

ಕರ್ನಾಟಕ ಸರ್ಕಾರ  
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ  
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ  
Office of  
Principal Chief Conservator of Forests  
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ  
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E-office File No. KFD/HoFF/A5-4(GFL)/29/2020-FC  
Encl.: Three (3) sets of proposal

**E-300842**  
Date 13-01-2021

To,

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

Sir,

**Sub:** Diversion of 0.96 hectare of forest land in Kabbaragi Village Sy No. 53, 62 and 129, Hanumasagara Hobli, Kushtagi Taluk, Koppala District for construction of road from Kabbaragi Village to Kapila Teertha, Kushtagi Taluk in favour of the Executive Engineer, Public Works Department (PWD), Koppala

**Proposal No: FP/KA/ROAD/46736/2020**

- Ref:**
1. Online Proposal [FORM-A PART-I] dated 17-10-2020 (re-submitted) of the Executive Engineer, Public Works Department (PWD), Koppala r/w uploading of Acknowledgement on 12-11-2020 for having delivered the hard copies of proposal to jurisdictional Deputy Conservators of Forests and Deputy Commissioner
  2. This office online communication dated 24-11-2020 to Deputy Conservators of Forests, Koppala Division for further processing of the proposal
  3. Online submission of PART-II on 14-12-2020 by Deputy Conservator of Forests, Koppala Division [letter No. DCF/KPL/FC/Road/CR-19/2020-21 dated 10-12-2020]
  4. Online submission of PART-III on 19-12-2020 by Chief Conservator of Forests, Ballari Circle [letter No. MI/MNG/Road/CR-21/2020-21(PWD)/1414 dated 19-12-2020]

1. The Executive Engineer, Public Works Department (PWD), Koppala [USER AGENCY] vide Ref (1) has (re)submitted an online proposal [FORM-A PART-I] through FC Web Portal seeking approval under Section 2 of the Forest

(Conservation) Act, 1980 for diversion of 0.96 hectare of forest land in Kabbaragi Village Sy No. 53, 62 and 129, Hanumasagara Hobli, Kushtagi Taluk, Koppala District for construction of road from Kabbaragi Village to Kapila Teertha (waterfall/spring; a tourist place), Kushtagi Taluk. After acceptance of the proposal by Nodal Officer (FCA) for further processing, the User Agency has delivered the hard copies of the proposal to Deputy Conservator of Forests, Koppala Division and Deputy Commissioner, Koppala District and has uploaded the Acknowledgment on the web portal on 12-11-2020. Accordingly, an online communication was made by Nodal Officer (FCA) vide Ref (2) to the Deputy Conservator of Forests, Koppala Division for further processing of the proposal under FC Act.

2. **Location details and Component-wise breakup of forest land requirement:** The details of the location of forest land and component wise requirement are given below.

District, Taluk, Hobli	Village	Sy No.	Project components	Forest extent proposed for diversion (ha)	Legal Status of land
Koppala District, Kushtagi Taluk, Hanumasagara Hobli	Kabbaragi	53	Approach Road [1603 m x 6 m]	0.3894	Hanumasagara Block Reserved Forest ( <i>Section 4 Notification is available but Section 17 Notification is yet to be traced</i> )*
		62		0.459	
		129		0.1134	Un-classed Forest
Total				0.96	

\*Government of Mysore Notification Gazette No. 49, dated 28-10-1354 Fasli under Section 4 of Hyderabad Forest Act No. 2 of 1355 Fasli

3. **DCF, Koppala Division Report:** The Deputy Conservator of Forests, Koppala Division has inspected the site on 02-10-2020 and vide Ref (3) has submitted his report along with recommendation in PART-II to Chief Conservator of Forests, Ballari Circle. Main features of the proposal based upon the Deputy Conservator of Forests, Koppala report r/w report of Chief Conservator of Forests, Ballari Circle and that of ICT Centre of Forest Department are summarized below.

- The forest land proposed for diversion is prone to soil erosion and landslide. The User Agency may be required to taken up soil erosion measures all along the proposed road within forest limits.
- The forest land proposed for diversion is in general landscape of Eco-class IV (**Tropical Thorn Forest**) with Open Forest (Canopy Density of <0.4).

