

**F. No. 8-77/2013-FC**  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)

Indira Paryavaran Bhawan,  
Aliganj, Jorbagh Road,  
New Delhi – 110003  
**Dated: 17<sup>th</sup> December, 2018**

**Office Memorandum**


**Sub: - BBH Iron and Manganese ore mine of M/s Minerals Enterprises Limited with proposed capacity of 1.00 MTPA of Iron Ore, located at Dindadhali Village, Chitradurga & Holakere Talukas of Chitradurga District, Karnataka (MLA: 102.53 HA) Validity of FC – reg.**

1. The undersigned is directed to refer to your Office Memorandum No. J-11015/109/2018-IA. II (M) dated 13.11.2018 and to inform that the Forest Clearance over an extent of 105 Ha for renewal of mining and related activities was accorded by this Ministry on 04/07.04.1997 (**Copy enclosed**) under Forest Conservation Act 1980 for a period co-terminus with the mining lease granted under the MMDR Act, 1957 subject to maximum period of 30 years.
2. Further, the proposal for diversion of 109.17 ha of forest land for renewal of Mining Lease No. 2346 to an extent of 103.73 ha for mining and other allied activities and 5.44 ha for approach roads outside the Mining Lease area located at Bedara Bommanahalli and other Villages in Nirthadi reserve Forest, Holalkere Range, Chitradurga Division, Chitradurga District, Karnataka State in favour of M/s. Mineral Enterprises Limited, Bengaluru was received and considered by FAC in its meetings held on 30.04.2015 (**Copy enclosed**). The FAC *inter alia* recommended that: *In view of provisions of MMDR Act, 1954, as amended and also in view of the MoEF&CC's guidelines dated 01<sup>st</sup> April 2015 making the forest clearance under the Forest (Conservation) Act, 1980 co-terminus with period of mine lease, State Government shall be asked to take action in accordance with MoEF&CC's guidelines dated 01<sup>st</sup> April, 2015 as far as proposal of the State Government for renewal of Government of India's approval for diversion of 103.73 ha of forest land falling within the mining lease is concerned.*
3. The Government of Karnataka, Department of Commerce and Industries have issued letter No. CI 22 MMM 2015 dated 28-03-2015 (**Copy enclosed**) stating that the lease has been extended up to 30-03-2020 with effect from 06.10.2012 in line with the MMDR Act 1957 amended in 2015.
4. The said proposal at last was considered in Forest Advisory Committee (FAC) in its meeting held on 16.02.2016 (**Copy enclosed**) and the Committed considered the proposal for diversion of diversion of 109.17 ha of forest land for renewal of Mining Lease No. 2346 to an extent of 103.73 ha for mining and other allied activities and 5.44 ha for approach roads outside the Mining Lease area located at Bedara Bommanahalli and other Villages in Nirthadi reserve Forest, Holalkere Range, Chitradurga Division, Chitradurga District, Karnataka State in favour of M/s. Mineral Enterprises Limited, Bengaluru and after thorough deliberation recommended the diversion of 5.44 ha of forest land for approach road outside the mining lease area. Accordingly, in-principle approval was granted on 30.10.2017 (**Copy enclosed**) for diversion of 5.44 ha of forest land for approach road outside mining lease area for Mining Lease No. 2346 in Nirthadi Reserve Forest, Holalkere Range, Chitradurga Division, Chitradurga District, Karnataka State in favour of M/s. Mineral Enterprises Limited, Bengaluru subject to certain conditions prescribed therein including the State Govt. shall ensure that all the violations done by the user agency under this project are rectified before issue of Stage-II Clearance.

In view of above, the instant lease is valid upto 30.03.2020.

