



भारत सरकार  
पर्यावरण एवं वन मंत्रालय  
GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTS

भारत सरकार  
पर्यावरण एवं वन मंत्रालय

GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTS

क्षेत्रीय कार्यालय (दक्षिण बलय)

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No.4-KRA979/2013-BAN/5052  
Dated: 28<sup>th</sup> March, 2014

To M.  
Shri Rajkumar, IFS  
Assistant Inspector General of Forests (FC)  
Ministry of Environment & Forests  
Paryavaran Bhawan, CGO Complex  
Lodhi Road, New Delhi - 110 003.

*TO CEY / Planning*  
*MZ*  
*4/4/14*

*CEM*  
*28-3-14*  
*CB*

**SUB:- Diversion of 109.17 ha of forest land for renewal of Mining Lease No.2346 located in Nirthadi RF, Holalkere Range, Chitradurga Division, Chitradurga Distt., Karnataka in favour of M/s Mineral Enterprises Limited, Bengaluru**

Ref: F.No.8-77/2013-FC dated 18<sup>th</sup> October, 2013.

**Brief details of the Project:-**

MoEF issued Forest clearance vide letter no.8-83/93-FC dated 7.4.1997 subject to certain conditions under Section 2 of Forest (Conservation) Act, 1980 in favour of M/s Mineral Enterprises Ltd., for 30 years co-terminus with MMRD Act, 1957 w.e.f 7.10.1992 and valid upto 6.10.2012. Lease period under MMRD Act, 1957 ended on 6.10.2012 and therefore, the FC also ended on 6.10.2012.

The Principal Secretary to Govt of Karnataka, Forest, Ecology & Environment Department, Bangalore vide letter no. FEE 23 FFM 2013 dated 26.9.2013 submitted a proposal to obtain approval of Government of India under Section 2 of Forest (Conservation) Act, 1980 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 (As per CEC approved joint survey sketch) and 5.44 ha for approach roads outside the Mining Lease area (earlier FC clearance dated 7.4.1997 was for 105 ha) i.e., for a total area of 109.17 ha in Nirthadi Reserve Forest, Holalkere Range, Chitradurga Division, Chitradurga District, Karnataka in favour of M/s. Mineral Enterprises Limited, Bengaluru subject to certain conditions.

The details of the forest land required for the project is as under:-

Purpose	Extent (in ha.)
Area for mining	47.44
Waste/ Rejection Dump	10.74
Sub-grade mineral stock and mineral	14.45

O/o A.I.  
Dy. No. 61 / R.K  
Date 28/3/2014

rejects	
Dynamic mineral stock	6.38
Bio-diversity conservation area	6.47
Crushing, Screening & beneficiation Plants	2.18
Area for Tailing Pond	1.50
Water Harvesting Pond	1.88
Safety Zone/Green Belt	3.89
Afforestation	3.50
Area for roads within lease area	0.80
Area for Office, Infrastructure, roads connecting various blocks as per earlier FC	4.50
Total Area (as per CEC sketch)	103.73
Area proposed for approach roads outside the lease area	5.44
<b>Total Area proposed for diversion</b>	<b>109.17</b>

**Important observations of the PCCF, Karnataka with regard to the proposal:-**

**(i) Mining in un-broken area and Land use Plan:-**

The PCCF has observed that no mining should be permitted in the un-broken 19.05 ha and the mining should be restricted to 32.59 ha, as mentioned in the "present land use plan" as per mining plan approved for the years 2012-13 to 2016-17. He has also observed that opinion in this regard may be sought by the Government of India from the CEC, in case it is felt necessary. The PCCF has observed that the user agency has proposed for mining in the presently unbroken area. The unbroken area shall not be worked in view of the Hon'ble Supreme Court of India order dated 20.4.2012, wherein it was ordered that "mining which is to resume in Category A however shall not extend to unbroken forest areas". The approved RR plan also stipulates that mining should not be carried out beyond the existing pit limits.

**(ii) Surrender of 0.50 ha of forest land:-**

The User Agency should be asked to pay the Net Present Value for the 0.50 ha area proposed to be surrendered also and should carry out the reclamation and rehabilitation work at their own cost as proposed by the Forest Department.

