

ಕರ್ನಾಟಕ ಸರ್ಕಾರ

GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿOffice of the
Principal Chief Conservator of
Forests
(Head of Forest Force)ಅರಣ್ಯ ಭವನ, 18 ನೇ ಅಡ್ಡ ರಸ್ತೆ
ಮಲ್ಲೇಶ್ವರಂ, ಬೆಂಗಳೂರು-560 003Aranya Bhavan, 18th Cross
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E-office File No. KFD/HOFF/A5-1(MNG)/16/2018-FC

E-62958

Encl.: 4.. Pages with two booklet & maps & CD.

Date 26-11-2020

30

To,

The Additional Chief Secretary to Government
Forests, Ecology and Environment Department
M.S. Building, Bengaluru

Sir,

Sub: Diversion of 28.299 ha of forest land (26.699 ha for mining and 1.60 ha for approach road) for mining purpose in favour of the Successful Bidder, i.e., M/s MSPL Ltd, Hosapete, Ballari District (erstwhile 'C' Category mine, ML No. 2559 of M/s Karthikeyas Manganese & Iron Ore Pvt Ltd) in Subbarayanahalli Village, Sandur Range, Ballari District

Proposal No. FP/KA/MIN/31348/2018 [FORM-A]

- Ref:** 1. This office letter of even number dated 19-10-2020 [reply to EDS query dated 21-01-2020 of GOI(ROHQ)communicated by Regional office online on 07-02-2020]
2. Government of Karnataka letter No. FEE 25 FFM 2019 dated 19-11-2020 [EDS query]

This office vide Ref (1) has submitted reply to the Government of Karnataka for the query dated 21-01-2020 raised by Government of India, Ministry of Environment, Forests & Climate Change (Division of ROHQ), New Delhi.

However, the Government of Karnataka vide Ref (2) has sought some additional information / documents. Based on the information available in this office, the reply to the observations sought by Government of Karnataka are furnished as follows.

Information sought by Government of Karnataka	Reply
1 Compensatory Afforestation Scheme to be provided.	Copies of the (i) Compensatory Afforestation Scheme, (ii) CA Land Suitability Certificate dated 14-11-2019, (iii) Topo Map, (iv) Geo-referenced Map along with GPS readings and (v) KML file (CD) received from the Deputy Conservator of Forests, Belagavi Division through the Chief Conservator of Forests, Belagavi Circle are enclosed. ANNEXURE-I

2	Action Taken Report against Range Officer Sandur who has issued NOC that the land is not a forest land on 26-09-2007	<p>The Action Taken Report (Annexure B) on the issue as submitted by Deputy Conservator of Forests Ballari Division vide letter No.M1/MNG/MSPL/2559/2018-19 dated 04-12-2019 to Chief Conservator of Forests Ballari Circle and received in this office through e-mail is enclosed herewith. It is evident that the Principal Chief Conservator of Forests (Head of Forest Force) as the Disciplinary Authority vide No.B2.CEV.CR-4/2008-09 dated 30-01-2013 has ordered (i) compulsory retirement, (ii) recovery Rs.231.79 lakh along with 8% interest from the officer concerned who has appealed to the appellate authority, i.e., Principal Secretary to the Government of Karnataka, Forest, Ecology and Environment Department, Bengaluru.</p> <p>Copy of Annexure-B of Deputy Conservator of Forests Ballari Division is enclosed herewith as ANNEXURE-II.</p>
3	Submission of complete compliance on the Wildlife Mitigation Measures	<ul style="list-style-type: none"> The Government of India vide letter dated 21-01-2020 has sought the comments of Chief Wildlife Warden on the possible impact of the mining on the fauna and mitigation measures, if any required to be taken. Accordingly, the Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden vide letter No. PCCF/WL/D/CR-38/2020-21 dated 21-09-2020 (copy enclosed as ANNEXURE-III) has commented on the Mitigation Plan (<i>submitted to him by the Chief Conservator of Forests Ballari Circle for approval</i>) directing the Deputy Conservator of Forests, Ballari Division to include the additional points mentioned therein and to submit a revised plan. The detailed comments have been reported vide this office vide Ref (1) already. The finally approved Mitigation Measures will be submitted in due course as soon as received. <p>The same may be submitted to the Government of India to expedite the processing of proposal for Stage-I approval.</p>
4	Status of Forest Offence Case	<ul style="list-style-type: none"> The Forest Offence Case registered against the erstwhile lessee is to be dealt as per the

