



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
समन्वित क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE
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BY SPEED POST

F.No.4-KRA1243/2020-BAN/ 1006
Dated the 28th December, 2020

To

The Additional Chief Secretary to Government of Karnataka,
Forest, Ecology & Environment Department,
M.S. Building, Dr. Ambedkar Veedhi,
Bangalore - 560 001.

Subject: Diversion of 20.0724 ha. (revised from originally proposed 40.79 ha.) of forest land in Dhannur (Sevanagar) Khanapur and 8 other villages in Bhalki, Bidar and Humanabad Taluks, Bidar District for widening of existing road in Bidar-Humnabad section (km 0.000 to km 101.400) of NH-50 to 2/4 lane with paved shoulders in favour of the Executive Engineer, National Highway Division, Kalaburgi - reg.

Sir,

I am directed to refer to the State Government's letter No. FEE 17 FLL 2020 (E) dated 23/03/2020 and 03/11/2020 seeking prior approval of the Central Government under Section '2' of the Forest (Conservation) Act, 1980 for the above project.

The proposal was examined by the Regional Empowered Committee constituted under sub-rule (1) of rule 4A of the Forest (Conservation) Rules, 2003 in its meeting held on 22/12/2020.

After careful examination of the proposal of the State Government and on the basis of the approval of the Regional Empowered Committee, in-principle approval /Stage-I clearance of the Central Government is hereby granted for diversion of 20.0724 ha. of forest land in Dhannur (Sevanagar) Khanapur and 8 other villages in Bhalki, Bidar and Humanabad Taluks, Bidar District for widening of existing road in Bidar- Humnabad section (km 0.000 to km 101.400) of NH-50 to 2/4 lane with paved shoulders in favour of the Executive Engineer, National Highway Division, Kalaburgi, subject to fulfillment of the following conditions:-

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department.

1. 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 requisite funds shall be transferred through online portal into CAMPA account of the State Concerned;

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2. The User Agency shall transfer the cost of raising and maintaining the Compensatory Afforestation over an extent of 40.1448 ha. of degraded forest land in Sy.No. 179 of Muttangi village, Humnabad Taluk, at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme shall include demarcation of CA area using appropriate fencing for better survival with provision for watering and SMC works and appropriate provision for anticipated cost increase for works scheduled for subsequent years;
 3. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance.
 4. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>).
 5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector;
 6. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS co-ordinates;
 7. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;
- B: Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:**
1. Legal status of the diverted forest land shall remain unchanged;
 2. Compensatory Afforestation shall be raised over double the extent of degraded forest land within three years from the date of Stage –II Clearance and maintained thereafter by the State Forest Department at the cost of the User Agency and at least 1000 plants per hectare shall be planted over identified degraded forest land within three years of grant of final approval. If it is not possible to plant so many saplings in the area identified for CA, the balance saplings will be planted in any other forests as per prescriptions of approved working plan with provision for ten years on subsequent maintenance.
 3. At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
 4. All statutory clearances including Environment Clearance, if applicable shall be obtained before commencing the work in forest area.

5. Tree felling shall be restricted to the barest minimum possible and under confirmation from the local forest officials.
6. Suitable signages for speed regulation and animal safety will be erected along the road in forest areas.
7. The User Agency shall surrender the forest land to an extent of 2.885 ha. to forest Department which will become surplus due to straightening of sharp curve through re-alignment.
8. The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
9. No labour camp shall be established on the forest land.
10. Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
11. 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;
12. No damage to the flora and fauna of the adjoining area shall be caused;
13. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
14. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area.
15. The User Agency shall submit the annual self -compliance report in respect of the above stated conditions to the State Government and Integrated Regional Office, Bangalore by the end of March every year; and
16. The user agency shall comply with all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project.

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

Yours faithfully,


(M.K. Shambhu)

Deputy Inspector General of Forests (Central)

Copy to:-

1. The Principal Chief Conservator of Forests (HoFF), Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore – 560 003.
2. The Principal Chief Conservator of Forests (FC) /Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forests Department, Govt. of Karnataka, Aranya Bhavan, 18th Cross, Malleswaram, Bangalore – 560 003.
3. The Executive Engineer, National Highways Division, Public Work, Ports & Inland Transport Department (National Highways), H.No. 11/1844, Back side SB College, Vidyanagar, Kalaburgi -585 103.
4. Guard file.

S. K. Shambhu

(M.K.Shambhu)

Deputy Inspector General of Forests (Central)

g/c *28/12/2020*