



सत्यम् जयते

भारत सरकार

GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

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MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE

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BY SPEED POST

F.No.FCA/16.1/144/KAR/MIN/ 850  
Dated the 29<sup>th</sup> September, 2016

To

The Additional Chief Secretary to Government of Karnataka,  
Forest, Ecology & Environment Department,  
M.S.Building, Dr.Ambedkar Veedhi,  
Bangalore – 560 001.

Subject: Diversion of 23.07 ha. of additional forest land in S.M. Block, Sandur Taluk, Bellary District (ML No.2505) in favour of M/s Hanumantha Rao, Lingadahally Village, Sandur Taluk, Bellary District.

Sir,

Please refer to the State Government's letter No.FEE 89 FFM 2010 dated 02/02/2015 seeking prior approval of the Central Government in accordance with Section'2' of Forest (Conservation) Act, 1980 for the above project. The in-principle (Stage-I) approval to the project was accorded by the Central Government vide letter of even number dated 1<sup>st</sup> February, 2016 for a period co-terminus with the lease granted under MMDR Act 1957, subject to fulfillment of the following conditions:-

- (1) The legal status of forest land shall remain unchanged.
- (2) Compensatory Afforestation (CA) over the non-forest land identified in Sy.No.138 of Basavanadurga Village, Hospet Taluk equal in extent to the forest land proposed for diversion for mining and other allied activities shall be raised and maintained by the State Forest Department from funds to be provided by the User Agency.
- (3) Non-forest land identified for raising Compensatory Afforestation shall be transferred and mutated in favour of the State Forest Department before issue of the Stage-II clearance.
- (4) Non-forest land which is transferred and mutated in favour of the State Forest Department for the purpose of Compensatory Afforestation, shall be declared as Reserved Forest under Section-4 or Protected Forest under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act. The Nodal Officer must report compliance within a period of 6 months from the date of grant of final approval and send a copy of the original notification declaring the non-forest land under Section-4 or Section-29 of the Indian Forest Act, 1927, or under the relevant section of the local Forest Act as the case may be, to this Ministry for information and record.

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(5) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation, at the current wage rate, to the State Forest Department.

(6) Following activities shall be undertaken by the User Agency at the project cost:-

- (a) A plan containing appropriate mitigative measures to minimise soil erosion and choking of streams shall be prepared and implemented.
- (b) Planting of adequate drought hardy plant species and sowing of seeds in the appropriate area within the mining lease to arrest soil erosion.
- (c) Construction of check dams, retention/ toe walls to arrest sliding down of the excavated material along the contour.
- (d) Stabilize the overburden dumps by appropriate grading/ benching so as to ensure that angles of repose at any given place is less than 28°
- (e) Strict adherence to the prescribed top soil management.

(7) The State Government shall charge the Net Present Value (NPV) of the forest area diverted under this proposal from the User Agency as per the Orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 9.05.2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by this Ministry vide its letter No.5-3/2007-FC dated 5.02.2009 in this regard.

(8) At the time of payment of the Net Present Value (NPV) at the present rate, 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.

(9) The User Agency shall make online payment of the cost of Compensatory Afforestation and Net Present Value with Adhoc- CAMPA through e-payment module of Forest Clearance portal-forestclearance.nic.in.

(10) The User agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986.

(11) User Agency shall ensure demarcation of boundary of safety Zone (7.5 metre strip all along the outer boundary of the mining lease area), and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPS coordinates and deploying adequate number of watchers under the supervision of the State Forest Department.

(12) In case of mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/ roads should be properly fenced by the User Agency at the project cost to protect the vegetation/ regeneration activities in the safety zone.

(3) Safety Zone shall be maintained as green belt around the mining lease and to ensure dense canopy cover in the area, regeneration shall be taken in this area by the User Agency at the project cost under the supervision of State Forest Department.

(14) Afforestation on degraded forest land, to be selected elsewhere measuring one and half times the area of forest land under safety zone shall also be done by the User Agency at the project cost under the supervision of the State Forest Department.

(15) The period of diversion of the said forest land under this approval shall be for a period co-terminus with period of the mining lease proposed to be granted under the Mines and Minerals (Development & Regulation) Act, 1957, as amended, or rules framed thereunder.

(16) User Agency either itself 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 0.4), if any located in the area within 100 m. from outer perimeter of the mining lease.

(17) 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 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, Forest (Conservation) Act, 1980, Government of Karnataka and Additional Principal Chief Conservator of Forests (Central), Ministry of Environment and Forests, Regional Office (Southern Zone), Bangalore. 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 Additional Principal Chief Conservator of Forests (Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.

(18) No labour camp shall be established on the forest land.

(19) The boundary of the mining lease and safety zone 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, before Stage-II approval.

(20) Adequate care shall be taken to check any rolling of over-burdens/dumps beyond diverted area and also to check soil erosion caused due to mining activities.

(21) The User Agency shall provide fuel preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.

(22) The layout land use plan of the proposal shall not be changed without the prior approval of the Central Government.

(23) The forest land proposed to be diverted shall under no circumstances be transferred any other agency, department or person without prior approval of the Central Government.

(24) No damage of the flora and fauna of the adjoining areas shall be caused.