**Encl: As above**

**Dr. Shri R. B. Lal**  
Additional Director  
Impact Assessment Division, MoEF&CC  
New Delhi

  
(Shrawan Kumar Verma)  
Dy. Inspector General of Forests (FC)



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तार :

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भारत सरकार

पर्यावरण एवं वन मंत्रालय

GOVERNMENT OF INDIA

MINISTRY OF ENVIRONMENT &amp; FORESTS

पर्यावरण भवन, सी० जी० ओ० कॉम्प्लेक्स

PARYAVARAN BHAWAN, C.G.O. COMPLEX

लोदी रोड, नई दिल्ली-110003

LODHI ROAD, NEW DELHI-110003

No. 8-83/93-FC

Dated: 04.04.1997

To

The Secretary (Forests),  
Govt. of Karnataka,  
BANGALORE.

Sub:- Renewal of mining lease over 259 ha. of forest land in favour of M/s. Mineral Enterprises Private Ltd. in Chitradurga district.

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Sir,

I am directed to refer to your letter No. FEE-141-FFM-93 dated 13.9.93 on the above mentioned subject seeking prior approval of the Central Government in accordance with Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

After careful consideration of the proposal of the State Government and on the recommendation of the above mentioned Committee, the Central Government, hereby, conveys its approval under Section-2 of the Forest (Conservation) Act, for renewal of mining lease over 105 ha. of forest land in favour of M/s. Mineral Enterprises Private Ltd. in Chitradurga district, subject to fulfilment of following conditions:-

- (i) The legal status of forest land shall remain unchanged.
- (ii) Compensatory afforestation shall be raised over non-forest land equivalent in extent to the forest area to be broken afresh at the project cost. The non-forest land identified for compensatory afforestation will be notified as protected/reserve forests.
- (iii) No new construction of building for any purpose will be taken up in the leased forest area.



The user agency shall open a fuel depot at the project site for supply of free fuelwood to staff and labourers working in the project. The quantity of fuelwood to be supplied will be prescribed by the Conservator of Forests/Deputy Conservator of Forests, concerned.

Mine area reclamation (including targets of back filling) soil conservation measures and greenbelt development will be carried out concurrently to the maximum possible extent. The lessee shall take up planting work on the static dumps during the advance mining operations; and shall also undertake afforestation measures in the area proposed for afforestation and also in other blank areas in the leased area, as per directions of the Conservator of Forests and Deputy Conservator of Forests, concerned.

- i) Necessary soil conservation measures shall be taken at the project cost to prevent erosion in the catchment of Bhima Samudra Tank.
- (ii) Lease period shall be coterminous with lease under the MMRD Act subject to a maximum of 30 years.
- iii) Effective pollution control measures with respect to the air quality, water quality, noise should be implemented.
- x) The levels of SPM and other NOx gases should be regularly monitored to conform to the prescribed limits.
- ( ) The check dams to be constructed by the project authority to arrest the flow of suspended solids. The project proponents should provide for adequate arrangements for removing the accumulated material from behind these dams.
- xi) The quality of water finally discharged into the main water course from the tailing dam should conform to the prescribed standard.
- xii) No waste material should be allowed to roll down over the hill slopes (if any). The control measures for preventing the rolling down of debris over the hill slopes should be provided.
- xiii) Mechanical and biological reclamation of mined area shall be carried out at the project cost before handing over the land to the Forest Department.
- xiv) Effective steps for control of air pollution causing dust should be taken. No sorting and crushing facilities should be provided at the project site.
- v) All noise producing sources should be provided in-built control measures to reduce the noise level. The noise level should not exceed 40 dBA at a distance of 100 mt. from the source.
- vi) No change of methodology of working and scope of working should be made without prior approval of this Ministry.



xvii) Green belt around the dust generating points should be provided by the project proponent. Adequate funds provision (capital or recurring) should be made for implementation of environmental measures. The cost towards environmental control measures should be made available to this Ministry within a period of three months from the sanction of the renewal of lease.

(xviii) Regular monitoring of environmental quality parameters should be done and furnished to the State Pollution Control Board quarterly and to the Regional Office of this Ministry half yearly.

