

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಚೇರಿ

Office of the
Principal Chief Conservator of
Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18 ನೇ ಅಡ್ಡರಸ್ತೆ
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003

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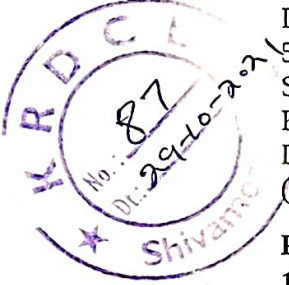
Date 18-10-2021

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To,

The Chief Conservator of Forests(s)
Mangaluru & Shivamogga Circles(s)

Sub: Diversion of 5.5 hectare (revised from 5.33865 ha) of forest land in Muduru Village Sy No. 1, Valooru SyNo.26 in Bynduru Hobli, Kundapura Taluk, Udupi District (Kudremukh Wildlife Division) and in Kattinahole Village Sy No. 44 & 59, Manjagalale Village Sy No. 67, Nagara Hobli, Hosanagara Taluk, in Shivamogga District (Shimoga Division) for construction of proposed Kattinahole to Kodachadri Road (*mud road to Tar road*) in favour of the Divisional Engineer, Karnataka Road Development Corporation Limited (KRDC), Shivamogga.



Proposal No. FP/KA/ROAD/42755/2019

Ref:

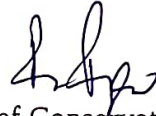
1. This office letter of even number dated 11-05-2021 [seeking stage-I approval]
2. Government of Karnataka letter No. FEE 38 FLL 2021(e) dated 03-07-2021 [Submission of proposal for Stage I]
3. Government of India, Ministry of Environment, Forest and Climate Change, Integrated Regional Office, Bengaluru letter No.4-KRC1303/2021-BAN/586 dated 09-09-2021 [EDS query]
4. Government of Karnataka letter No. FEE 38 FLL 2021(e) dated 28-09-2021 [Communication of EDS 09-09-2021]

With reference to the above subject, letter was submitted by this office vide Ref (1) for submission of the above mentioned proposal to Government of Karnataka for according 'in principle' (Stage-I) approval under section 2 of Forest (Conservation) Act, 1980 and further by Government of Karnataka to Government of India vide letter referred at (2). In response, the Government of India vide Ref (3) has stated that the proposal was considered in the Regional Empowered Committee meeting held on 31-08-2021. The Committee after detailed deliberation decided to seeking clarification and information on the following five points and also requested to submit the point wise remarks to the complaint of Sri Ramprasad Aithal. S received through e-mail dated 07-09-2021 requesting to reject this proposal (copy enclosed).

- a. The Width of the road proposed for improvement is 7 m, which includes side drain, shoulders and carriage way, Therefore, User Agency may be directed to consider restricting the width of the road to the existing width (Average 3.5 m) so as to avoid cutting and filling of earth and felling of tress.

- b. Since the entire road either passes through Mookambika Wildlife Sanctuary (WLS) or the area declared as Eco sensitive Zone, it is requested to clarify whether any carrying capacity study has been done in this area and whether any prescriptions/recommendations made in the current Management plan of the Mookambika WLS with respect to regulating the number of vehicles and tourists visiting Kodachadri and to manage the tourism that is now in existence.
- c. The details of Landslide if any that has occurred along this road or in this area for the past 10 years.
- d. Possibility of allowing only electric vehicles
- e. Possibility of alternate mode of transport including Ropeway.

Therefore, you are directed to submit clarification/information sought by Government of India after obtaining the same from the Deputy Conservator of Forests(s), Kudremukh Wildlife Division and Sagar Division and User Agency. The online link is transferred to you for further transfer of the same to the User Agency through Deputy Conservator of Forests(s) Kudremukh Wildlife Division and Sagar Division.