(25) Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department.

(26) The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco-friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project; action taken report be submitted to Regional Office, Bangalore.

(27) Wherever possible and technically feasible, the User Agency in consultation with State Forest Department shall undertake afforestation measures in the blanks within the lease area, as well as along the roads outside the lease area diverted under this approval, at the project cost.

(28) The User Agency should prepare a land surrender schedule specifying the year for surrendering the mined out and biologically-reclaimed forest land as per the Mining plan and progressive mine closure plan and submit an undertaking that the biologically-reclaimed land will be handed over to the State Forest Department as per this surrender schedule.

(29) The forest area shall be used for the purpose of mining, storage of materials and OB dumps only. No permanent buildings or labour sheds should be constructed in the leased area.

(30) A comprehensive monitoring shall be done at the end of five years. If it is found that the lessee has violated or is not complying with the stipulated conditions, then the approval given under the Forest (Conservation) Act, 1980 shall be revoked.

(31) The User Agency shall submit the annual report on compliance to conditions stipulated in this approval to concerned Regional Office of the Ministry.

(32) The project authorities are also required to obtain all necessary approvals required under the law governing the project.

(33) The User Agency and State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project.

(34) The total forest area utilized for the project shall not exceed 23.07 ha.

5) It is observed that mining lease has been executed without obtaining prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of the entire forest land falling in the mining lease. The State Government shall intimate the name of the officials *prima-facie* found guilty of such offence for filing complaint in the Court having jurisdiction in the matter.

(36) Any other condition that the Addl. P.C.C.F. (Central), Regional Office, Bangalore may impose from time to time for protection, improvement of flora and fauna in the forest area and public convenience, shall also be applicable.

(37) Violation of any of the conditions shall invite penal action, as deemed fit by the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore.

The State Government vide letter No.FEE 89 FFM 2010 dated 26/09/2016 have reported compliance/ acceptance to the conditions stipulated by the Central Government in the in-principle approval, except conditions No.(12) & (35) above.

After careful consideration of the proposal of the State Government, I am directed to convey Central Government's approval (Stage-II) under Section'2' of Forest (Conservation) Act, 1980 for diversion of 23.07 ha. of additional forest land in S.M. Block, Sandur Taluk, Bellary District (ML No.2505) in favour of M/s Hanumantha Rao, Lingadahally Village, Sandur Taluk, Bellary District, for a period co-terminus with the lease granted under MMDR Act 1957, subject to the following additional conditions:-

- (i) The Compensatory Afforestation (CA) shall be raised over 23.07 ha. identified non-forest land in Sy.No.138 of Basavanadurga Village, Hospet Taluk at the cost of User Agency. The State Government shall obtain prior permission of Central Government for any change of Compensatory Afforestation site.
- (ii) The Non-forest land for Compensatory afforestation shall be notified by the State Government as RF/PF under Indian Forest Act, 1927 or the State Forest Act within a period of 6 months and Nodal Officer (FCA) shall report the compliance within 6 months.
- (iii) Handing and taking over of land and commencement of work in the land shall be done within a period of two year from the date of issue of Stage-II approval. The forest land shall be used only for the purpose for which it is diverted.
- (iv) In case of mining leases adjoining the habitation stretch of the boundary of the safety zone of the lease adjacent to the habitation/ roads should be properly fenced by the User Agency at the project cost to protect the vegetation/ regeneration activities in the safety zone.
- (v) It is observed that mining lease has been executed without obtaining prior approval of the Central Government under the Forest (Conservation) Act, 1980 for diversion of the entire forest land falling in the mining lease. The State Government shall intimate the name of the officials *prima-facie* found guilty of such offence for filing complaint in the Court having jurisdiction in the matter.

(vi) The User Agency shall take up the de-silting of the village tanks within one km arc from the mine lease boundary as a Corporate's social responsibility so as to mitigate the impact of siltation of such tanks if any.

(vii) Adequate fire protection measures, including employment of fire watchers and maintenance of the fire line, etc. shall be undertaken by the user agency in and around the project area at its own cost.

(viii) Any other condition that the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore may impose from time to time for protection, improvement of flora and fauna in the forest area and public convenience, shall also be applicable.

(ix) Violation of any of the conditions shall invite penal action, as deemed fit by the Additional Principal Chief Conservator of Forests (Central), Regional Office, Bangalore.

Yours faithfully,

(Dr. Avinash M. Kanfade)  
Conservator of Forests (Central)

Copy to:-

1. The Director General of Forests & Special Secretary to Govt. of India, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhavan, Agni Wing, Aliganj, Jor Bagh Road, New Delhi – 110 003.
2. The Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18<sup>th</sup> Cross, Malleswaram, Bangalore – 560 003.
3. The Additional Principal Chief Conservator of Forests/Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18<sup>th</sup> Cross, Malleswaram, Bangalore – 560 003.
4. M/s M. Hanumantha Rao, H.No.37, W.No.17, Ground Floor, Main Road, Near Park, Patel Nagar, Bellary – 583 101 (Karnataka).
5. Guard file.

*Dr. Avinash M. Kanfade* 29/9/16  
(Dr. Avinash M. Kanfade)  
Conservator of Forests (Central)