**(iii) Encroachment found by the Joint Team: –**

The User agency has encroached 3.13 ha of forest land in the form of "Others" as per the survey carried out by the Joint Team and as reported by the CEC in its report dated 3.2.2012. PCCF has observed that Ministry may take appropriate decision as deemed fit with regard to compensatory payment for the encroachments and opinion of CEC may be sought in case felt necessary.

**(iv) Approach road earlier used by the user agency without FC approval: –**

The PCCF has recommended that the User Agency should be asked to pay NPV. Further compensatory afforestation area of 5.44 ha of non-forest land in lieu of the approach roads shall be identified by the User Agency, demarcated and get it mutated and handed over to the Karnataka Forest Department and pay the CA charges. MoEF may also take additional necessary action it deems fit with regard to the violation.

**(v) Non-payment of Forest Development Tax (FDT) dues:-**

There is a writ petition with regard to payment of FDT is pending (WP No.13654 of 2008). In the Government of India guidelines, it has been advised not to consider/process cases which are pending in Courts and are sub-judice. Since this case regarding payment of FDT is pending in the Hon'ble High Court appropriate decision needs to be taken by the Government of India.

**(vi) Non-submission of notification/Letter of Intent regarding renewal:-**

The User Agency has not submitted Notification issued by Government of Karnataka as per the provisions of the MMRD Act, 1957 or a Letter of Intent for renewal of the Mining lease and in view of this the lease should not be renewed unless the user agency submits the requisite notification.

**(vii) Safety Zone:-**

Clarification is needed from the MoEF regarding whether the user agency should deposit funds with regard to the protection and regeneration of Safety zone with the Forest Department or the user agency may be given the responsibility and be exempted from depositing the funds.

**(viii) Non-compliance of the stipulated conditions:-**

Based on the reports of Addl PCCF(FCA) and DCF, Chitradurga, PCCF has observed that user agency has failed to comply with the stipulated conditions of the earlier FC and agreement lease condition despite the fact that they had 16 years of lease period to comply, which fact may have to be viewed seriously. Lease may be considered for renewal only if the user agency complies with the above stated conditions and Government of India may also take appropriate penal action as deemed fit for non-compliance of the conditions stipulated in the earlier approval.

**(ix) Payment of NPV:-**

The UA shall have to pay NPV for the entire forest land sought for diversion of 109.17 ha, since the same was not paid earlier. The user agency shall also have to pay any additional amount of NPV as per the directions of the Hon'ble Supreme Court/ Ministry of Environment and Forests.

**(x) Compliance to stipulation regarding Compensatory afforestation:-**

The user agency shall have to get the 20 ha of CA land of the previous FC clearance, mutated in favour of the Forest Dept in order to get it notified as PF/RF.

The specific conditions and the general conditions recommended by the PCCF to be complied by the user agency are enumerated in the Annexure A.

**Observations based on site inspection and perusal of records:**

Site Inspection of the area proposed for renewal of FC has been done by the undersigned alongwith Shri S.M. Somashekar, CCF(Central) of the Regional Office, Bangalore on 27<sup>th</sup> December 2013. The CCF, Bellary, DCF, Chitradurga and representatives of the user agency were also present during inspection. Based on site inspection and perusal of records, observations are as under:-

