

PART - IV

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

<p>Detailed opinion & specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.</p> <p>(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).</p>	<p>Recommended the proposal for according post facto 'in-principle' (Stage-I) approval for diversion of 2.025 ha. of forest land in Nirthadi RF Holalkere Range, Chitradurga Division, in favour of M/s. Sesa Sterlite Limited, Bheemasamudra, Chitradurga District under the Forest (Conservation) Act, 1980 subject to submission of compliance report under Forest Rights Act, 2006 by the Deputy Commissioner, Chitradurga District and the conditions as specified in Annexure 'A'.</p>
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Signature:

Name:

P. ANUR REDDY, IFS.,

Designation:

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

Counter signed by :

Name:

G.V. SUGUR, IFS.,

Designation:

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

(Official Seal):

N.D.O. No: **36** /2014-15.

Date: **21**-10-2014.

No. A5(1).MNG.CR.10/2013-14

Office of the
Principal Chief Conservator of Forests
(Head of Forest Force),
Aranya Bhavan, Malleswaram,
Bengaluru-560 003, dated: 21-10-2014.

To

The Additional Chief Secretary to Government,
Department of Forests, Ecology
and Environment, M.S. Building,
Bengaluru.

Sir,

Sub: Post facto approval for diversion of 2.025 ha. of forest land in
Nirthadi RF Holalkere Range, Chitradurga Division, in favour
of M/s. Sesa Sterlite Limited, Bheemasamudra, Chitradurga
District.

Ref: 1. Letter No. A6.Mine.Sesa.CR. /2014-15 dated: 8-8-2014 of
the Deputy Conservator of Forests, Chitradurga Division.
2. Letter No. M1.CCF.Bly.road.CR.8/2014-15/1131 dated:
12-8-2014 of the Chief Conservator of Forests, Bellary
Circle.

M/s. Sesa Sterlite Limited, Chitradurga Division (the lease holder of M. L. No. 2236) has submitted the proposal for seeking post facto approval under Forest (Conservation) Act, 1980 towards diversion of 2.025 ha. forest land in Nirthadi RF Holalkere Range, Chitradurga District. After examining the said proposal, the Chief Conservator of Forests, Bellary Circle, has submitted the proposal for post facto approval for diversion of 2.025 ha. forest land for approach road in Nirthadi RF Holalkere Range, Chitradurga Division, in favour of M/s. Sesa Sterlite Limited, Bheemasamudra, Chitradurga District under the Forest (Conservation) Act, 1980.

The details of the land required for the above purpose is as under:-

Name of Village	Sy. No.	Name of Forest	Length in Mtr	Width in Mtr.	Extent (in.ha)
Chowdenhalli	1	Nirthadi RF	215	15	0.323
Tanigehalli	35	Nirthadi RF	1135	15	1.702
Total			1350	15	2.025

The Deputy Conservator of Forests, Chitradurga Division and Chief Conservator of Forests, Bellary Circle have inspected the site on 13-6-2014 and

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20-6-2014 respectively and furnished the details in Form – A, Part – II & III along with their report which is as under:

1. CEC Sketch of mining lease area signed by DDMG, approach road sketch in scale 1:7920, copy of Survey of India toposheet in 1:50,000 scale indicating location of forest land proposed to be diverted.
2. Undertaking letter for CA, PCA and NPV have been submitted.
3. The density of vegetation of the forest land of 2.025 ha. is Eco-class - III (open forest).
4. There is no National park, Wild life Sanctuary Biosphere Reserves, Tiger Reserves, Elephant corridor etc.

Further, the Deputy Conservator of Forests, Chitradurga Division and Chief Conservator of Forests, Bellary Circle have recommended for diversion of 2.025 ha. forest land for use of old existing approach road in favour of M/s. Sesa Sterlite Limited, Chitradurga.

While agreeing with the above observations of the Deputy Conservator of Forests, Chitradurga Division and Chief Conservator of Forests, Bellary Circle, the following are some other observations with regard to the said proposal.

- i. **Approach road earlier used by the user agency without FC approval:** The detail of approach road earlier used by user agency without FC approval is depicted in plate No. 2 enclosed. The Road section from R1A to R1B (as mentioned in page 145 of the R & R Plan approved by CEC), which was earlier exclusively used by User Agency, for which no FC approval was obtained has a length of 1350 Mtrs. and width of 15 Mtrs. which works out to be 2.025 ha. This is in violation of the Forest (Conservation) Act, 1980. However, as per the approved R & R plan the length of the said section has been mentioned as 2.00 km. with a road width of 6.50 m. In view of the above it is felt that with regard to the above section of road R1A to R1B, the User Agency should be asked to pay the Net Present Value, the cost of compensatory afforestation and penal compensatory afforestation etc. for the extent as stipulated by Ministry of Environment, Forest and Climate Change. Further, with regard to this violation it is stated that the Ministry of Environment and Forests, Government of India may take any additional necessary action it deems fit, in accordance with the Forest (Conservation) Act, 1980, which the User Agency should also comply with.