(xix) The forest land shall not be used for any purpose other than that specified in the proposal.

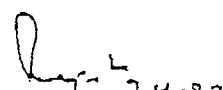
(xx) Any other condition that the State Government may impose from time to time in the interest of afforestation and protection of forests.

Yours faithfully,

(R.K. CHAUDHRY)  
ASSTT. INSPECTOR GENERAL OF FORESTS

Copy to :-

1. Principal Chief Conservator of Forests, Govt. of Karnataka, Bangalore.
2. Nodal Officer, Office of PCCF, Govt. of Karnataka, Bangalore.
3. The CCF(C), Regional Office, Bangalore.
4. RO(HQ), New Delhi.
5. Guard file.

  
(R.K.) CHAUDHRY  
ASSTT. INSPECTOR GENERAL OF FORESTS





## Government of Karnataka

Karnataka Government Secretariat,  
Vikasa Soudha,  
Bangalore, Dated:28.03.2015

(5)

: CI 22 MMM 2015

Com:

The Secretary to Government,  
(Mines & MSME),  
Commerce & Industries Department,  
Bangalore- 560001.

To:

✓ M/s. Mineral Enterprises Ltd.,  
Khanija Bhavan, West Wing,  
3<sup>rd</sup> Floor, No.49,  
D.Deveraj Urs Road,  
Bangalore.

Sir,

Sub: Extension of Mining lease 2346 lease period in terms of Section 8A introduced by the MMDR (Amendment) Ordinance, 2015.

Ref: 1) Mining Lease No.2346.  
2) MMDR (Amendment) Ordinance, 2015, dated 12.01.2015.  
3) Government of India D.O. letter No.1/1/2014-M.VI(ptIII) dated:05.02.2015.

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With reference to the mining lease No. 2346 in Bedarabommanahalli and other villages, Holalkere and Chitradurga Taluks, Chitradurga District for Iron Ore and Manganese minerals over an extent of 102.53 hectare (as finalised by CEC), you had been granted lease, which was renewed till 06.10.2012.

You had applied for 3<sup>rd</sup> renewal on 26.02.2009, which was within the time for applying for renewal. Government of India has amended the MMDR Act through promulgation of Ordinance on 12.01.2015 at reference (2) above and has provided for deemed extension of lease period vide Section 8A of the said Ordinance. Government of India has issued directions on effecting the provisions Section 8A(5) and (6) of the Ordinance by issuing a letter of intimation to the lease holders vide reference (3) above.

Therefore, I am directed to inform you that in terms of the provision of Section 8A(6), the period of your above mentioned lease now stands **extended upto 30.03.2020** with effect from 06.10.2012 being the later date amongst the period of fifty years from the original grant or expiry date of the last renewal made or the deemed extension date for other than captive purpose lease.



This letter may be used to obtain Statutory clearances like Forest clearance, Environmental clearance etc., if required.

This deemed extension is subject to the following additional conditions;

**Additional conditions:**

1. The deemed extension shall not absolve the lessee or any other person claiming through the original concessionaire from payment of any dues, royalty, dead rent, surface rent, fine, compounding charges etc. which are due to the State Government from such lessee or any person claiming through him or the erstwhile concessionaire/lessee for their acts or omissions prior to this letter.
2. The deemed extension shall not absolve the lessee from any action under MMDR Act and Rules framed there under for the acts done prior to this letter.
3. The deemed extension shall not absolve the lessee from any action by the State Government upon the findings of the Investigations by State agencies including Special Investigation Team (SIT) and Central agencies including CBI on illegal mining and transportation / export cases against the lessee company.
4. The lessee shall have to fulfill all the statutory/ regulatory requirements under MMDR Act 1957, MCR 1960, MCDR 1988, as well as other Acts and Rules & Regulations, Notification, as amended from time to time to the satisfaction of relevant authorities under such Act's, Rules etc.
5. No mining operations shall be undertaken in the leasehold area unless all clearances, NOC's, Consents, permissions etc. under various legislations, Rules, regulations, Notifications, etc. are in place solely on the basis of this letter.
6. The orders of Hon'ble Supreme Court of India and other competent courts, directives of all competent authorities are to be scrupulously followed, to the satisfaction of the concerned Authorities under relevant Legislations etc.
7. The lessee shall abide by the conditions laid down in this letter and the conditions stipulated in the original lease deed also.
8. The lessee shall execute a supplementary/rectification deed of Lease on acceptance of terms and conditions mentioned herein and compliance of all statutory requirements.
9. The lessee shall comply with the provisions of the Stamp Duty Act as amended from time to time to the satisfaction of the concerned authority under the Act.