1. **Mining in unbroken area** - The previous FC was granted for 105 ha, (85.95 ha broken-up and the remaining 19.05 ha unbroken). Even now this 19.05 ha continues to remain unbroken practically. As per the present proposal, mining is to be continued in 47.44 ha including the current pit. But the current mining has to be restricted to mining in the current pit of 32.59 ha only. The representatives of the project have explained that there is enough mineral in the existing pit itself and mineral will last for more than 15 years at the rate of removal of 0.38 MTPA, which is the permissible limit as per the orders of the Hon'ble Supreme Court. Therefore renewal can be considered with a specific condition that mining shall be restricted to the existing pit and mining shall not extend to unbroken area.
2. **Encroachment found by the Joint Team** - In violation of condition no.12 of FC approval, the user agency has encroached 3.13 ha forest land in the form of "Others" as per the survey carried out by the Joint Team and as reported by the CEC in its report dated 3.2.2012 and this mine has been kept in the Category A. It may be considered to impose a condition that the user agency shall bear the cost of afforestation in double the extent i.e., 6.26 ha of degraded forest land to be identified by the Forest Department.
3. **Approach Road used by the user agency without FC approval** – The approach road appears to have been in existence since a long time as per the Survey of India Toposheet. However, in addition to stipulation of providing 5.44 ha of non-forest land for compensatory afforestation, CA in double the degraded forest land i.e., 10.88 ha at the cost of user agency may also be stipulated.
4. **Non-submission of notification/Letter of Intent regarding renewal** – The user agency informed that they have applied in Form -J in 2009 and hence renewal of FC may be granted subject to obtaining renewal of mining lease under MMRD Act and FC can be granted for a period of 20 years or co-terminus with renewal period of lease under MMRD Act whichever is earlier.
5. **Compliance to stipulation regarding Compensatory afforestation** – To ensure transfer and mutation is done in the name of the Forest Department and the area is declared as

PF/RF, it is proposed to stipulate a condition in the Stage I approval that Stage II approval shall be granted only after the 20 ha CA land provided in the time of the FC is mutated in favour of the Forest Department and notified as PF/RF.

6. **Change in scope of Working** - In violation of condition no.16, User agency has changed the scope of working by undertaking dump mining to the tune of 6.5 million tonnes. In the Environment clearance dated 31.3.2006, it is clearly mentioned that there is a 2 million m<sup>3</sup> overburden already existing and 32000 tonnes per month proposed to be generated and EC stipulated that this accumulated overburden will be used to backfill the mining pit in order to reclaim the area. As per this condition, mining company was supposed to use the overburden for back filling of the mining pit for reclamation. In violation of this condition, the accumulated overburden has been disposed off. In the process they have also exceeded the permissible quantity of 1 MTPA to be handled in a given year.
7. **Benefits due to mining** - The mine is having extractable ore and extraction of the same will meet the requirement of the steel industry. Mining activity will generate employment to the local peoples and generate revenue for the Government.
8. **Protection of adjoining Forest and promotion of Agro-forestry** - The user agency may be entrusted with the responsibility of special fire protection measure in the forest area adjoining to the lease area at the cost of user agency in consultation with the forest department. The user agency can also be entrusted the responsibility of promoting agro forestry in the surrounding areas, which is a drought prone area.

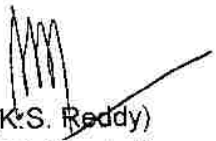
Looking to the need for providing raw material for the industry and socio-economic benefits to the society and the need to restrict the mining to the existing pit in order to preserve the remaining greenery, the proposal for renewal of 103.73 ha and grant of fresh diversion for 5.44 ha may be considered favourably with the stipulation of the following additional conditions:-

1. The mining shall be restricted to the existing pit of 32.59 ha
2. The annual production of ore shall not exceed 0.38 MTPA.
3. Afforestation shall be carried out wherever possible in the lease area.
4. The user agency shall meet the cost of rehabilitation works and special fire protection measures in the forest area adjacent to the mining lease area every year as per the scheme prepared by the concerned DCF.
5. The user agency shall pay the cost of afforestation in 40 ha of degraded forest land elsewhere to be identified by the Forest Department as compensation for the violations.
6. The user agency shall promote agro forestry in the surrounding villages.
7. Copy of notification as PF/PF of already handed over 20 ha CA land in Sy.No.62 of Yalladakere village of Hiriyur taluk, Chitradurga distt shall be furnished.
8. The Net Present Value for the 0.50 ha area proposed to be surrendered shall be paid by the user agency. Undertaking shall be furnished that the reclamation and rehabilitation work in the surrendered 0.50 ha shall be carried out by the user agency at its cost.
9. NPV for the entire forest land sought for diversion of 109.17 ha shall be paid by the user agency.



10. Additional amount of NPV of the diverted forest land if any becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from user agency. The user agency shall furnish an undertaking to this effect.
11. Letter of Intent for renewal of mining lease shall be furnished.
12. 7.5 meters strip from the boundary inside the lease area shall be maintained as safety zone at the cost of user agency.