Principal Chief Conservator of Forests
(Forest Conservation) and Nodal Officer (FCA)

Copy along with copies of Government of India/Karnataka letter communicated for information and necessary action to:

1. Deputy Conservator of Forests, Kudremukh Wildlife Division for information and necessary action.
2. Deputy Conservator of Forests, Sagar Division, Sagar for information and necessary action.
3. Divisional Engineer, Karnataka Road Development Corporation Limited (KRDCL), #203, RanganathahNilaya, 2nd Main, 2nd Cross, Vinoba Nagar, Shivamogga 577 204 for information and necessary action as stated above.

27828



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
समन्वित क्षेत्रीय कार्यालय
INTEGRATED REGIONAL OFFICE
Kendriya Sadan, IVth Floor, E& F Wings, 17th Main Road,
IInd Block, Koramangala, Bangalore - 560 034.
Tel.No.080-25635912, E.Mail: rosz.bng-mef@nic.in

F. No.4 KRC1303/2021-BAN 586
Dated the 9th September, 2021.

To

The Additional Chief Secretary to Government of Karnataka,
Forest, Ecology and Environment Department,
M.S. Building, Dr. Ambedkar Veedhi
Bangalore-56001

Subject: Diversion of 5.5 ha. (revised from 5.35865 ha) of forest land in Muduru village, Sy.No. 1, Valooru, Sy.No. 26 in Bynduru Hobli, Kundapura Taluk, Udupi District (Kudremukh Wildlife Division) and in Kattinahole village, Sy.No. 44 & 59, Majagalale village, Sy.No. 67, Nagara Hobli, Hosanagara Taluk, Shimoga District and Division for construction of proposed Kattinahole to Kodachadri Road (mud road to tar road) in favour of the Divisional Engineer, Karnataka Road Development Corporation Ltd (KRDCL), Shivamogga -reg.

Sir,

I am directed to refer to the State Government's letter No. FEE 38 FLL 2021 (e) dated 03/07/2021 on the subject cited above and to inform that the proposal was considered in the Regional Empowered Committee meeting held on 31/08/2021. The Committee after detailed deliberation decided to request the State Government to furnish the following details / information:-

- 1) The width of the road proposed for improvement is 7 m, which includes side drain, shoulders and carriage way. Therefore, User agency may be directed to consider restricting the width of the road to the existing width (Average 3.5 m) so as to avoid cutting and filling of earth and felling of trees.
- 2) Since the entire road either passes through Mookambika Wildlife Sanctuary (WLS) or the area declared as Eco-Sensitive Zone, it is requested to clarify whether any carrying capacity study has been done in this area and whether any prescriptions/recommendations made in the current Management plan of the Mookambika WLS with respect to regulating the number of vehicles and tourists visiting Kodachadri and to manage the tourism that is now in existence.
- 3) The details of Landslide if any that has occurred along this road or in this area for the past 10 years.
- 4) Possibility of allowing only electric vehicles.
- 5) Possibility of alternate mode of transport including Ropeway.

Further, it is informed that this office has received a complaint from Shri. Ramprasad Aithal. S, vide e-mail dated 07/09/2021 requesting to reject this proposal. The copy of the said representation is enclosed herewith.

Continued...

It is, therefore, requested to furnish aforementioned information desired by REC along with point wise remarks to the compliant of Shri. Ramprasad Aithal. S, for further consideration of the proposal.

Yours faithfully,

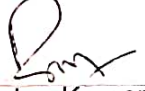
/

(B.N.Anjan Kumar)
Assistant Inspector General of Forests (Central)

Encl: As above.

Copy to:-

1. The Principal Chief Conservator of Forests (HoFF), Karnataka Forest Department, 4th Floor, Aranya Bhavan, 18th Cross, Malleshwaram, Bangalore-560 003.
2. The Principal Chief Conservator of Forests (FC)/ Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Forest Department, Government of Karnataka, Aranya Bhavan, 18th Cross, Malleshwaram, Bangalore-560 003.
3. The Divisional Engineer, Karnataka Road Development Corporation Ltd (KRDCL), Door No. 203, Ranganatha Nilaya, 2nd Main, 2nd Cross, Vinobha Nagar, Shivamogga -577 204.