		<p>provisions of Karnataka Forest Act, 1963 and Rules, 1969 thereunder, which is a lengthy and parallel process.</p> <ul style="list-style-type: none"> The present FC proposal is in respect of an altogether new entity who has purchased the mining lease in e-auction conducted by the Department of Mines and Geology as per the directions of the Hon'ble Supreme Court pertaining to the C-category mines. <p>Accordingly, it is opined that the processing of the instant FC proposal in respect of the new lease holder may not be held up for the reasons/ circumstances not attributable to it. However, the Chief Conservator of Forests, Ballari Circle is being informed to submit a report against the officers / staff responsible for the delay caused in this behalf.</p>
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It is therefore requested to move the matter to the Government of India for taking further action.

The copies of the relevant documents are submitted herewith for further needful. The present status (Timeline) of the proposal obtained from the FC web-portal is also appended for reference.

Yours Faithfully



(Rajiv Ranjan IFS)

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

Copy to the:

1. Chief Conservator of Forests, Ballari Circle, Ballari for information. It is noted with displeasure that the reply to the Point no.1 of Government of India query has not been received from you in spite of this office letter dated 07-09-2019, 10-02-2020 and 19-10-2020 and this office has been constrained to submit the reply based on the information received from Deputy Conservator of Forests Ballari through e-mail and that available in B2 Section of this office. You are reminded to **submit the (i) Mitigation Measures duly approved by the Chief Wildlife Warden in three (3) sets to this office and (ii) the details of the officers / staff responsible for the delay in disposing of the Forest Offence Case as directed by the Government of Karnataka.**
2. Deputy Conservator of Forests, Ballari Division, Ballari for information and **further necessary action as stated above.**
3. M/s MSPL Limited, Baldota Enclave, Abheraj Baldota Road, Hosapete, Ballari – 583 203 for information.

Hx-1

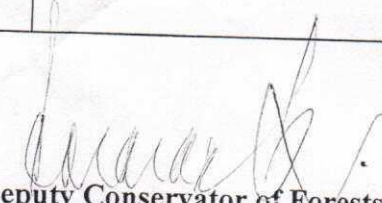
FORMAT-A
CA LAND SUITABILITY CERTIFICATE UNDER FCA 1980
[Cases where the proposed non-forest CA land can support the prescribed planting density of 1000 plants per hectare]

In compliance of the procedure established for diversion of forestland for non-forest purpose through the Forest Conservation Rules 2003 and guidelines framed under the Forest Conservation Act 1980,

1. The non-forest land parcel(s) shown in the table below proposed by M/s. MSPL Ltd, Baldota Enclave, Abheraj Baldota Road, Ballary Dist. (User Agency) for raising compensatory afforestation (CA) in forestland diversion proposal number **FP/KA/MIN/31348/2018, Dated: 13-10-2018** for diversion of **28.94 hectare** of forest land in (erstwhile 'C' Category mine, ML No: 2559 of M/s Kathikeyas Manganese & Iron Ore Pvt Ltd, S.M. Block, Sandur Range) **Ballary Division** have been inspected by me on **12-11-2019**.
2. The said non- forest CA land parcels are suitable for raising compensatory afforestation in accordance with the Government of India FC Guidelines F. No. 11-423/2011-FC dated 08-11-2017 read with general FC Guidelines, and in case of Private Party User Agency, further as per Government of Karnataka Order No. FEE 82 FLL 2016 dated 31-08-2016.
3. The KML files(s), Topo Map(s), Geo-referenced Map(s)& GPS readings of all corners of the proposed land parcel(s) have been uploaded by User Agency in PART-1 of the proposal.
4. Additional remarks, in any.....

District, Taluk & Hobli	Village	Survey Number	Extent proposed A-G (Ha)	Remark about the adjacency of the proposed land parcel to a notified forest
(1)	(2)	(3)	(4)	(5)
Belagavi, Khanapur, Jamboti.	Amagon	6/3	43-17 (17.57)	These lands are adjacent to Amagon Reserved Forest (Forest Survey No's. 7 & 5)
		6/4	26-83 (11.36)	
		Total :	70-00 (28.94)	

Place: **Belagavi**
Date: **14-11-2019**


Deputy Conservator of Forests,
Belagavi Division, Belagavi.