Copy of the monitoring report is enclosed.

  
(K.S. Reddy)  
Addl. PCCF (Central)

Encl: As above.

MONITORING PROFORMAMONITORING OF THE ACTION ON STIPULATED CONDITIONS IN CASE OF PROPOSALS  
APPROVED BY THE GOVERNMENT OF INDIA UNDER SECTION-2 OF THE FOREST  
(CONSERVATION) ACT, 1980.MONITORING REPORT BY: S.M. SOMASHEKAR, CCF(CENTRAL)  
ON: 27.12.2013PART-I (General Particulars)

1	Name/purpose of the proposal	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 RF, Holalkere Range, Chitradurga Division, Chitradurga Distt., Karnataka in favour of M/s Mineral Enterprises Limited, Bengaluru.
2	Number and date of the Government of India's letter according permission	Government of India's letter No.8-83/93-FC Dated 7.4.1997 for a period of 20 years w.e.f 7.10.1992 valid upto 6.10.2012.
3	Area permitted to be diverted (in Ha)	105 ha.
4	District and Forest Division	Chitradurga Forest Division, Chitradurga District
5	Area actually diverted (in Ha)	105 ha.

PART-II(Details of Compensatory Afforestation)

1	Location of the area	Out of 105 ha diverted forest land, 85.95 ha was broken up prior to 1980 and remaining 19.05 ha was unbroken. In lieu of this unbroken area, 20 ha non-forest land in Sy.No.62 of Yalladakere village of Hiriyr taluk, Chitradurga distt has been planted under compensatory afforestation during 2010-11. In this regard, the User Agency has paid an amount of Rs 5 lakhs dated 23.8.1995.
	Extent	20 ha
	District	Chitradurga
	Division	Chitradurga
	Khasra No./Survey No.	Sy No.62
2	Whether Afforestation is made on	Non-forest land

	forest or non-forest area	
3	If on non-forest land, the land has been declared as protected/Reserve Forest (endorsement copy of the notification)	DCF, Chitradurga reported that the area which is given for compensatory afforestation has not yet been mutated in favour of Forest Department. Therefore, the process of notifying this area has not been started yet.
4	If no, the steps taken to declare it protected forest	It is reported by the DCF that, the user agency has been asked to get this area mutated in favour of Forest Department.
5	Whether the afforestation cost was paid by the user agency	Yes
6	If yes, the amount paid	Rs 5 lakhs
7	Whether the amount paid was deposited in separate fund and was utilized in addition to the normal funds for forestry operation (give details)	--
8	Details of plantation raised:	
a)	Species planted	Pongamia pinnata, Glyricidia, Hardwickia binata, etc.
	Area in Ha.	19 ha
	Year	2010-11
	Expenditure	Rs.13,24,000/-
b)	If compensatory plantation not made, the reasons for the lapse	--
c)	Condition of plantation	Satisfactory
9	Remarks: It should be mentioned that the plantations are identifiable as specifically related to the project.	

**PART-III**  
(Planting of dwarf trees in case of transmission line)

- 1 Number of trees planted
- 2 Species

NA

A. C. D.



- 3 Year of planting  
 4 Expenditure paid by  
 5 Present condition of plantation

**PART-IV**  
 (Reclamation of the area worked under mining/quarrying)

1	Mining/quarrying work completed	Active Mine.  R&R plan for this mine has been prepared by the ICFRE and the same was approved by the CEC on 4.7.2012. The annual permissible production of 0.38 MT (Category A) has been fixed for the mine, based on dumping area capacity. R&R Plan is being implemented by the User Agency.
2	Reclamation work done	As per the direction of the Hon'ble Supreme Court, the R&R Plan has been prepared for this mine in order to minimize the adverse impact on the environment and R&R Plan is being implemented.
3	Present condition of the area worked/reclaimed.	The mine is not working since August 2011. During inspection it was noticed that, there were no bench collapses and also there was no mining in the pit.