- c. As per Item 4(ii) of PART-II, there are no trees on the forest land proposed for diversion.
- d. No major wild animals are reported in and around the project area.
- e. There are no rare / endangered / unique species of flora and fauna reported in and around the forest land proposed for diversion.
- f. The forest land proposed for diversion does not form part of any National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc.
- g. There are no National Park/ Wildlife Sanctuary/ Biosphere Reserve/ Tiger Reserve/ Elephant Corridor/ Wildlife Migration Corridor, etc., within one kilometre of the forest land proposed for diversion.
- h. The forest land proposed for diversion is not located within Eco-Sensitive Zone (ESZ) of any Protected Area notified under Wildlife (Protection) Act, 1972.
- i. There are no Protected/ Archaeological/ Heritage site or Defence establishments or important monuments in the area.
- j. There is no violation reported under the Forest (Conservation) Act, 1980.
- k. The requirement of forest land for the project is bare minimum and unavoidable.

*[Note: As the User Agency in Justification Note uploaded in Item d(i) of the PART-I of the proposal has stated that the purpose of the proposed Approach Road is connect the Kapila Teerth Falls (a tourist destination), the Deputy Conservator of Forests, Koppala's statement in Recommendation in Item 16 that 'This is a road project it helps to the local farmers and local people to transport the forest produce to market and helpful for journey', being apparently incorrect may be ignored.]*

4. **CCF, Ballari Circle Report:** The Chief Conservator of Forests, Ballari Circle has not inspected the site personally. However, agreeing with the recommendations of the Deputy Conservator of Forests, Koppala Division, the Chief Conservator of Forests, Ballari Circle has also recommended the proposal and vide Ref (4) has submitted his specific comments in Item 16 of PART-II/III of the proposal.
5. **Net Present Value (NPV):** The User Agency is required to pay the Net Present Value (NPV) of forest land proposed for diversion as per Para 3.1 to 3.4 of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency has uploaded/submitted an Undertaking agreeing to pay the Net Present Value (NPV) of the forest land proposed for diversion.**

6. **Compensatory Afforestation (CA):** Present proposal involves diversion of within one hectare of forest land. The latest FC Guidelines are silent on the requirement of equivalent extent of non-forest land for the FC proposals involving diversion of forest land up to one hectare. However, Para 3.2(viii) of the immediately previous FC Guidelines exempted such proposals from requirement of raising CA. Therefore, the present FC proposal may also be exempted from the requirement of raising CA. However, Para 2.6 (i) of the latest FC guidelines mentioned above mandates that the cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum number of 100 plants) shall be levied from the User Agency towards Compensatory planting. Accordingly, **the User Agency will be required to pay the applicable charges in accordance with the PCCF (HoFF) O.M. KFD/HOFF/A5-3(GFL)/34/2019-FC [E-88289] dated 30-04-2020, in case any tree is required to be felled for the purpose of constriction of the proposed road. The User Agency has uploaded/submitted an Undertaking agreeing to pay the required charges.**
7. **Status of RoFR compliance:** In order to meet the requirement of the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act, 2006 and Rules 2008 and the FC Guidelines, the User Agency is required to obtain the **RoFR Certificate in FORM-I (for Linear projects)** issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F.No. 5-2/2017-FC dated 28-03-2019. **The User Agency is being informed once again to obtain the said Certificate in prescribed format and submit the same.**
8. **Additional issues:**
- a. **(Non)-Inclusion of side-drains in the proposal:** Six (6) meter width of the proposed road includes 5.5 meter of carriageway and 0.50 meter (0.25m + 0.25 m) towards shoulders. The User Agency has not included the Drains (*which are an essential component of any road*) in the forest land requirement for the proposed road. Regarding this issue, the User Agency vide letter uploaded in Additional Information Details of PART-I has stated that the Drains have not been proposed due to techno-economic considerations. The User Agency has uploaded the Cross-Section of the proposed road in Additional Information Details. Thus, the present proposal may be considered subject to the condition that the entire civil works (including side drains, if any) of the proposed Approach Road will be restricted to proposed 6 meter width only.

**b. Proposal vis-a-vis General approval provision of the FC Guidelines:  
Para 4.3 Critical development initiatives for public of the FC Guidelines  
provides the following:**

*'General approval for diversion of forest area for the development  
of following critical public utility and welfare projects undertaken  
by the Government:*

.....

*k. Construction/ widening of roads including approach road to  
roadside establishments*

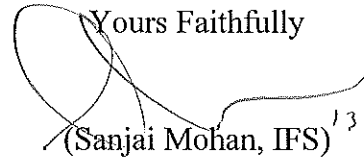
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The instant proposal involves construction of a road from Kabbargi Village to a Kapila Teertha (water spring/fall), which is tourist place inside a forest land and thus may not enjoy the above special relaxation. However, an appropriate decision may be taken by the Government of Karnataka whether the instant proposal will be covered under the above provisions or will be required to be submitted to Government of India for Stage-I approval.