10. This deemed extension is subject to any independent proceedings under MMDR Act, including proceedings for violation of any provisions of the Rules made there under.

Yours faithfully,

R. Chandrashekar  
28/3/15  
(R. CHANDRASHEKAR)

Under Secretary to Government,  
Commerce and Industries Department  
(Mines)

28/3/15

Copy to,

1. Secretary to Government of India, Ministry of Mines, New Delhi-110 001
2. The Additional Chief Secretary to Government, Forest, Ecology and Environment Department.
3. Regional Controller of Mines, Indian Bureau of Mines, Bangalore.
4. Chief Conservator of Forest, Aranya Bhavan, Bangalore
5. Director, Department of Mines and Geology, Khanija Bhavan, Bangalore and is directed to execute a supplementary lease deed accordingly upon compliance of all necessary statutory requirements.
6. Deputy Commissioner, Chitradurga District, Chitradurga
7. P.S to ACS to Chief Minister, Vidhana Soudha, Bangalore.
8. Senior PS to Secretary, Commerce & Industries department, Bangalore.
9. PA to Deputy Secretary, Commerce & Industries department, Bangalore



Minutes of ~~FA~~ - 14/2/16  
FAC on 14/02/2016

**Recommendation of FAC**

The matter was considered in FAC. Taking into consideration the revised site inspection (27.5.14) report of Regional office Bhopal in which it was pointed out that the OB dumps of deposit no 11 and 14 were not being managed properly and that soil and silt were seen flowing into adjoining forest lands. And submission of state government and NMDC that there is no violation with respect to these two deposits, the committee decided that regional office Bhopal should carry out site inspection to ascertain extent and nature of any violation which may have been committed.

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**Agenda No. 3**

**F. No. 8-77/2013-FC**

**Sub: Diversion of 109.17 ha of forest land for renewal of Mining Lease No. 2346 to an extent of 103.73 ha for mining and other allied activities and 5.44 ha for approach roads outside the Mining Lease area located at BedaraBommanahalli and other Villages in Nirthadi reserve Forest, Holalkere Range, Chitradurga Division, Chitradurga District, Karnataka State in favour of M/s. Mineral Enterprises Limited, Bengaluru.**

The Committee discussed the above mentioned proposal, and observed as follows:-

1. The above mentioned proposal was considered by the FAC in its meeting held on ~~16.2.16~~ and the FAC, after examination of the proposal, observed as below:
2. The proposal had been discussed in FAC meeting held on dated 30 May 2014, 22-23<sup>rd</sup> September 2014 and 30 April 2015.
3. The State Government of Karnataka vide their letter No. FEE 23 FFM 2013 dated 26.09.2013 has submitted above mentioned proposal seeking prior approval of the Central Government under Section – 2 of the Forest (Conservation) Act, 1980.
4. The Mining lease was first granted in the year 1952 and subsequently renewed under the present Mining Lease No. 2346. The lease has been transferred to M/s Mineral Enterprises (P) Ltd. from M/s Jyothi Brothers on 9.09.1969.