**PART-V**  
 (Conditions stipulated by the Government of India other than mentioned above)

Sl. No	Nature of the terms/conditions	Actions taken by the State Government
1.	Legal status of forest land shall remain unchanged.	Remains unchanged
2	CA 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 CA will be notified as PF/RF	Out of 105 ha diverted forest land, 85.95 ha was broken up prior to 1980 and remaining 19.05 ha was unbroken. In lieu of this unbroken area, 20 ha non-forest land in Sy.No.62 of Yalladakere village of Hiriur taluk, Chitradurga distt has been planted under Compensatory afforestation during 2010-11. Details are provided at Part-II above.
3	No new construction of building for any purpose will be taken up in the leased forest area	No new construction noticed.

4	<p>The UA shall open a fuel depot at the project site for supply of free fuel wood to staff and labourers working in the project. The quantity of fuelwood to be supplied will be prescribed by the CF/DCF concerned</p>	<p>It is reported by the Project Authorities that all the workers who are working in the mine are coming from outside the lease area.</p>
5	<p>Mine area reclamation (including targets of back filling) soil conservation measures and green belt 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 the directions of the CF and DCF, concerned</p>	<p>Mining is going on in an area of 32.59 ha; therefore reclamation of mine by back filling has not yet started.</p> <p>The accumulated OB is supposed to be used for reclamation of the mine by back filling into the mining pit. Whereas User agency has sold all the accumulated OB from the inception of the mining.</p> <p>Number of Soil &amp; Moisture Conservation Works like construction of check dams, gully plugs, rain water harvesting ponds has been constructed in and around the mine. Wherever area was available, plantation has been done. Inside the lease area old OB dump over a large area has been removed by way of dump mining.</p>
6	<p>Necessary Soil conservation measures shall be taken at the project cost to prevent erosion in the catchment of Bheemasamudra Tank.</p>	<p>Number of Soil &amp; Moisture Conservation Works like construction of check dams, gully plugs, rain water harvesting ponds has been constructed in and around the mine to prevent erosion into Bheemasamudra tank. DCF suggested that, in order to reduce the erosion into the Bheemasamudra tank, some more SMC works are required. Additional soil &amp; moisture conservation works under R&amp;R plan are under progress.</p>
7	<p>Lease period shall be co-terminus with lease under the MMRD Act subject to a maximum of 30 years</p>	<p>Lease period of this mine has expired on 6.10.2012. Therefore the forest clearance is upto 6.10.2012 since FC clearance is co-terminus with lease under the MMRD Act. Though FC has expired on 6.10.2012, the mining company did dump mining and sold to the tune of 6.5 million tonnes till date, after the closure of mines in the month of August 2011 and also beyond the FC clearance period in violation of Forest (Conservation) Act, 1980.</p> <p>CEC vide its report dated 1.9.2011, sought the permission of the Hon'ble Supreme</p>

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		<p>Court, regarding the modalities for sale of the existing stocks of iron ore pertaining to various mining leases. Hon'ble Supreme Court vide its order dated 2.9.2011, gave the approval for the sale of existing stock of iron ore, subject to certain clarifications.</p> <p>Whereas, this mining company has sold all the accumulated overburden (OB)/ rejects (6.5 million tonnes) in violation of EC and also FC. Sale of OB/ rejects was neither been sought by the CEC vide its report dated 1.9.2011 nor permitted by the Hon'ble Supreme Court vide order dated 2.9.2011.</p>
8	Effective pollution control measures with respect to the Air quality, Water quality, Noise should be implemented	At the time of inspection, mine was not working and User agency reported that, they have taken all the preventive measures in this regard.
9	The levels of SPM and other NOx gases should be regularly monitored to conform to the prescribed limits	At the time of inspection, mine was not working and User agency reported that, they have taken all the preventive measures in this regard.
10	Check dams have 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.	Number of check dams and gully checks are constructed to arrest the flow of suspended solids and user agency has reported that they are removing accumulated silt once in a year and the same is used in the afforestation program. DCF suggested that, in order to reduce the erosion into the Bheemasamudra tank, some more SMC works are required.
11	The quality of water finally discharged into the main water course from the tailing dam should confirm to the prescribed standard.	At the time of inspection, mine was not working and User agency reported that, they have taken all the preventive measures in this regard
12	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.	In violation of this condition, the user agency has encroached 3.13 ha forest land in the form of "Others" as per the survey carried out by the Joint Team and as reported by the CEC in its report dated 3.2.2012 and this mine has been kept in the Category A. Hon'ble Supreme Court vide its order dated 28.9.2012, has stated that the Category B leases will have to make compensatory payment for the encroachments identified as per the Joint Team and approved by the CEC. However, with regard to this mine, which is in Category A, no such order has been