Ax - II

Annexure- B

(to this office letter No.M1/MNG/MSPL/2559/2018-19 dated:04.12.2019)

Detailed report on Action Taken report against RFO, Sandur who has issued NOC that the land is not a forest land on 27.09.2004 (wrongly mentioned as 26.09.2007).

- 1) Sri. V.K.Thippeswamy, the then Range forest officer has issued "No Objection Certificate (NOC)" to Thasildar, Sandur as that the land leased to M/s.Karthikeswara Mining and Iron Ore Company Pvt limited over an extent of 67.30 acres in Karthikeswara Village vide letter dated:27.09.2004 is not a forest land. (Copy enclosed as Annexure-I)
- 2) After the detailed verification of documents and spot inpection on 09.12.2007, the Conservator of Forests, Ballari Circle, Ballari withdrawn the above NOC vide Official Memorandum No. 59/2007-08 dated : 05.01.2008. (Copy enclosed as Annexure-II).
- 3) In this regard, the Principal Chief Conservator of Forests, Bangalore has directed the DCF, Ballari to submit the Draft Article of Charges with supporting documents against Sri. V.K. Thippeswamy, the then Range Forest officer, Sandur vide letter dated : 27.04.2008. (Copy enclosed as Annexure-III).
- 4) The Conservator of Forests, Ballari Circle, Ballari has also directed the DCF, Ballari to submit Draft Article of Charges with supporting documents vide letter dated : 14.05.2008, 05.08.2008, 06.09.2008 & 19.03.2009. (Copy enclosed as Annexure-IV).
- 5) The Deputy Conservator of Forests, Ballari Division, Ballari has submitted the Article of Charges with supporting documents vide letter dated : 21/22-01-2010. (Copy enclosed as Annexure-V).
- 6) The Chief Conservator of Forests, Ballari Circle, Ballari has submitted the Article of Charges with supporting documents vide letter dated : 23.01.2010. (Copy enclosed as Annexure-VI).
- 7) The Principal Chief Conservator of Forests, Bangalore has issued notice to Sri. V.K.Thippeswamy, Range Forest officer with enclosing Aritcle of Charges and directed to submit written statement in this regard vide letter dated : 21.08.2010. (Copy enclosed Annexure-VII).
- 8) Further, the Principal Chief Conservator of Forests, Bangalore appointed the Sri. Kumaregouda, Retd, District Judge & Sesson Judge. Sanganabasaiah Building, Shastrinagara, 2nd Cross, Ballari-583 102 as Enquiry officer and Assistant Conservator of of Forests, Ballari as Presenting officer vide OM dated : 17.09.2010. (Copy enclosed as Annexure-VIII).
- 9) After the detailed enquiry, the enquiry officer has submitted the report on 24.07.2012 to the Principal Chief Conservator of Forests, Bangalore.
- 10) After receipt of the enquiry report, the Principal Chief Conservator of Forests, Bangalore has passed proceedings on 30.01.2013 and directed to recover of Rs. 231.97 lakhs and 8% interest from date of notice issued. (Copy enclosed as Annexure-IX).
- 11) Sri.V.K.Thippeswamy, the then Range Forest officer has appealed to Apelette Authority and Principal Secretary, Forest Environment and Ecology, Bengalore on 02.03.2013. (Copy enclosed as Annexure-X).

Deputy Conservator of Forests,
Ballari Division, Ballari

Ax=III

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ (ವನ್ಯಜೀವಿ)
ಮತ್ತು ಮುಖ್ಯ ವನ್ಯಜೀವಿ ಪರಿಪಾಲಕರು
ಕರ್ನಾಟಕ



ದೂರವಾಣಿ : 080-23345846
ಫ್ಯಾಕ್ಸ್ : 080-23346389
ಇ-ಮೇಲ್ : pccfwl@gmail.com
ಅರಣ್ಯ ಭವನ, 2ನೇ ಮಹಡಿ
18ನೇ ಅಡ್ಡರಸ್ತೆ, ಮಲ್ಲೇಶ್ವರಂ
ಬೆಂಗಳೂರು-560003
ದಿನಾಂಕ : 21-09-2020

ಸಂಖ್ಯೆ: PCCF/WL/D/CR-38/2020-21

ಇವರಿಗೆ,
ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ,
ಬಳ್ಳಾರಿ ಪ್ರಾದೇಶಿಕ ವಿಭಾಗ,
ಬಳ್ಳಾರಿ.

