



GOVERNMENT OF KARNATAKA

No. FEE 87 FLL 2016

Karnataka Government Secretariat,
M.S.Building,
Bengaluru, Dated: 04/11/2016.

From
Addl.Chief Secretary to Government,
Forest, Ecology and Environment Department,
M.S.Building, Bengaluru.

To:
Principal Chief Conservator of Forests
(Head of Forests Force),
Aranya Bhavan, Bengaluru-560 034.

Sir,

Sub: Diversion of 0.1054 ha. (Submitted by User Agency for 0.03 ha.)
of forest land in Bantwal Taluk, D.K.District to provide safe
drinking water to 80 habitations which caters to around 3800
SC & ST populations among others in favour of the Executive
Engineer, Rural Drinking water Supply and Sanitation
Department, Mangaluru-reg.

Ref: PCCF letter No.A5(2)GFL.CR.16/2015-16, dated: 06.08.2016.

I am directed to invite refer had to your letter dated:6.8.2016 at (1) above,
wherein it is sought prior approval of the State Government for the above project under
the Forest (Conservation) Act, 1980

After careful consideration of the proposal, I am directed to convey the in
principle Stage-I approval under Section-2 of Forest (Conservation) Act, 1980 for
diversion of 0.1054 ha. (Submitted by User Agency for 0.03 ha.) of forest land in
Bantwal Taluk, D.K.District to provide safe drinking water to 80 habitations consisting
around 3800 SC & ST populations among others, in favour of the Executive Engineer,
Rural Drinking water supply and Sanitation Department, Mangaluru-reg, subject to the
compliance of following conditions.

1. The legal status of forest land shall remain unchanged i.e. shall remain Reserved/Protected/Village/Unclassed/Other types of Forests/forest as the case may be.
2. The lessee shall pay lease rent as fixed by the Government from time to time.

3. The lease tenure is for a period of 20 (Twenty) years.
4. The leased out area shall 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 used for the purpose not stipulated or when it is no longer needed for the stipulated purpose, the area shall be forfeited to the Forest Department under Section 82 of Karnataka Forest Act, 1963. The concerned Chief Conservator of Forests/Deputy Conservator of Forests is authorised to take necessary action in this regard.
5. In case of any violations of stipulations/agreed conditions reported during the lease period, the lease shall be liable for forfeiture under Section 82 of Karnataka Forest Act, 1963.
6. No residential buildings shall be permitted in the proposed forest area.
7. The Karnataka Forest Act, 1963 and Rules, 1969 and other relevant Acts & Rules will be applicable for any violation.
8. The leased out area shall be demarcated on ground by fixing RCC pillars at an interval of 20.00 Mtrs and the boundary shall be fenced with chain link mesh at the cost of the User Agency.
9. The user agency has to pay the Net Present Value(NPV) of forest land diverted under this proposal as per orders dated 28-03-2008 and 9-5-2008 of the Hon`ble Supreme Court of India.
10. The user agency shall be responsible for any loss to the flora/fauna in the surrounding and therefore, shall take all possible measures to conserve the same.
11. No labour camp shall be established on the forest land.
12. Any damage to forest area due to such works shall be compensated by the user agency. The extent of damage shall be assessed by the concerned Deputy Conservator of Forests.
13. The Lessee shall not sub lease, mortgage and hypothecate the Forest area.
14. The user agency shall abide by all the conditions imposed upon by the Government of India, the Government of Karnataka and the Principal Chief Conservator of Forests(Head of Forest Force).
15. The user agency shall submit certificate in Form-I issued by the Deputy Commissioner D.K.District as per guidelines issued by Ministry of Environment and Forest, New Delhi vide letter No.11-9/1198-FC)Pt) dated 03.08.2009/05-07-2013.

Along with the above conditions, this project is subject to following conditions as per guidelines issued by Government of India, Ministry of Environment, Forests and climate Change, New Delhi vide No.11-9/98-FC, dated: 13.02.2014(General Approval):

1. The forest land to be diverted for above mentioned specified activities should be less than one hectare in each case.
2. The clearance of such developmental projects shall be subject to the condition that the same is need based.
3. The user agency shall submit the project proposal to the State/UT Government in the prescribed i.e., Form-A as provided in Rules-6 of the Forest (Conservation) Rules; 2003.
4. The project should not-involve felling of more than fifty trees per hectare. Corresponding permissible limit of maximum number of trees to be felled for the forest area diverted, shall be in proportion to the extent of the diverted area.
5. The project site should be outside National Parks or Wildlife Sanctuaries or Protected areas.
6. The concerned Divisional Forest Officers shall assess the bare minimum requirement of the forest land for the project, which shall not exceed one hectare in each case and will also certify to this effect.
7. The user agency will seek permission for diversion of forest land duly recommended by Principal Chief Conservator of Forests, from the State/UT Government.
8. The Nodal Officer (Forest Conservation) shall submit monthly report to the concerned office by 5th every month regularly regarding approval of such cases. In the event of failure, the exercise of power by the State/UT Government to grant such permission may be suspended by the Central Government for a specified period of time or till the information is submitted.
9. The user agency shall plant and maintain two times the number of trees felled.
10. In case of roads, this general approval shall be applicable only if the requirement of forest land for construction / widening of the entire stretch of the road is not more than one hectare. Additional diversion of forest land for extension / strengthening of such roads shall not be permitted within next five years.

11. The permission granted by the State Government shall be subject to the monitoring by the concerned Regional Office of the Ministry of Environment and Forests.
12. The forest land shall not be used for any purpose other than that specified in the proposal. Any change in the land use without prior permission of the Central Government shall amount to the violation of Forest (Conservation) Act, 1980. Request of such changes shall be made to the Regional Office by the Nodal Officer (Forest Conservation) of the State / UT.
13. Entire process for settlement of rights in accordance with the provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006 shall be completed before grant of approval for diversion of such forest land.
14. Except for linear project, consent of gram sabha shall be obtained for diversion of the forest land.
15. Project shall not affect recognized rights of the primitive tribal communities and pre-agricultural communities and
16. The State Forest Department / State Government or the concerned Regional Office may impose from time to time condition in the interest of conservation, protection and / or development of forests.

The compliance report may be submitted for further needful action.



Yours faithfully,

L. Sharada 04/11/16
(L.SHARADA)

Under Secretary to Government,
Forest, Ecology and Environment Department.

JP
11/4/16