		<p>passed till date. In this regard Ministry has to take decision for the violation of encroaching 3.13 ha of forest land. Recently, UA has constructed a retaining wall of 2 mtrs height at the toe of the dump in the past as dump protection measure and retaining wall of 5 mtrs ht &amp; length of more than 1300 mtrs as proposed by ICFRE in R&amp;R Plan.</p>
13	<p>Mechanical and biological reclamation of mined area shall be carried out at the project cost before handing over the land to the forest department.</p>	<p>Project Authorities have reported that, this mine is having reserves, which can be mined for next 60 years as per the present prescribed capacity (0.38 MTPA). The project authorities have given undertaking in this regard.</p>
14	<p>Effective steps for control of air pollution causing dust should be taken. No sorting and crushing facilities should be provided at the project site</p>	<p>At the time of inspection, mine was not working and User agency reported that, they have taken all the preventive measures in this regard.</p>
15	<p>All the noise producing sources should be provided inbuilt control measure to reduce the noise level. The noise level should not exceed 40 dBA at a distance of 100 m, from the source.</p>	<p>At the time of inspection, mine was not working and User agency reported that, they have taken all the preventive measures in this regard.</p>
16	<p>No change of methodology of working and scope of working should be made without prior approval of MoEF, GOI</p>	<p>In violation of this condition, User agency has done dump mining and sold OB to the tune of 6.5 million tonnes till date, which was supposed to be used for back filling of mining pit in order to reclaim the mining area. At the time of Environment clearance dated 31.3.2006, it was clearly mentioned that there is a 2 million m<sup>3</sup> overburden already existing and 32000 tonnes per month proposed to be generated and EC stipulated that this accumulated overburden will be used to backfill the mining pit in order to reclaim the area. As per this condition, mining company was supposed to sell only ores from the ROM (Run of the Mines), whereas in violation of this condition, the company has sold all the accumulated overburden after the closure of the mine. User agency has reported that they have sold more than 6.5 million tonnes of OB as sub-grade ore, whereas the permissible quantity as per environmental clearance is 1 MTPA.</p>
17	<p>Green belt around the dust</p>	<p>Avenue plantation has been done along the</p>

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	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 3 months from the sanction of the renewal of lease.	roads and plantation work was carried out in and around the lease area. After the closure of mines, user agency has disturbed the entire OB dump.
18	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.	User Agency reported that reports are being sent as per schedule.
19	The forest land shall not be used for any purpose other than that specified in the proposal	Total area diverted is 105 ha, out of which about 32.59 ha is broken-up for mining. Whereas, the area earmarked for green belt/afforestation has been disturbed and also stabilized dump has been removed under dump mining after the closure of the mine.
20	Any other condition that the State Govt may impose from time to time in the interest of afforestation and protection of forests	PCCF, Karnataka report which is enclosed along with the proposal speaks about the various non-compliances of the conditions imposed by the State Government.

PART-VII

- 1 Whether any Committee has been formed for monitoring of the action on the conditions stipulated. No information provided
- 2 If no, give reasons. If yes, give details of the Committee.
- 3 Reports of the monitoring committee, if any.

PART-VIII

1	Abstract reports of inspection of forest officers, if any.	The forest clearance accorded for the period shall be in co-terminus with MMRD Act, 1957 subject to a maximum period of 30 years and therefore FC was valid upto 6.10.2012. This mining lease no.2346 of M/s Mineral Enterprises Ltd is falling under
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Category A as per the CEC report dtd 3.2.2012. UA has now submitted the revised renewal proposal for 103 ha for mining and fresh proposal for 5.44 ha for approach road outside the lease area as per the CEC approved joint survey sketch in forest land in Nirthadi RF, Holalkere Taluk, Chitradurga division.