(B.N.Anjan Kumar)
Assistant Inspector General of Forests (Central)

Ramprasad Aithal S
#2019, 22nd C Main Road
14th Cross
HSR Layout, 1st Sector
Bengaluru-560102
Karnataka
7th September, 2021

To,

1. Shri Bhupender Yadav
Hon'ble Minister for Environment, Forest & Climate Change
And Chairperson, Standing Committee of National Board for Wildlife
Ministry of Environment, Forest and Climate Change
(Wildlife Division), 6th Floor, Vayu Wing
Indira Paryavaran Bhavan, Jor Bagh Road,
Aliganj, New Delhi-110003
2. Secretary
Ministry of Environment & Forest & Climate Change
Indira Paryavaran Bhavan, Jor Bagh Road,
Aliganj, New Delhi-110003
3. Director, Wildlife Preservation
And Member Secretary, National Board for Wildlife
Ministry of Environment, Forest and Climate Change
(Wildlife Division), 6th Floor, Vayu Wing,
Indira Paryavaran Bhavan, Jor Bagh Road,
Aliganj, New Delhi-110003
4. The Deputy Director General of Forests (Central),
Integrated Regional Office,
Kendriya Sadan, 4th Floor, E&F Wings,
17th Main, Koramangala, Bengaluru-560034

Sir,

Subject: Appeal to reject the proposal of "Diversion of total 5.5 ha of forest land for laying of concrete Road from Kattinahole to Kodachadri Hill Top in Karnataka.

Reference: Decision of State Board for Wildlife, Karnataka taken in its 15th Meeting held on 19th January, 2021.

Background:

The user agency i.e., Divisional Engineer, Karnataka Road Development Corporation Limited, Shivamogga has submitted a proposal for diversion of total 5.5 hectares of forest land for laying of concrete Road from Kattinahole to Kodachadri Hill Top which has been recommended by State Board for Wildlife, Karnataka (Ref). The project alignment passes through forest areas of Hosanagar taluk of Shivamogga district and Kundapur taluk of Udupi district. The total forest area to be diverted for the project is 5.50 Ha. i.e., 4.5053 Ha is in Mookambika Wildlife Sanctuary (passing through Kodachadri RF, Chakra SF & Madibare RF) and the remaining at least 0.9947 Ha is in Nagara range of Sagar Division (passing through Kattinahole RF and Manjagalale RF) which falls within Eco Sensitive Zone of Mookambika Wildlife Sanctuary.

Ecological Significance of the area:

Located in the heart of Western Ghats, the forest found is evergreen, semi evergreen type and the species found here are fauna namely *Lion tailed macaque*, *Malabar giant squirrel*, *Indian gaur*, *Muntjac*, *Sambar deer*, *Leopard*, *Great Indian Hornbill*, *King cobra* etc. and flora namely *Saraca indica*, *Hopea parviflora*, *Vateria indica*, *Lagerstroemia lanceolata*, *Terminalia tomentosa*, and *Lophopetalum sps*. The area receives heavy rainfall 5000 mm - 7500 mm annually.

I would like to bring to your kind notice about the following regarding the present road proposal.

