

Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

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Indira Paryavaran Bhawan  
Jor Bagh Road, Aliganj  
New Delhi – 110003  
**Dated:24-09-2024**

To

The Addl. Chief Secretary (Forests),  
Department of Forest, Ecology and Environment,  
Government of Karnataka,  
Bengaluru

**Sub: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s JSW Steel Ltd (the preferred Bidder) for non-forestry use of 5.44 ha of RF forest land for approach road outside mining lease area for Mining lease No.2346 in Nirthadi Reserve Forest, Holalkere Range, Chitradurga Division, Chitradurg District, Bengaluru, Karnataka State (Online Proposal No.FP/KA/MIN/2901/2013).- regarding.**

Madam/Sir,

I am directed to refer to the Govt. of Karnataka's letter No. FEE 23 FFM 2013 dated 15.10.2015 on the above mentioned subject, seeking prior approval of the Central Government under Section-2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. After careful examination of the proposal by the Forest Advisory Committee constituted by the Central Government under Section-3 of the said Act, '*in-principle*' approval for the said diversion was granted vide this Ministry's letter of even number dated 30.10.2017 subject to fulfilment of certain conditions prescribed therein. The Government of Karnataka has furnished compliance report in respect of the conditions stipulated in the '*in-principle*' approval and has requested the Central Government to grant *final approval*.

2. Further, it is noted that the '*in-principle*' approval for diversion of 5.44 ha of forest land for approach road was granted in favour of M/s Mineral Enterprises. After the expiry of the lease period on 30.03.2020, the SG has re-auctioned the mine. The Principal Secretary (MSME and Mines), Commerce and Industry Department, Government of Karnataka has issued the Vesting Order (vide No. CI 60 MMM 2020 dated. 01.07.2020) and Revised vesting Order (vide No. CI 60 MMM 2020 dated 03.06.2022) stating that all valid rights, approvals, clearances, licenses and the likes vesting with the previous lessee in respect of M/s Mineral Enterprises Limited, Bengaluru (ML. No. 2346) are deemed to have been vested in favour of the successful Bidder i.e., M/s JSW Steel Ltd. as per the provision contained in MMDR Act 1957 and as per the guidelines issued by this Ministry under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. The matter has also further deliberated in the Advisory committee meeting held on 27.08.2024.

3. In this connection, I am directed to say that on the basis of the compliance report submitted by the Govt. of Karnataka vide letter No. FEE 23 FFM 2013 dated 26th June, 2024 '**Stage-II/final approval**' of the Central Government is hereby granted under Section-2 (1) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of M/s JSW Steel Ltd (the preferred Bidder) for non-forestry use of 5.44 ha of RF forest land for approach road outside mining lease area for Mining lease No.2346 in Nirthadi Reserve Forest, Holalkere Range, Chitradurga Division, Chitradurg District, Bengaluru, Karnataka State, subject to the following conditions:

1. Legal status of the forest land shall remain unchanged;
2. The State Government shall ensure that the forest land to be diverted will be handed over only after required non- forest land for the project is handed over by the user agency;
3. The Compensatory afforestation shall be taken up by the Forest Department over 5.44 ha of non-forest land at the cost already deposited by user agency as per the approved CA plan by the State Forest Department;
4. *The State Government shall determine the date of the reported violation for calculation of the penal NPV. Accordingly, the State Govt. shall also ensure that the UA (current lessee) shall deposit the payment for the penalty through online portal. The penalty for violation shall be equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with five (5) times the NPV plus 12 percent simple interest from the date of raising of such demand till the deposit is made;*
5. *The State Government shall ensure that correct KML files of diverted area, the CA area have been uploaded on the e-Green watch portal with all requisite details prior to handing over forest land to user Agency; and*
6. *The State Government shall issue the final order of diversion only after notifying the CA land as RF/PF;*
7. The State Government shall ensure that, compensatory levies for this project, if any to be realized in future from the User Agency, shall be deposited to into the account of CAMPA of the State concerned through e-portal (<https://parivesh.nic.in>);
8. The State Government shall ensure that the User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable;
9. The State Government shall ensure that no labour camp shall be established on the forest land and 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;
10. The State Government shall ensure that the boundary of the diverted forest land, mining lease and safety zone, 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, distance from pillar to pillar and GPS co-ordinates;
11. The State Govt. and the user agency shall ensure that the layout plan of the proposal shall not be changed without the prior approval of the Central Government;
  12. The State Govt. and the user agency shall ensure that the forest land shall not be used for any purpose other than that specified in the proposal;
  13. The State Govt. and the user agency shall ensure that 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;
  14. The mining lease holder shall, after ceasing mining operations, implement re-grassing of the mining area and any other areas which may have been disturbed due to their mining activities and restore the land to a condition which is fit for growth of fodder, flora, fauna, etc.;
  15. The State Govt. and the user agency shall ensure that no damage to the flora and fauna of the adjoining area shall be caused;
  16. The State Govt. and the user agency shall ensure that 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;
  17. The user agency shall explore the possibility of translocation of maximum number of trees identified to be felled and shall ensure that any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
  18. The State Govt. shall ensure that 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;
  19. The State Govt. shall ensure that wherever possible and technically feasible, the User Agency shall implement afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost;
  20. The State Govt. shall ensure that 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 on roll down the hill slopes;
  21. The State Govt. shall ensure that the User Agency will provide retaining walls, breast wall and drainage as per requirement to make the slope stable.
  22. The State Govt. shall ensure that The User Agency will implement comprehensive soil conservation measures at the project cost in consultation with the State forest Department;
  23. The State Govt. shall ensure that the 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, 5th February, 2013 and 05th July, 2013, in support thereof;
24. The State Govt. shall ensure that the User Agency shall not collect any toll from the vehicles carrying forest officers on duty;
  25. The State Govt. shall ensure that 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;
  26. The State Govt. shall ensure that proper drainage shall be built with engineering structures all along the road, as suggested in the inspection report;
  27. The State Govt. shall ensure that avenue plantation shall be raised and maintained at the cost of user agency;
  28. The State Govt. shall ensure that fugitive dust emissions shall be controlled by making water spraying arrangement on the road;
  29. The State Govt. shall ensure that the user agency shall have only the right of way and the control over the road shall remain with the forest department;
  30. The State Govt. shall ensure that User Agency shall implement the R&R Plan as per the R&R Policy of State Government in consonance with National R&R Policy, Government of India before the commencement of the project work and implementation. The said R&R Plan will be monitored by the State Government/Regional Office of MoEF&CC along with indicators for monitoring and expected observable milestones;
  31. 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;
  32. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
  33. The user agency to take up protection & conservation measures for wildlife found in areas in consultation with State Forest department;
  34. Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and user agency;
  35. The State Govt. shall ensure that the User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and this Ministry by the end of March every year;
  36. The State Government and user agency shall ensure compliance to all conditions stipulated in the Stage-I approval letter dated 30.10.2017 for which undertakings have been obtained from the user agency and the user agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, complete compliance of FRA, 2006, 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;

37. The Violation of any of the conditions mentioned above shall amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as per the para 1.16 of consolidated guidelines and clarification issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 issued vide this Ministry F. No.5-2/2017-FC dated 29<sup>th</sup> November, 2023.

Yours faithfully,

**(Dr. Dheeraj Mittal)**

Assistant Inspector General of Forests

**Copy to:-**

1. PCCF (HoFF), Government of Karnataka, Bengaluru.
2. DDGF (C), MoEF&CC's RO at Bengaluru.
3. PCCF cum Nodal Officer (FCA), Government of Karnataka, Bengaluru.
4. User Agency.
5. Monitoring Cell of FC Division, MoEF&CC, New Delhi.