

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
New Delhi – 110 003
Dated: 24th May, 2021

To,

The Additional Chief Secretary (Forests)
Ecology and Environment Department,
Government of Karnataka,
Bengaluru.

Sub: Proposal for diversion of 4.85 ha. of forest land in North Eastern Block Forest (near Karadikolla village), Sandur Taluk, Bellary District for approach road to Mining Lease No. 2487 (an e-auctioned 'C' category mine of erstwhile FC holder M/s. Lakshminarayana Mining Company) in favour of successful bidder M/s. MSPL Ltd, Hosapete.-regarding (Online Proposal no.FP/KA/MIN/37101/2018).

Sir/Madam,

I am directed to refer to the Government of Karnataka's letter No. FEE 02 FFM 2020 (e) dated 27.03.2020 on the above mentioned subject, seeking prior approval of Central Government under Section-2 (ii) of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the Government of Karnataka and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees to accord *stage-I/In-principle* approval under the Forest (Conservation) Act, 1980 for diversion of 4.85 ha. of forest land in North Eastern Block Forest (near Karadikolla village), Sandur Taluk, Bellary District for approach road to Mining Lease No. 2487 (an e-auctioned 'C' category mine of erstwhile FC holder M/s. Lakshminarayana Mining Company) in favour of successful bidder M/s. MSPL Ltd, Hosapete, subject to the following conditions:-

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval:

- i. The State Govt. shall charge the Net Present Value (NPV) for the 4.85 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 Writ Petition (Civil) No. 202/1995 and as per the guidelines issued by this Ministry vide its letter No. 5-

1/1998-FC (pt. II) dt 18.09.2003, as well as letter No. 5-2/2006-FC dt 03.10.2006 and 5-3/2007-FC dated 05.02.2009 in this regard;

- ii. The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. 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 State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
- iii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- iv. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited through online e-portal into the CAMPA account in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- v. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
- vi. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
- vii. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
- viii. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;

B: Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. *The State Government shall ensure bamboo plantation and appropriate soil conservation measures on either side of the road;*
- iii. The Forest land will be handed over only after required non-forest land for the project is handed over by the user agency;
- iv. The Compensatory Afforestation shall be taken up by the Forest Department over 4.85 ha. non-forest land **(Compartment/Khasra No./Survey No.6/4,**

Village Amagon, Tehsil Belagavi, District Khanapur Jambati) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided. With provision for ten years on subsequent maintenance;

- v. 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;
- vi. User agency shall restrict the felling of trees to minimum number 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;
- vii. The User agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms;
- viii. The Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas;
- ix. The user agency shall provide suitable under / over pass in Protected Area / Forest Area as per recommendations of CWLW / NBWL / FAC / REC;
- x. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- xi. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
- xii. No labour camp shall be established on the forest land and
- xiii. Sufficient firewood, preferably alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forests Dept. or the forest Development Corporation or any other legal source of alternate fuel;
- xiv. The boundary of the diverted forest land shall be demarcated on ground at the project cost, as per the directions of concerned Divisional Forest Officer;
- xv. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xvi. The forest area shall be used for the purpose of which it is granted. The total forest land utilized for the project shall not exceed 4.85 ha.
- xvii. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xviii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval

of the Central Government;

- xix.No damage to the flora and fauna of the adjoining area shall be cause;
- xx.The layout plan of the mining proposal shall not be changed without the prior approval of the Central Government;
- xxi.The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
- xxii.The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- xxiii.Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife;
- xxiv.The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly; and
- xxv.The user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,
Sd/-

(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to: -

1. The Principal Chief Conservator of Forests (HoFF), Government of Karnataka, Bengaluru.
2. The Regional Officer, Integrated Regional Office, MoEF&CC, Bengaluru.
3. The Nodal Office (FCA), Forest Department, Government of Karnataka, Bengaluru.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.