1. The road from Kattinahole to Kodachadri Hill Top passes through Kodachadri Reserve Forest, Chakra State Forest and Madibare Reserve Forest. However, in the notifications of Kodachadri Reserve Forest, Chakra State Forest and Madibare Reserve Forest, there is no mention of Right of Way for this road and instead it is mentioned as Foot Path only. Hence, the existing road itself is illegal and therefore the present proposal amounts to formation of new road. Hence, any attempt to recommend this proposal would be in clear violation of Recommendations of the sub-committee on Guidelines for roads in Protected Areas which states "New roads shall not be proposed in National Parks and Sanctuaries".
2. Section 29 of the Wildlife (Protection) Act, 1972 mandates 'No person shall destroy, exploit or remove any wild life including forest produce from a sanctuary or destroy or damage or divert the habitat of any wild animal by any act whatsoever or divert, stop or enhance the flow of water into or outside the sanctuary, except under and in accordance with a permit granted by the Chief Wild Life Warden, and no such permit shall be granted unless the State Government being satisfied in consultation with the Board that such removal of wild life from the sanctuary or the change in the flow of water into or outside the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit'. Hence, any attempt to recommend this proposal would be contrary to Wildlife (Protection) Act, 1972 as the present road is mainly proposed to facilitate tourists/trekkers/pilgrims apart from providing a calm and peaceful place for urban dwellers (which is evident from the justification provided by the user agency) which is definitely not necessary for the improvement and better management of wild life therein. Instead, the road if constructed would endanger the wildlife in the region especially Lion tailed macaque which are the Endangered species and facing threat from habitat loss.
3. The Forest (Conservation) Act, 1980 permits only unavoidable use of forest land for various developmental purposes. Being this state, construction of cement concrete road on forest land that too in the Wildlife Sanctuary and Eco Sensitive Zone is definitely not an unavoidable situation since this project is purely intended to promote tourism which is not in consonance with Forest (Conservation) Act, 1980.
4. One of the actions required which has been emphasized in National Wildlife Action Plan (2017-31) is "Secure wildlife corridors and also draw appropriate plans for their management including prevention of ecologically unsustainable activities". Hence, any attempt to recommend the present road project proposal would be contrary to the National Wildlife Action Plan (2017-31) as the forest region in and around the proposed project area is an important wildlife corridor and needs protection from such ecologically unsustainable projects. The forest areas in and around proposed project area are crucial for the movement of large mammals and of greater importance in order to minimize human-wildlife conflict.
5. In the case of Jairaj A.P. versus The Chief Conservator of Forests (Wildlife), Thiruvananthapuram and others [AIR 1996 Ker 362], Honorable High Court of Kerala in its Judgement dated 7th February, 1996 (Ref f) had observed that "The requirement in Section 2 for prior approval of Central Government must be strictly construed as any relaxation of it would be perilous to the fast-depleting forest wealth of the country. One of the directive principles of State Policy is to "safeguard the forests and wild life of the country" (Article 48A of the Constitution). One of the fundamental duties of every citizen of India is to

protect and improve forests (Article 51-A Clause (a)). So, clearance of forest area should be allowed only as a stark exception. When Parliament insisted that such clearance can be made only with the prior permission of Central Government the rule should be rigorously followed. Forest wealth is already an endangered bounty of nature" which was reiterated by Honorable High Court of Karnataka in the case of Gateway Hotels & Gateway Resorts Ltd. Vs Nagarahole Budakattu Hakku Sthapana Samiti. Hence, any attempt to recommend the present road project proposal on forest land would be contrary to the observations of various Honorable High Courts in their Judgements/Orders related to the provisions of Forest (Conservation) Act, 1980. Also, it is the responsibility of the State Government to safeguard the forests and wild life as per the Article 48A of the Constitution and hence it is necessary to reject the present proposal.

6. National Forest Policy, 1988 is a law of the land as per the directions of the Hon'ble Apex Court of India in its orders dated 6th July 2011 in paragraph 32(i) (page 381 of SCC) in Lafarge Umiam Mining Pvt. Ltd. in T.N. Godavarman Thirumulpad vs. Union of India & Ors. [(2011) 7 SCC 338]. The policy stipulates that Forest management should take special care of the needs of wildlife conservation, and forest management plans should include prescriptions for this purpose. It is especially essential to provide for "corridors" linking the protected areas in order to maintain genetic continuity between artificially separated sub-sections of migrant wildlife. Hence, any attempt to recommend the present road project proposal would be contrary to the National Forest Policy.
7. Increased vehicles' movement in the wildlife rich areas is an interference with the animals' activities such as searching for prey, mating, and seeking cover. There have been numerous studies in Africa and our country on how does an increased tourism can affect the animal behavior and survival of the species.
8. Greater tourism can affect the local vegetation as well. It is an undisputed fact that the distribution of parthenium in forest areas is resultant of vehicle movements (Seeds' dispersal is through the tyres). It is needless to say the effect of litter and human waste on Eco Sensitive Zones if we increase tourism.
9. Environment (Protection) Act, 1986 was enacted to provide for the protection and improvement of environment and for matters connected therewith. The main purpose for declaring Eco-Sensitive Zones (which are notified as per the provisions of Environment (Protection) Act, 1986) around National Parks and Sanctuaries is to create "Shock Absorber" for the Protected Areas. Unfortunately, the present road project which is proposed within the Mookambika Wildlife Sanctuary and its Eco Sensitive Zone, defeats the very purpose of Environment (Protection) Act, 1986. Hence, any attempt to recommend the present road project proposal would be contrary to the provisions of Environment (Protection) Act, 1986.
10. One of the main objectives of the Working Plan of The Sagar Forest Division 2011-12 TO 2020-21 is to "Conserve the ecologically sensitive and bio-diversity rich forest areas of the division". However, the present road project which is proposed within the Eco Sensitive Zone of Mookambika Wildlife Sanctuary, defeats the objectives of the Working Plan.
11. Further, though this present road proposal looks like a stand-alone project, however this is not true. Because, this road project is part of bigger tourism circuit which has been planned to make Kodachadri a tourism hub. Example, already the Detailed Project Report to connect Kodachadri through Ropeway is underway clearly indicating the larger tourism plans in this ecologically fragile region.