- 12 A extension  
2105/50/N1 NO 2 A7
- (i) M/s. Mineral Enterprises Ltd., has been granted Mining Lease over an extent of 103.81 Ha (256.515 Acres) involving 100.17 Ha in Forest area and 3.64 Ha in Revenue land Under M.L. No. 2346 for a period of 20 years w.e.f. 7.10.1992 which was valid up to 6.10.2012 for Iron ore and Manganese ore. Mining activity was stopped since the expiry of mining lease.
- (ii) As per the survey and demarcation carried out by the Joint Team of CEC, an area of 102.53 Ha. (99.23 Ha forest Land & 3.30 Ha Revenue Land) was demarcated and the proposal was submitted in line with the CEC Sketch.
- (iii) Forest Clearance was accorded under Forest Conservation Act 1980 vide letter No. 8-83/93 FC Dated 4<sup>th</sup> April 1997 from MoEF (FC wing) Govt. Of India over an extent of 105 Ha for mining and related activities for a period co-terminus with the mining lease granted under the MMDR Act, 1957 subject to maximum period of 30 years. The Mining lease, being co-terminus with the lease period under MMRD Act was valid up to 6.10.2012.

5) FRA compliance has been provided by the deputy Commissioner, Chitradurga District.

6) The proposal for total diversion of 109.17 ha including 5.44 ha for approach road outside the mining lease area was considered in last FAC on 30<sup>th</sup> April 2015 .After thorough deliberation FAC had observed that

1. In view of provisions of MMDR Act, 1954, as amended and also in view of the MoEF&CC's guidelines dated 1 April, 2015 making the forest clearance under the Forest (Conservation) Act, 1980 co-terminus with period of mine lease, State. Government shall be asked to take action in accordance with MoEF&CC's guidelines dated 1 April, 2015 as far as proposal of the State Government for renewal of Government of India's approval for diversion of 103.73 ha of forest land falling within the mining lease is concerned.,
2. The State Government shall ensure the compliance of the conditions stipulated in Government of India's approval dated 04th April, 1997 in accordance with the Forest Conservation guidelines/instructions issued from time to time and compliance of the provisions of the applicable law/Act/guidelines.





3. A separate proposal for diversion of 5.44 ha of forest land for the road falling outside the mine lease shall be submitted.
4. The Regional Office, Bangalore shall carry out inspection of the area proposed for, diversion outside the mining lease.
- 7) The recommendation of FAC was conveyed to the state government. of Karnataka and Regional Office 12.06.2015
- 8 In light o the above facts and in response to the MoEF's letter dated 12.06.2013, Ministry MoEF& CC GoI, PCCF Karnataka had recommended the proposal for diversion of forest land over the extent of 5.44 ha of approach road only instead of the total proposal for diversion of 109.17 ha of forest land for renewal of ML No. 2346 in favour of M/s Mineral Enterprises Limited, Bangaluru.
- 9) With reference to GOI letter dated 12.06.2015, the Regional Office, Bangalore vide their letter dated 24.07.2015 (F/D- P.1527-1545/c) submitted site inspection report which was carried on 09.07.2015.
- 10). It is reported that forest area proposed for road outside the lease area was inspected by CCF (Central) on 09.07.2015 .The content of report is as below.
  - a) The mining lease under the MMDR Act was originally granted in the year 1952 and the User Agency was using the approach road under consideration in this proposal since the beginning of the lease for transportation of minerals, etc.
  - b) It is said that the central empowered committee has directed that permission under FC Act, 1980 is required to be obtained by the mine owners for use of such roads exclusively made and used for transporting ores outside the lease area and accordingly, the user agency has sought approval under FC Act, 1980 for use of approach road.
  - c) The Ministry while issuing forest clearance, in respect of already broken up area prior to 1980, within the mining lease, C.A is exempted and it is not treated as violation of FC Act, 1980. It is felt that we should take a consistent stand in this regard. Therefore, Ministry may take appropriate view in the matter.