The UA has submitted an undertaking for the identification & mutation of non-forest land for raising CA in lieu of new area of 5.44 ha (proposed for approach roads) to be diverted. As per the Hon'ble Supreme Court order, user agency has to pay NPV for the entire area of 109.17 ha.

The annual permissible production of 0.38 MT has been fixed for the mine, based on the capacity of the dumping area. The density of vegetation is Eco-Class III (dense forests). The proposed area does not form part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve or Elephant Corridor.

The UA has demarcated the safety zone inside the lease area, as per the new guidelines of the GOI dated 12.7.2012. The UA has submitted an undertaking for carrying out fencing and plantation of safety zone area and also for payment to raise plantations in 1.5 times the safety zone area in degraded forest.

The UA has carried out R&R works as approved by the CEC.

It is reported that though the UA has submitted details of action taken to prevent erosion into the Bheemasamudra tank, far more intervention is required to be undertaken after preparation of a proper comprehensive Bheemasamudra tank CATP for soil and moisture conservation and rejuvenation of the tank in consultation with all concerned stakeholders.

The UA has violated several conditions of agreement and also F(C.) Act, 1980 by

*A. G. H.*



encroachment of forest land to the tune of 3.13 ha in the form of "Others" as per the CEC approved lease sketch and also mining company was exclusively using 5.4 ha of forest land outside the lease area for road purpose without forest clearance.

As per Addl. PCCF (FC), some of the stipulated conditions of the GOI and the State Government have not been complied fully by the User Agency in the past.

PCCF while recommending the proposal has felt that:-

- (i). The UA has proposed for mining in the presently un-broken area of 19.05 ha. However, the unbroken area shall not be worked, in view of the Hon'ble Supreme court order dated 20.4.2012, wherein it was ordered that "mining which is to resume in Category 'A', however shall not extend to un-broken forest areas" and hence they should restrict mining only to presently mined area of 32.59 ha, as prescribed in the "present land use plan" of the mining plan, as approved for the year 2012-13 to 2016-17.
- (ii). With regard to surrender of 0.50 ha of forest land by the UA to Forest Dept., NPV and cost to carry out reclamation and rehabilitation work should be borne by the UA.
- (iii) The UA shall have to comply with the decision of the MoEF, GOI regarding encroachment of 3.13 ha of forest land in the form of "Others" as per the survey carried out by the Joint Team and as approved by CEC.
- (iv) In violation of F(C.) Act, 1980, the UA was exclusively using 5.44 ha of forest land outside the FC cleared lease area, for which no FC approval was obtained and has now proposed for diversion of this 5.44 ha of forest land in this renewal proposal.
- (v) The UA should pay the dues regarding lease rent and supervision charges as applicable.
- (vi) The UA has not submitted Notification/ Letter of Intent for renewal of the Mining

		<p>lease, but has submitted an undertaking that the same has been applied for and it would be submitted on receipt of the same.</p> <p>(vii) The UA shall demarcate, fence and protect the safety zone area and also regenerate and develop the safety zone area as prescribed in the approved R&amp;R plan.</p> <p>(viii) The UA shall have to pay NPV for the entire forest land sought for diversion i.e., 109.17 ha, since the same was not paid earlier.</p> <p>(x) The UA shall have to get the 20 ha of CA land of the previous FC clearance, mutated in favor of the Forest Dept in order to get it notified as PF/RF.</p> <p>(xi) The UA shall submit the requisite proceedings/ consent letter from all concerned Grama Sabhas and ROFR certificate as per the prevailing provisions and guidelines.</p>
2	Remarks of the CCF in regard to progress of the action on the stipulated conditions.	--
3	Effect of the project on forests and wildlife.	Nothing adverse reported.

Name and Designation  
of Inspecting Officer:

  
Signature  
S.M. SOMASHEKAR,  
CCF(CENTRAL)

Date of Inspection:

27<sup>th</sup> December 2013

Date of submission of report:

17th February 2014