

✓
Filed
2016

Proceedings of the Government of Karnataka

Subject: Diversion of 1.78 ha. (Revised 2.213 ha.) of forest land in Padukonaje village, Sy.No.78/IP, Marpady RF, Mangaluru Taluk, Kundapura Division for Building Stone Material quarry in favour of Padma Crushers.

Read: 1) Principal Chief Conservator of Forests (Head of Forest Force), Bangalore Letter No. A5(2).QRY.CR-10/2014-15, dt. 03-03-2015.

2) Government of Karnataka Letter No. FEE 12 FFM 2015, dt.31-03-2015.

3) Government of India, M/o Environment and Forests and Climate Change Letter No. 4-KRB551/2008-BAN/7828, dt. 31-12-2015.

4) Principal Chief Conservator of Forests (Head of Forest Force), Bangalore Letter No. A5(2).QRY.CR.10/ 2014-15, dt.01-10-2016.

5) Government of Karnataka Letter No. FEE 12 FFM 2015, dt.20-10-2016.

6) Government of India, M/o Environment and Forests and Climate Change Letter No. 4-KRB551/2008-BAN/1000, dt. 09th November 2016.

Preamble:

The Principal Chief Conservator of Forests (Head of Forest Force), Bangalore vide their letter read at (1) had submitted a proposal for diversion of 1.78 ha. (Revised 2.213 ha.) of forest land in Padukonaje village, Sy.No.78/IP, Marpady RF, Mangaluru Taluk, Kundapura Division for Building stone Material quarry in favour of Padma Crushers subject to certain conditions.

After verification and examination, the proposal was recommended by Government of Karnataka and forwarded to Government of India to accord sanction u/s 2 of the Forest (Conservation) Act, 1980 vide Government letter read at (2) above.

Shasada

The Govt. of India, Ministry of Environment and Forests and Climate Change, Regional Office (Southern Zone), Bangalore vide their letter read at (3) have accorded in-principle (Stage-1) approval for the proposal subject to fulfillment of certain conditions and the same was communicated to the Principal Chief Conservator of Forests (Head of Forest Force), Bangalore with a direction to submit compliance report on fulfillment of conditions.

The Principal Chief Conservator of Forests (Head of Forest Force), Bangalore vide their read at (4) had furnished the compliance report and the same was forwarded to Govt. of India vide Government letter read at (5) above and it was requested to obtain the final approval of Government of India u/s 2 of the Forest (Conservation) Act, 1980.

The Government of India, Ministry of Environment and Forests & Climate Change, Regional Office (Southern Zone), Bangalore vide their letter read at (6) have accorded and communicated its final approval (Stage-II) for the proposal u/s 2 of the Forest (Conservation) Act, 1980 subject to certain conditions.

The same has been examined in detail and hence the following order.

Government Order No. FEE 12 FFM 2015, Bangalore,

Dated:11/01/2017

Under circumstances explained in the preamble approval Government is accorded u/s 2 of Forest (Conservation) Act, 1980 for diversion of 1.78 ha. (Revised 2.213 ha.) of forest land in Padukonaje village, Sy.No.78/IP, Marpady RF, Mangaluru Taluk, Kundapura Division for Building Stone Material quarry in favour of Padma Crushers Bantwala, for a period of 10 years w.e.f. 02.11.2010asubject to following conditions.

- 01)The legal status of forest land shall remain unchanged.
- 02)The Compensatory Afforestation (CA) over the non-forest land equal extent to 1.28 ha. of proposed to be utilized 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.

L. Sharda

- 03) The non-forest land identified for compensatory afforestation in Sy.No.68/8, 68/2A, 68/1, 68/7, 68/6B, 124/1B & IC of Kabbinala Village, Karkala Taluk of Udupi District shall be transferred and mutated in favour of the State Forest Department.
- 04) 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 Govt. of India, M/o Environment and Forests, Regional Office (Southern Zone), Kendriya Sadan, 4th Floor, E and F Wings, 17th Main Road, 2nd Block, Koramangala, Bangalore-560 034 for information and record.
- 05) The user agency shall transfer the cost of raising and maintaining the compensatory afforestation, for a period of 7 years at the current wage rate, to the State Forest Department.
- 06) The State Government shall charge the Net Present Value of the forest area diverted under this proposal from the user agency as per the orders of the Honble Supreme court dated 28-03-2008, 24-04-2008 and 09-05-2008 in Writ Petition (Civil) No.202/1995 and the guidelines issued by Govt. of India, M/o Environment and Forests, vide its letter No.5-3/2007-FC, dated 05-02-2009 in this regard.
- 07) 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.
- 08) The State Government shall assess the area of forest land located within the mining lease which was used for non-forest purposes during different years without obtaining approval under Forest(Conservation)Act, 1980 and intimate the same to the Ministry of Environment and Forests.