The above facts has already been reported to the Government of Karnataka vide this office letter No. A5(1).MNG.CR.6/2011-12 dated: 31-1-2013 while submitting the proposal for diversion of 164.79 ha. in Nirthadi RF in

Chitradurga Division for renewal of mining lease No. 2236 in favour of this user agency.

With regard to the section of the road i.e., R1B to R1C, the user agency has submitted a letter (issued by Sri R. Praveen Chandra M. L. No. 2294 who has got the permission to use the said old existing approach road vide State Government order No. FEE 56 FFM 2008 Bengaluru dated: 24-5-2008) in which Sri R. Praveen Chandra has stated that they do not have any objection for M/s. Sesa Goa Limited for using this stretch of road (R3 to R4 stretch as per approved R & R plan of Sri R. Praveen Chandra) **Annexure - 8**. It is also to note that Sri R. Praveen Chandra has now submitted proposal for approval of the said approach road for 2.70 ha. which is being processed by this office.

- ii. **Identification of compensatory afforestation land:** The Chief Conservator of Forests, Bellary Circle and Deputy Conservator of Forests, Chitradurga Division has reported that the user agency has identified the non-forest land for compensatory afforestation to an extent of 3.70 ha. in Sy. No. 297 of Nannivala village, Challakere Taluk, Chitradurga District. Further, the Deputy Conservator of Forests, Chitradurga Division has reported that the said non-forest land is suitable for raising compensatory afforestation and it is adjoining to the forest area and also suitable for management point of view. Moreover, the User Agency has submitted a copy of letter dated: 18-8-2014 of Deputy Commissioner, Chitradurga District addressed to the Regional Commissioner, Bangalore requesting to transfer the said 3.70 ha. non-forest land to the forest department for compensatory afforestation purpose against the above project. The map showing the area identified for compensatory afforestation duly surveyed and prepared by taluk surveyor and certified by Tahasildar has been submitted by the Deputy Conservator of Forests, Chitradurga Division vide **Annexure - 10**. The user agency has also submitted an undertaking to complete the mutation process and transfer the said land in favour of the forest department **Annexure - 4**.
- iii. **Submission of compliance report required under the FRA-2006 & FRR-2008:** With respect to consent of the Grama Sabha required under the Forest Rights Act, 2006 and Forest Rights Rules, 2008, it is to state that the approach road sought for diversion comes within Sy. No. 1 of Chowdenahalli village and Sy. No. 35 of Tanigehalli village of Nirthadi State Forests. The User Agency has not submitted the consent of Grama Sabha and the certificate issued by Deputy Commissioner in Form - I as per the revised guidelines issued by Government of India vide its letter F. No. 11-9/98-FC (Pt) dated: 5-7-2013 on submission of certificates in the prescribed forms in respect of settlement of rights, in terms of the Scheduled Tribes and other Traditional Forest Dweller

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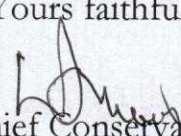
(Recognition of Forest Rights) Act, 2006. However, the user agency has submitted an undertaking regarding submission of FRA compliance.

In this regard, the Deputy Commissioner, Chitradurga District has been requested vide this office letter of even No. dated: -10-2014 (copy enclosed) to complete the process for settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and forward the proposal along with his findings on settlement of rights under FRA (in Form - I) and consent of the Grama Sabha/s to the Chief Conservator of Forests, Bellary Circle under intimation to this office as per Rule 3(e) and (f) of the Forest (Conservation) Amendment Rules, 2014.

Under the circumstances, it is requested to kindly move this proposal with the Government of India for according post facto 'in-principle' (Stage - I) approval for diversion of 2.025 ha. of forest land in Nirthadi RF Holalkere Range, Chitradurga Division, in favour of M/s. Sesa Sterlite Limited, Bheemasamudra, Chitradurga District under the Forest (Conservation) Act, 1980 subject to submission of compliance report under Forest Rights Act, 2006 by the Deputy Commissioner, Chitradurga District and the conditions as specified in **Annexure 'A'**.

The proforma particulars along with the relevant documents in 3 sets are submitted herewith for kind perusal and further action.

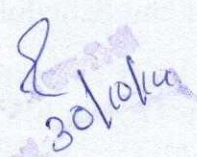
Yours faithfully,


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

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


Copy to the Deputy Conservators of Forests, Chitradurga Division, Chitradurga for information and necessary action.

Copy to M/s. Sesa Sterlite Limited, Megalahalli office complex, Bheemasamudra post, Chitradurga District for information.


30/10/14

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 period shall be co-terminus with current lease granted under MMRD Act 1957.
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 are 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. The User Agency shall pay the charges for raising compensatory afforestation, penal compensatory afforestation etc. as stipulated by MOEF and shall also get the identified non-forest land mutated in favour of Karnataka Forest Department for raising compensatory afforestation.
8. The User Agency shall 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.
9. The User Agency shall ensure that there should be no damage to the available fauna and other flora in the project premises.
10. No crushing/breaking of stones shall be allowed inside forest area. Readymade material shall be used for improvement of such road.
11. No labour camp shall be established on the forest land.
12. The lessee shall not sub-lease, mortgage or hypothecate the forest area.
13. 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.