ವಿಷಯ: Diversion of 28.299 ha. of forest land (26.699 ha for mining and 1.60 ha. for approach road) for mining purpose in favour of the successful bidder i.e M/s MSPL Ltd., Hospete, Ballari district in Subbarayanahalli Village, Sandur Range, Ballari Dist.,

- ಉಲ್ಲೇಖ:** 1 ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ, ಬಳ್ಳಾರಿ ವೃತ್ತ, ಬಳ್ಳಾರಿ ರವರ ಪತ್ರ ಸಂಖ್ಯೆ: ಎಂ/ಎಂಎಸ್‌ಜಿ/ಟಿಆರ್‌ಎಫ್/ಎಂಎಲ್.ಸಂ. 2559/ಸಿಆರ್-11/2018-19
ದಿನಾಂಕ: 04.09.2020
2 ನಿಮ್ಮ ಕಚೇರಿಯ ಪತ್ರ ಸಂಖ್ಯೆ: ಎಂ/ಎಂಎಸ್‌ಜಿ/ಎಂಎಸ್‌ಪಿಎಲ್/2559/2018-19
ದಿನಾಂಕ: 27.08.2020

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ನಿಮ್ಮ ಮತ್ತು ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ, ಬಳ್ಳಾರಿ ವೃತ್ತ, ಬಳ್ಳಾರಿ ರವರ ಉಲ್ಲೇಖಿತ ಪತ್ರದಲ್ಲಿ ಮೇ// ಎಂಎಸ್‌ಪಿಎಲ್ ಲಿ. ರವರು ಬಳ್ಳಾರಿ ಜಿಲ್ಲೆಯ ಸುಬ್ಬರಾಯನಹಳ್ಳಿ ಗ್ರಾಮದಲ್ಲಿ Mining ಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅನುಮೋದನೆಗೆ ಸಲ್ಲಿಸಿರುವ "Wildlife Mitigation Plan" ಅನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಈ ಕೆಳಕಂಡ ಹೆಚ್ಚುವರಿ ಅಂಶಗಳನ್ನು ಸೇರ್ಪಡೆಗೊಳಿಸಿ ಮರು ಸಲ್ಲಿಸಲು ಅಗತ್ಯ ಕ್ರಮಕೈಗೊಳ್ಳುವಂತೆ ಸೂಚಿಸಲಾಗಿದೆ.

1. The mitigation plan has recurring as well as non-recurring works to be taken up. The Deputy Conservator of Forests, Ballari Division. Ballari to specify the entire amount for mitigation plan period so that entire amount may be provided in the beginning and there is no problem of future funding for mitigation.
2. In the Budget estimation, under the habitat improvement, components of exotic invasive weeds management & seed ball sowing with local species shall be added & allotment of Rs. 50.00 lakh shall be made, instead of Rs. 25.00 lakh.
3. To monitor the movements & behaviour of wild animals number of camera traps shall be made 20 pairs (with allotment of Rs. 9.00 lakh) instead of 5 pairs (with present allotment Rs. 2.20 lakh).
4. Broken up area need to be fenced suitably as per the suggestions of jurisdictional Deputy Conservator of Forests to avoid accidents/injuries to wild animals due to mining.

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ(ವನ್ಯಜೀವಿ),
ಮತ್ತು ಮುಖ್ಯ ವನ್ಯಜೀವಿ ಪರಿಪಾಲಕರು,
ಕರ್ನಾಟಕ.

ಪ್ರತಿಯನ್ನು ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ, ಬಳ್ಳಾರಿ ವೃತ್ತ, ಬಳ್ಳಾರಿ ಇವರಿಗೆ ಮಾಹಿತಿ ಹಾಗೂ ಮುಂದಿನ ಸೂಕ್ತ ಕ್ರಮಕ್ಕಾಗಿ ಕಳುಹಿಸಿದೆ.

9/c