L. Shasada

- 09) The State Government shall raise Penal Compensatory afforestation from the funds to be realized from the User Agency, over degraded forest land double in extent to the forest land utilized for non-purpose without obtaining approval under Forest (Conservation) Act, 1980.
- 10) The State Government shall realize from the user agency Penal NPV @ 20% of the rates applicable on the date of grant of the Stage I approval, of forest land utilized for non-forest purpose without obtaining approval under the Forest (Conservation) Act, 1980 for each year or fraction thereof. (Explanation: In case a patch of forest land has been utilized for non-forest purpose without obtaining approval under the FC Act for 3 years, penal NPV to be realized in respect of such forest land will be at the rate of 60% of the rates applicable on the date of grant of Stage-I approval).
- 11) The State Government of Karnataka shall initiate necessary action in accordance with the provisions of the Karnataka Forest Act, 1963 against the user agency for using the forest land for mining purpose without requisite approval from the competent authority. The enquiry in the Forest Offence Case booked against the user agency shall be completed before grant of the Stage-II approval under the Forest (Conservation) Act, 1980 for the said forest land.
- 12) The name of the officials responsible for the violation of the F(C) Act, 1980 shall be intimated to Regional Office, Bangalore for initiating appropriate proceedings under Section-3 A and Section-3 B of the Forest (Conservation) Act, 1980.
- 13) Following activities shall be under taken by the User Agency at the project cost:-
- (a) A plan containing appropriate mitigative measures to minimize 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.

Shri

- 14) 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.
- 15) The user agency shall obtain the Environmental Clearance as per the provisions of the Environmental(Protection)Act, 1986, if required.
- 16) User Agency shall ensure demarcation of boundary of safety Zone(7.5 metre strip all along the other boundary of the mining lease area), and its protection by erecting adequate number of 4 feet high RCC boundary pillars inscribed with DGPS co-ordinates and deploying adequate number of watchers under the supervision of the State Forest Department.
- 17) 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 one.
- 18) 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.
- 19) 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.
- 20) 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.
- 21) 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

L. S. Sood

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 Forest(Central) may direct that the mining activities shall remain suspended till such time, such reclamation activities are satisfactorily executed.

- 22) 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.
- 23) No labour camp shall be established on the forest land.
- 24) The User Agency shall provide firewood preferably alternate fuel to the labourers and the staff working at the site so as to avoid any damage and pressure on the adjacent forest areas.
- 25) 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.
- 26) The forest land shall not be used for any purpose other than that specified in the proposal.
- 27) 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.
- 28) 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.
- 29) 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.
- 30) The Compensatory Afforestation(CA) shall be raised over 1.28 ha. identified non-forest land in Sy.No.68/8, 68/2A, 68/1, 68/7, 68/6B, 124/1B & 124/1C of Kabbinala Village, Karkala Taluk of Udupi District land at the cost of user agency. The State Government shall

L. S. Shrivastava

obtain prior permission of Central Government for any change of Compensatory Afforestation site.

- 31) 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.
- 32) 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.
- 33) The GPS readings and location map of the degraded forest land selected for raising Penal Compensatory Afforestation shall be communicated to Ministry of Environment and Forests, Govt. of India, Regional Office, Bangalore within 30 days of transfer of the forest land.
- 34) 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.
- 35) The User Agency shall have to produce copy of quarrying lease/license granted by the Department of Mines and Geology to an extent of 0.70 ha.
- 36) The User Agency shall not carry out quarrying in the remaining 0.58 ha. area which shall be utilized only for dumping of material and approach.
- 37) The User Agency shall have to clear all dues, as assessed by the Department of Mines and Geology pertaining to the quantity of material removed from the additional area used for quarrying and furnish no dues certificate.
- 38) The user agency shall have to clear the Forest Development Tax dues, with regard to the quantity removed from the additional area used for quarrying.
- 39) The State Government shall charge the Net Present Value of the forest land diverted under this proposal from the user agency as per the orders of the dated 28-03-2008 and 09-05-2008 of the Hon'ble Supreme court
- 40) The user agency shall have to pay compensatory afforestation, Penal compensatory afforestation charges & any other penalties as stipulated by Ministry of Environment and Forests, Government of India.