In light of the facts stated above and agreeing with the recommendation made by the field officers, **it is requested to accord/seek 'in-principle' (Stage-I) approval for diversion of 0.96 hectare of forest land in Kabbaragi Village Sy No. 53, 62 and 129, Hanumasagara Hobli, Kushtagi Taluk, Koppala District for construction of road from Kabbaragi Village to Kapila Teertha, Kushtagi Taluk in favour of the Executive Engineer, Public Works Department (PWD), Koppala for a period of 20 years (or the project life whichever is earlier) subject to production of RoFR Certificate in FORM-I (for Linear projects) and further subject to the conditions appended in Annexure 'A'.**

The hard copy of the proposal along with the relevant documents in 3 sets is submitted herewith for further needful. The present status (Timeline) of the proposal obtained from the FC web portal is also appended for information.

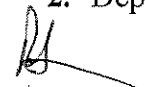
Yours Faithfully

  
(Sanjai Mohan, IFS) 13/1/24

Principal Chief Conservator of Forests  
(Head of Forest Force)

**Copy to the:**

1. Chief Conservator of Forests, Ballari Circle, Ballari for information.
2. Deputy Conservator of Forests, Koppala Division, Koppala for information.


  
ಶಮಾನ್ಯವಾಗಿ  
ಮಾಂ. 13-1-2024  
3-4-5 PM

O/C

3. The Executive Engineer, Public Works Department (PWD), Near Eshwar Temple, Koppala– 583 231 for information and **with the request to obtain the RoFR Certificate in FORM-I (for Linear projects) issued by the jurisdictional Deputy Commissioner as per Annexure II of the FC Guidelines communicated by Government of India, Ministry of Environment, Forests and Climate Change, New Delhi vide F. No. 5-2/2017-FC dated 28-03-2019 (may be downloaded from FC web portal) and submit authenticated/ attested copies** before seeking the final approval under the Forest (Conservation) Act, 1980.

## ANNEXURE 'A'

1. The legal status of forest land shall remain unchanged and it shall continue to be forest land.
2. The User Agency shall pay the applicable Net Present Value (NPV), Compensatory Plantation cost of extraction of trees (if any), land lease rent and any other levies as per the conditions of approval.
3. The User Agency shall demarcate the lease area in the manner specified at the time of approval at its own cost.
4. The lessee shall not sub-lease, mortgage & hypothecate the forest area.
5. The Lessee shall provide signages in appropriate dimensions and nature on both sides of the proposed road within forest limits for sensitisation of general public towards the forest, wildlife and environmental issues in consultation with the jurisdictional Deputy Conservator of Forests.
6. 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 two years or when it is no longer needed for the stipulated purpose, the area would stand resumed to the Forest Department.
7. No change in Land Use Plan on forest land shall be done except with prior approval of Government of India under FC Act 1980.
8. 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.
9. No residential or commercial buildings shall be permitted in the forest area proposed for diversion.
10. 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.
11. 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 Forests/ Conservator of Forests/ Chief Conservator of Forests.
12. The Lessee shall ensure that no avoidable harm is caused to the fauna and flora in and around the proposed area.
13. 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.
14. The approval under the Forest (Conservation) Act, 1980 is subject to any other clearances necessary under the prevailing statutes.
15. 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.

  
(Sanjai Mohan, IFS) 13/11/24  
Principal Chief Conservator of Forests  
(Head of Forest Force)





**PART – IV**

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

<p>Detailed opinion &amp; specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p><i>(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.)</i></p>	<p>Recommended for <b>according/ seeking 'in-principle' (Stage-I) approval for diversion of 0.96 hectare of forest land in Kabbaragi Village Sy No. 53, 62 and 129, Hanumasagara Hobli, Kushtagi Taluk, Koppala District for construction of road from Kabbaragi Village to Kapila Teertha, Kushtagi Taluk in favour of the Executive Engineer, Public Works Department (PWD), Koppala for a period of 20 years (or the project life whichever is earlier) subject to production of RoFR Certificate in FORM-I (for Linear projects) and further subject to the conditions appended in Annexure 'A'.</b></p> <p><b>[Proposal No. FP/KA/ROAD/46736/2020]</b></p>
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Signature:



Name:

**(RAJIV RANJAN, IFS)**

Designation:

**Principal Chief Conservator of Forests  
(Forest Conservation) and Nodal Office (FCA)**

(Official Seal)

Countersigned by :



Name:

**(SANJAY MOHAN, IFS)**

Designation:

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

(Official Seal)

N.D.O. No: 87/2020-21

Date: 13-01-2021