The view of the Regional Office, Bangalore, is that the proposal for diversion of 5.44 ha of forest land for approach road may be considered subject to usual conditions and the following additional conditions:-

- i. Proper drainage shall be built with engineering structures all along the road, as suggested in the inspection report.
- ii. Avenue plantation shall be raised and maintained at the cost of user agency.
- iii. Fugitive dust emissions shall be controlled by making water spraying arrangements on the road.
- iv. The user agency shall have only the right of way and the control over the road shall remain with the forest department.

#### **Recommendation of FAC**

FAC considered the proposal for diversion of 109.17 ha of forest land for renewal of Mining Lease No. 2346 to an extent of 103.73 ha for mining and other allied activities and 5.44 ha for approach roads outside the Mining Lease area located at Bedara Bommanahalli and other Villages in Nirthadi reserve Forest, Holalkere Range, Chitradurga Division, Chitradurga District, Karnataka State in favour of M/s. Mineral Enterprises Limited, Bengaluru and after thorough deliberation recommended the diversion of 5.44 ha of forest land for approach road outside the mining lease area subject to general, standard and additional conditions applicable to the project.

F. No. 8-77/2013-FC  
Government of India  
Ministry of Environment, Forests and Climate Change  
(Forest Conservation Division)  
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Indira Paryavaran Bhawan,  
Aliganj, Jorbagh Road,  
New Delhi - 110003  
Dated: 30 October, 2017

To

The Principal Secretary (Forests),  
Government of Karnataka,  
Bangalore.

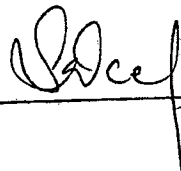
**Sub:** Diversion of 5.44 ha of forest land for approach road outside mining lease area for Mining Lease No. 2346 in Nirthadi Reserve Forest, Holalkere Range, Chitradurga Division, Chitradurga District, Karnataka State in favour of M/s. Mineral Enterprises Limited, Bengaluru.

Sir,

I am directed to refer to the State Government's letter No. FEE 23 FFM 2013 dated 15.10.2015 on the subject mentioned above seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the proposal has been examined by the Forest Advisory Committee constituted by the Central Government under Section-3 of the aforesaid Act.

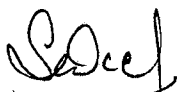
After careful examination of the proposal of the State Government and on the basis of the recommendations of the Forest Advisory Committee, *In-principle approval/Stage-I Clearance* of the Central Government is hereby granted for diversion of **5.44 ha** of forest land for approach road outside mining lease area for Mining Lease No. 2346 in Chitradurga Division, Chitradurga District, Karnataka State in favour of M/s. Mineral Enterprises Limited, Bengaluru:

- (i) Legal status of the diverted forest land shall remain unchanged
- (ii) Compensatory afforestation over the non-forest land, equal in extent to the forest land being diverted, shall be raised on the identified land and maintained there after as per approved plan by the State Forest Department from amount deposited by the User Agency in the Account of Ad-hoc CAMPA.
- (iii) The land identified for the purpose of CA shall be clearly depicted on a Survey of India top-sheet of 1:50,000 scale.
- (iv) The 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.
- (v) The non-forest land transferred so mutated in favour of the State Forest Department shall be notified by the State Government as RF under Section-4 or PF under Section-29 of the Indian Forest Act, 1927 or under the relevant Section(s) of the local Forest Act, 1927 latest within a period of six months from the date of issue of Stage-II approval. The Nodal Officer shall report compliance in this regard along with a copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, as the case may be, within the stipulated period to the Central Government for information and record;
- (vi) The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate as directed and advised by State Forest Department in the Ad-hoc CAMPA Account of the State concern **through online portal**. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- (vii) The User Agency shall transfer **online**, the Net Present Value (NPV) of the forest land being diverted under this proposal, as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009. The