L. Shasada

- 41) The user agency shall have to mutate and transfer non-forest compensatory afforestation land of 1.78 ha. in favour of Karnataka Forest Department.
- 42) The lessee shall pay lease rent as fixed by the Government from time to time.
- 43) The lease tenure is for a period of 10(ten) years with effect from 2-11-2010 i.e. co-terminus with the approval already accorded by the MoEF vide its letter dated 2-11-2010(for an extent of 0.50 ha.).
- 44) 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 Dept. u/s 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.
- 45) No residential building shall be permitted in the proposed forest area.
- 46) The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
- 47) The lessee shall take up planting work on the static dumps during the advance quarrying operations.
- 48) Before closing the quarry lease the lessee shall reclaim the quarry and rehabilitate the dumping area at his cost/or deposit the cost to Forest Department as calculated by the Deputy Conservator of Forests/State Government.
- 49) The lessee shall carry out soil and moisture conservation and other necessary measures around the forest area diverted as per the plan prepared in consultation with the Deputy Conservator of Forests.
- 50) The lessee shall undertake to protect rigidly the leased area and forest land surrounding the area from the leased site and shall ensure that no smuggling/poaching activities taken place in this area.
- 51) The lessee shall not cut any trees without prior permission of the Forest Department and all produce of permitted felling shall be handed over to the material (Stones, jelly etc) should be strictly as per transit rules in force.
- 52) In case of violation of agreement condition the Deputy Conservator of Forests will have right to suspend the mining activities.
- 53) The boundary of the quarry shall be fixed by the erecting the stone pillars of four feet height.

Asst. Commr.

- 54) No new roads shall be made/opened inside the forest.
- 55) Quarrying shall be contained within gently slope, not exceeding 30 degrees.
- 56) The waste debris generated shall be disposed of properly
- 57) The user agency shall ensure that there should be no damage to the available fauna and other flora.
- 58) No labour camp shall be established on the forest land.
- 59) Any damage to forest area due to such works shall be compensated by the user agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
- 60) The lessee shall not sub-lease, mortgage or hypothecate the forest area.
- 61) 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).

By order and in the name of the
Governor of Karnataka

L. Sharada 11.1.17
(L. SHARADA)

Under Secretary to Govt.,
Forest, Ecology and Environment Dept.

To:

The Compiler, Karnataka Gazette, Bangalore for publication in the next issue of the Gazette and request to supply 50 copies to State Govt. and 50 copies to Principal Chief Conservator of Forests (HoFF), Bangalore.

Copy to:

1. The Director General of Forests & Special Secretary to Govt. of India, M/o Environment, Forest and Climate Change, Indira Paryavaran Bhavan, Jor Bagh, Ali Ganj Road, New Delhi-110003
2. The Accountant General (Audit I and II)/(Accounts), Karnataka, Bangalore
3. The Principal Chief Conservator of Forests (Head of Forest Force), Aranya Bhavan, Malleshwaram, Bangalore.

4. The Additional Principal Chief Conservator of Forests (Central), Govt. of India, M/o Environment and Forests and Climate Change, Regional Office (South Zone), Kendriya Sadana, 4th Floor, E and F Wing, 17th Main, Koramangala, Bangalore-34
5. The Additional Principal Chief Conservator of Forests/Nodal Officer, O/o the Principal Chief Conservator of Forests (HoFF), Aranya Bhavan, Malleshwaram, Bangalore
6. The Chief Conservator of Forests, Mangalore Circle, Mangalore.
7. The Dy. Conservator of Forests, Kundapura Division, Kundapur.
8. M/s Padma Crushers C/o. Padma Services, P.O.Jodumarga-574 219, Bantwal Taluk, Dakshina Kannada District;

RK.