
7. Compensatory afforestation shall be raised at the cost of User Agency over degraded forest area twice the extent of forest area being diverted at the rate prevailing at the time of approval (at present it is Rs.2,55,000/- per ha.) or any extent as approved by the Ministry of Environment and Forests.
8. Felling / pollarding / Pruning of trees will be done with permission of the local forest officers, wherever necessary for preventing electrical hazards.
9. The User Agency has to pay the Net Present Value (NPV) of forest land diverted under this proposal as per Orders dated 28-3-2008 and 9-5-2008 of the Hon'ble Supreme Court of India.
10. Only minimum number of trees shall be cut based on actual requirement of the project.
11. The User Agency shall pay the extraction and transportation charges of trees as estimated by the Deputy Conservators of Forests from the proposed forest land.
12. The User Agency shall ensure that there should be no damage to the available fauna and other flora.
13. No labour camp shall be established on the forest land.
14. All waste / debris generated shall be scientifically disposed off outside the forest area.

15. The User Agency can be advised to limit the usage width and should take utmost care not to blast the under laying rock strata to avoid major damages to the environment.
16. Any damage to forest area due to construction of doubling lines shall be compensated by the User Agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
17. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
18. The approval under the Forest (Conservation) Act, 1980 is subject to the clearance under the Environment (Protection) Act, 1986, if required.
19. The User Agency shall also abide by all the conditions imposed upon by Government of India, the Government of Karnataka and Principal Chief Conservator of Forests (Head of Forest Force).



Principal Chief Conservator of Forests
(Head of Forest Force), Bangalore.

PART - IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.	Recommended for diversion of 3.5062 ha of forest land in Sy.No.204 & 41 of Thirumagondanahalli, Sy.No.113 of Hadonahalli & Sy.No.6 of Kelaginanayakanahalli Villages in Ghati Subramaniya Forest, Doddaballapura Taluk B'lore Rural Division for laying of double line (railway line) between Oddarahalli & Makalidurga Railway Station, in favour of the Deputy Chief Engineer / HQ/Construction /South Western Railway /Bangalore Cantonment-reg (Online Proposal No. FP/KA/RAIL/19574/2016)
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(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

Signature:

Name:

P. ANUR REDDY, IFS.,

Designation:

Nodal Officer &

**Additional Principal Chief Conservator of Forests
(Forest Conservation) Bangalore.**

(Official Seal):

Countersigned by :

Name:

SURESH R.S., IFS.,

Designation:

**Principal Chief Conservator of Forests
(Head of Forest Force) Bangalore.**

(Official Seal):

N.D.O. No. 14/2016-17.

Date: 29-11-2016.