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- requisite funds shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned.
- (viii) Any fund received from the user agency under the project and deposited in the State Forest Department account, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred through online portal into Ad-hoc CAMPA account of the State Concerned.
  - (ix) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
  - (x) No labour camp shall be established on the forest land.
  - (xi) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
  - (xii) The boundary of the diverted forest land, as applicable, 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, distance from pillar to pillar and GPS Co-ordinates.
  - (xiii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
  - (xiv) The forest land shall not be used for any purpose other than that specified in the proposal.
  - (xv) 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.
  - (xvi) No damage to the flora and fauna of the adjoining area shall be caused.
  - (xvii) 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. Birds 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.
  - (xviii) Felling of trees on the forest land being diverted shall be reduced to the bare minimum and the trees should be felled under strict supervision of the State Forest Department.
  - (xix) The User Agency shall raise strip plantation on either sides of the road and central verge at the project cost, as per IRC specification, with maintenance of 7-10 years. The User Agency shall also submit design of providing at least 2-3 rows of long rotation indigenous trees, as per provision of IRC-SP-21-2009 (Guidelines on landscaping & tree plantation), on either sides of the road before final clearance.
  - (xx) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost.
  - (xxi) Overburden shall not be dumped outside the width of the road. The muck generated in the earth cutting will be disposed off at the designate dumping sites and in no case the muck/debris shall be allowed to roll down the hill slopes.
  - (xxii) The User Agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.
  - (xxiii) The User Agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
  - (xxiv) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009, 05<sup>th</sup> February, 2013 and 05<sup>th</sup> July, 2013, in support thereof;
  - (xxv) The User Agency shall not collect any toll from the vehicles carrying forest officers on duty.
  - (xxvi) The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals.
  - (xxvii) **Proper drainage shall be built with engineering structures all along the road, as suggested in the inspection report.**
  - (xxviii) **Avenue plantation shall be raised and maintained at the cost of user agency.**




30.10.17

- (xix) Fugitive dust emissions shall be controlled by making water spraying arrangement on the road.
- (xxx) The user agency shall have only the right of way and the control over the road shall remain with the forest department.
- (xxx1) The State Govt. shall ensure that all the violations done by the user agency in mining lease area and under this project are rectified before issue of Stage-I Clearance.
- (xxxii) The user agency shall submit the annual self compliance report in respect of the above conditions to the State Govt. and to the concerned regional Officer of the Ministry regularly.
- (xxxiii) Any other condition that the concerned Regional office of this Ministry may stipulate, from time to time, in the interest of conservation, protection and development of forests & wildlife; and
- (xxxiv) The State Govt. and user agency shall ensure compliance to all conditions stipulated above and also the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court order (s) and National Green Tribunal 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 fulfillment of the conditions mentioned above, the proposal shall be considered for final approval under section-2 of the Forest (Conservation) Act, 1980. Transfer forest land shall not be affected till final approval is granted by the Central Govt. in this regard.

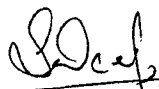
Yours faithfully,

  
\_\_\_\_\_  
(Sandeep Sharma) 30.10.17

Assistant Inspector General of Forests (FC)

**Copy to:**

1. The Principal Secretary (Forests), Government of Karnataka, Bangalore.
2. Principal Chief Conservation of Forests, Government of Karnataka, Bangalore.
3. The Nodal Officer, FCA office of the PCCF, Government of Karnataka, Bangalore.
4. User Agencies
5. Monitoring Cell
6. Guard File

  
\_\_\_\_\_  
(Sandeep Sharma) 30.10.17  
Assistant Inspector General of Forests(FC)



minutes of  
FAC on 30/04/15

30/4/2015

8. The proposal was analysed with the help of decision support system using the shape file provided by the State Government. However, it was found that shape files were not in order and it was not possible to further verify the project details.

After detailed discussions, the Committee recommended that the State Government may be requested to send the correct shape file and also submit the Scheduled Tribe and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006 compliance and the Nodal Officer may be requested to make a detailed presentation before the Committee.