12. There are lots of detrimental effects that pose serious effects on wildlife conservation efforts by increasing the tourism in Wildlife Sanctuaries, Eco Sensitive Zones. Example, we are witnessing increased human-animal conflicts due to unregulated and illegal constructions near Bandipur National Park in Kanianpura elephant corridor. Any new activities/ infrastructure like construction of rooms/ cottages/ lodges infringes the well-being of the wildlife by adding pressure on available water, disturbance and not permitted as per the statutory provisions of law. Hence any infrastructure for eco-tourism may be considered beyond the eco-sensitive zones and must avoid the wildlife corridors. Therefore, the precious forests of Western Ghats should not be sacrificed for such projects and must be strongly discouraged. Hence, there is no doubt that the project is one amongst the series of ill planned and improperly cited tourism development projects resulting in fragmentation of prime forests of Western Ghats. Already the State has witnessed major disaster recently mainly in Western Ghats in terms of floods/landslides. In case if the present tourism project is approved, surely it will have everlasting and adverse direct, indirect and cumulative environmental and social impacts as the forest areas around the proposed project site are heavily fragmented.

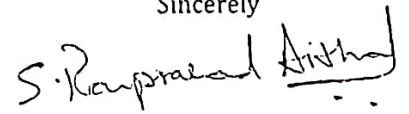
13. In conclusion, the present project proposal seeking diversion of forest land for construction of new cement concrete road will not help in improving the livelihoods of the local communities. Instead, the project is meant to promote urban tourism which is against the objective of sustainable tourism. The project will also have negative impact on rich bio-diversity of the region and may also result in landslides in such an ecologically fragile region. Further, the project proposal if approved would be contrary to Wildlife (Protection) Act, 1972, Forest (Conservation) Act, 1980, Forest Conservation Rules, 2003, National Wildlife Action Plan (2017-31), Judgements/Orders of Honorable Supreme Court, various Honorable High Courts, Recommendations of Sub-committee of MoEF, Environment (Protection) Act, 1986, Objectives of the Working Plan of The Sagar Forest Division 2011-12 to 2020-21.

In view of the above ecological and legal issues, I earnestly pray you to reject the proposal of "Diversion of total 5.5 ha of forest land for laying of concrete Road from Kattinahole to Kodachadri Hill Top in Karnataka which is extremely detrimental to the forest and wildlife conservation.

I would request you to bring my objections on record with a request to send me the copy of the action taken in this regard.

Thanking You,

Sincerely


Ramprasad Aithal S

Copies to,

1. Additional Chief Secretary: Forest, Environment and Ecology Department- Government of Karnataka
2. Principal Chief Conservator of Forests (Head of Forest Force), Karnataka
3. Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Karnataka
4. Principal Chief Conservator of Forests (Forest Conservation) and Nodal Officer (FCA), Karnataka