**Agenda Item no. 10**

F. No.8-77/ 2013-FC	Diversion of 109.17 ha of forest land for renewal of Mining Lease No. 2346 to an extent of 103.73 ha for mining and other allied activities and 5.44 ha for approach roads outside the Mining Lease area located at Bedara Bommanahalli and other Villages in Nirthadi reserve Forest, Holalkere Range, Chitradurga Division, Chitradurga District, Karnataka State in favour of M/s. Mineral Enterprises Limited, Bengaluru.	Karnataka	109.17 ha	Mining Lease
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The Committee discussed the above mentioned proposal, heard the views of the user agency and observed as follows:-

1. The State Government has complied with the information requested in the last FAC meeting held on 13<sup>th</sup> May, 2014.
2. FRA compliance has been provided by the deputy Commissioner, Chitradurga District.
3. As from the Mines and Minerals (Development & Regulation) Amendment Act, 1957, amendment in 2015, there would be no renewal of any Mining Lease in future. All Mining Leases to be granted in future would have tenure of 50 years. Similarly, lease granted prior to the promulgation of Ordinance would also have tenure of not less than 50 years. Ministry of Mines requested this Ministry to consider extending the period of validity of approvals accorded under the FC Act to existing mining leases.

*M. Anand*

- 21/11/08
4. Accordingly, Ministry has issued guidelines dated 01<sup>st</sup> April, 2015, wherein, the period of validity of approvals accorded under Section-2 of the FC Act shall be extended, and shall be deemed to have been extended upto a period co-terminus with the period of mining lease in accordance with the provisions of the MMDR Act, 1957, as amended.
  5. In the light of these guidelines, the forest clearance granted by Government of India vide its letter dated 04.04.1997, become co-terminus with the period mining lease in terms of MMRD Act, 1957 as amended in 2015. Hence, the proposal of the user agency becomes irrelevant to that extent.
  6. However, in case of diversion of 5.44 ha for forest land for approach road the approval may be considered independently and in accordance with the recommendations of the last FAC.
  7. 2.50 ha of has already been used out of the mining lease mentioned in approach road, however, the present 5.44 ha area proposed for approach road is outside the lease area.


After detailed discussion, the Committee recommended that –

1. In view of provisions of MMDR Act, 1954, as amended and also in view of the MoEF&CC's guidelines dated 01<sup>st</sup> April, 2015 making the forest clearance under the Forest (Conservation) Act, 1980 co-terminus with period of mine lease, State Government shall be asked to take action in accordance with MoEF&CC's guidelines dated 01<sup>st</sup> April, 2015 as far as proposal of the State Government for renewal of Government of India's approval for diversion of 103.73 ha of forest land falling within the mining lease is concerned.
2. The State Government shall ensure the compliance of the conditions stipulated in Government of India's approval dated 04<sup>th</sup> April, 1997 in accordance with the Forest Conservation guidelines/instructions issued from time to time and compliance of the provisions of the applicable law/Act/guidelines.



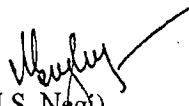
3. A separate proposal for diversion of 5.44 ha of forest land for the road falling outside the mine lease shall be submitted.
4. The Regional Office, Bangalore shall carry out inspection of the area proposed for diversion outside the mining lease.

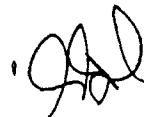
Not Present  
(Dr. Mohammad Firoz Ahmed)  
Member

  
Continued  
(by e-mail)  
(Ramesh K Dave)  
Member

Not present  
(Chaitram Deochand Pawar)  
Member

Not present  
(Dr. Chintamani Pandey)  
Additional Commissioner  
(NRM), Member

  
(M.S. Negi)  
IG(FC) & Member  
Secretary

  
(Dr. S.S. Negi)  
Addl. Director General of Forests  
(FC)

  
(Dr. S.S. Garbyal)

Director General of Forests and Special Secretary & Chairman